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**OFFICIAL**

E-mailed: 03/26/14 (pv)

**Workforce Development Agency (WDA)**  
**Policy Issuance (PI): 13-27**

**Date:** March 26, 2013

**To:** Michigan Works! Agency (MWA) Directors

**From:** Gary Clark, Director, Office of Talent Development Services  
Workforce Development Agency  
**SIGNED**

**Subject:** Operating Instructions for Implementing the Trade Adjustment Assistance (TAA) Reversion 2014 program

**Programs Affected:** Trade Adjustment Assistance (TAA) Reform Act of 2002  
  
Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA of 2009)  
  
Trade Adjustment Assistance Extension Act of 2011 (TAAEA of 2011)  
  
TAA Reversion 2014

**Rescissions:** None

**References:** Trade Act of 1974, Public Law (PL) 93-618, as amended  
  
Trade Act of 2002, PL 107-210  
  
The Trade and Globalization Adjustment Assistance Act of 2009 (Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act (ARRA) of 2009, PL No. 111-520 CFR Part 617)  
  
Trade Adjustment Assistance Extension Act of 2011  
PL 112-40



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Training and Employment Guidance Letter (TEGL) 7-13, issued December 27, 2013

TEGL 11-02, issued October 10, 2002

TEGL 11-02 Change 1, issued November 6, 2003

TEGL 8-11, issued October 19, 2011

TEGL 10-11, issued November 18, 2011

Bureau of Workforce Programs (BWP) PI 07-18 Change 2, issued December 22, 2008

WDA PI 11-23, issued March 12, 2012

WDA PI 11-18, issued February 13, 2011

**Background:**

The TAA program was created to provide benefits and support to workers who become unemployed due to the impact of international trade. The program provides U.S. workers who are adversely affected by trade with the opportunity to obtain the skills, resources, and support they need to become reemployed.

**Policy:**

These operating instructions address modifications to the TAA program included in the sunset provisions of the TAAEA, and will be referred to as "Reversion 2014." Reversion 2014, in effect January 1, 2014 through December 31, 2014, creates significant impact on the TAA program. The program reverts to the TAA of 2002 law and policies (with some exceptions).

This policy issuance outlines the operating instructions for participants seeking TAA benefits for petitions beginning with TA-W 85,000 and above (petitions filed on or after January 1, 2014). These individuals must meet the group eligibility requirements of the 2002 amendments. Individuals certified under petitions TA-W 85,000 and above will receive TAA benefits under Reversion 2014. The Reversion 2014 benefits are TAA of 2002 benefits with a limited number of modifications. Please refer to BWP PI 07-18, Change 2 (Trade Act of 2002 Manual) for serving Reversion 2014 participants (including the use of forms), with the exception of the items listed in this policy issuance. The policy will outline modifications and provide clarification on Reversion 2014.

### **Summary of Reversion 2014 Modifications:**

- New series for petitions (TA-W-85,000 and above) filed on or after January 1, 2014
- Eliminates certification of workers for firms that supply services and reverts to allowance of certification of manufacturing firms only, and trade impact must be to countries who are party to a Free Trade Agreement
- The national statutory cap on funds is reduced from \$575 million to \$220 million for services
- The 210-Day Application for Training is re-instated (for Trade Readjustment Allowance [TRA] eligibility)
- The deadline for enrollment in training or issuance of a training waiver is 8 weeks from certification or 16 weeks from layoff
- The reasons for waivers from training include Health, Enrollment Unavailable, and Training Not Available
- Workers are only eligible for benefits and services after separation (adversely affected incumbent workers are not eligible)
- 130 possible weeks of training (with the exception of 104 weeks for On-the-Job Training)
- Only full-time training can be approved
- 130 possible weeks of TRA (52-UI/Basic, 65 Additional and 13 Completion)
- Additional TRA is retained at the 2011 level, 65 weeks payable over a 78-consecutive calendar week eligibility period
- Remedial and Prerequisite training may be included, however, corresponding TRA will no longer be available (Completion TRA fills this gap)
- Completion TRA is also carried over from the 2011 program, along with training benchmarks to meet eligibility requirements
- No funding will be provided for case management or employment services; MWAs are required to “make every reasonable effort” to provide case management through co-enrollment in partner programs

- Merit Staffing requirements will continue
- Federal/State Good Cause and 60-Day Post Notification deadline exceptions are eliminated
- The Health Coverage Tax Credit is longer available (expired January 1, 2014)

**Eligibility for TAA Services**

*For specific operating instructions for Group Eligibility, please refer to BWP PI 07-18, Change 2, TAA of 2002 Manual, Chapter I.*

Reversion 2014 has become more limited on group eligibility requirements, including petition investigation criteria, explained in TEGL No. 11-02, Section C. Additionally, workers only have access to TAA benefits and services after layoffs occur as pre-separation training is not approvable under Reversion 2014. 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. Form TAA2014-REG must be used when registering participants under Reversion 2014.

**Waiver from the Training Requirement**

Waivers from the training requirement apply to the eligibility of Basic TRA only. Reversion 2014 retains the waivers reasons available under the TAAEA of 2011, as referenced in TEGL No. 10-11, Section C.5. However, the enrollment in TAA Training should follow guidance provided in BWP PI 07-18, Change 2, TAA of 2002 Manual, Chapter VIII.

Basic TRA is payable to participants who are enrolled in TAA approved training, are participating in or have completed TAA approved training, or have received a waiver of the requirement to participate in TAA approved training.

MWAs may continue to issue waivers based on the following:

- Health - the worker is unable to participate in training due to the health of the worker, except that this basis for a waiver does not exempt a worker from the “available to work, active work search, or refusal to accept work” requirements under Federal or State unemployment compensation laws.
- Enrollment Unavailable - the first available enrollment date for the worker’s approved training 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.
  - Example of extenuating circumstances: Start date of training is within 75 days of application of this waiver. An anticipated start date of training must be documented.
- Training Not Available - training approved by the MWA is not reasonably available to the worker from governmental agencies or private sources, no suitable training for the worker is available at a reasonable cost, or no training funds are available.

Under the Reversion 2014, the payment of TRA benefits require the adversely affected worker to be enrolled in training or receive a waiver from the training requirement within the latter of two dates (8/16):

- The last day of the 8th week after 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.

An additional 45 days after the later of the two above dates may be granted for extenuating circumstances

If one of the three waiver reasons does not apply to the participant, or if the participant applies beyond the deadline and applicable exceptions, the MWA may deny the waiver. The participant may, upon disagreement, choose to appeal to the Administrative Law Judge, as outlined in WDA PI 11-23, TAAEA of 2011 Manual, Chapter 16.

MWAs are responsible for issuing, continuing, extending, revoking and denying training waivers and the Form TAA2014-WAIVER (attached) must be used for these purposes. Training waivers are originally issued for a period of six months, but may be extended after six months by any period of time to cover an adversely affected worker's eligibility period for Basic TRA. Training waivers must be reviewed every 30 days, the initial or first review can be 90 days after issuance and then every 30 days thereafter. The only exceptions to missing the 8/16 deadline is 45 days for extenuating circumstances and the application of Equitable Tolling as outlined in TEGL 8-11. The Federal Good Cause provision and 60-Day Post Notification flexibility have been eliminated under Reversion 2014.

### **Trade Readjustment Allowances (TRA)**

The maximum number of weeks of income support for workers is 130 (including regular unemployment compensation and extensions, as applicable). Due to the complexity related to TRA, the requirements for Reversion 2014 are listed below.

#### **Basic TRA:**

Basic TRA is payable for up to 52 weeks of benefits, less state Unemployment Insurance (UI) as described in BWP PI 07-18, Change 2, TAA of 2002 Manual, Chapter VI.

Basic TRA is payable to workers who are enrolled in or participating in TAA-approved training, or who completed TAA training following a qualifying separation, or have received a timely waiver of the training requirement as described below.

#### **Additional TRA:**

As introduced in TAAEA of 2011, Reversion 2014 continues to apply the maximum of 65 weeks of Additional TRA to assist the worker in completing TAA approved training payable over a 78 consecutive calendar week eligibility period. To receive up to 65 weeks of Additional TRA, participants must be enrolled in TAA approved training at full-time status during the eligibility period, while meeting all other TRA eligibility criteria. Please refer to TEGL 10-11, Change 4, and its subsequent changes for specific benefit information.

#### **Completion TRA**

*For specific operating instructions for Completion TRA, please refer to TEGL 10-11, Change 3, and its subsequent changes.*

Reversion 2014 retains Completion TRA with up to 13 weeks available to assist workers complete TAA training after exhausting the maximum amount of Additional TRA. Completion TRA is available provided the individual has exhausted the maximum 65 weeks of Additional TRA, meets training benchmarks, and all other eligibility requirements of the Act, as amended.

### **Eligibility for TRA - Deadlines**

*For specific operating instructions for Enrollment in TAA Training Deadlines, please refer to BWP PI 07-18, Change 2, TAA of 2002 Manual, Chapter VIII.*

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 MWA to ensure TRA maintenance income.

To qualify for TRA payments, individuals certified under Reversion 2014 petitions filed on or after January 1, 2014, must either be enrolled in training or issued a waiver of the training requirement by the latter of the last day of the 16<sup>th</sup> week of the individual's last qualifying separation, or the last day of the 8<sup>th</sup> week after the certification, with a 45-day extension for extenuating circumstances (if applicable).

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.

### **Training**

*Specific operating instructions for Reversion 2014 TAA Training should be followed as provided in WDA PI 11-23, TAAEA of 2011 Manual, Chapter 8.*

Reversion 2014 continues the two types of TAA training programs: Classroom Training and Employer-Based Training. The maximum length for Classroom Training, Customized Training and Registered Apprenticeships is 130 weeks. The maximum length for On-the-Job

Training is 104 weeks. Remedial and/or prerequisite training (if determined to be necessary) is to be included within the stated weekly limit.

### **Establishment of Training Benchmarks**

*Specific operating instructions for the Establishment of Training Benchmarks for Reversion 2014 should be followed as provided in WDA PI 11-23, TAAEA of 2011 Manual, Chapter 9.*

### **Job Search Allowances**

*Specific operating instructions for Reversion 2014 Job Search Allowances should be followed as provided in BWP PI 07-18, Change 2, TAA of 2002 Manual, Chapter XI.*

### **Relocation Allowances**

*Specific operating instructions for Reversion 2014 Relocation Allowances should be followed as provided in BWP PI 07-18, Change 2, TAA of 2002 Manual, Chapter XII.*

### **Alternative Trade Adjustment Assistance (ATAA)**

*Specific operating instructions for Reversion 2014 ATAA should be followed as provided in BWP PI 07-18, Change 2, TAA of 2002 Manual, Chapter XIII.*

All specific operating instructions for ATAA, as provided in BWP PI 07-18, Change 2, Chapter XIII, should be followed with the following exception:

To be eligible for ATAA, an individual must meet conditions outlined in BWP PI 07-18, Change 2, TAA Manual of 2002, Chapter XIII, however MWA's are not required to verify the ATAA eligibility requirement of being re-employed within 26 weeks from the qualifying separation date, as required under TAA of 2002. Although the requirement for affected workers to be re-employed within 26 weeks of their separation date still remains, MWAs shall complete Form TAA2014-ATAA and submit to the TRA unit for official determination. Administrative Law Judge appeals will no longer occur at the MWA level for denial of the ATAA benefit.

**Action:** MWA officials shall take the appropriate actions necessary to implement the directives of this policy issuance.

**Inquiries:** Questions regarding this policy issuance should be directed to your TAA State Coordinator.

This policy issuance is available for downloading from the Internet system. Please contact Ms. Pam Vance at (517) 373-6234, for details.

The information contained in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon special request to this office. Please contact Ms. Vance at (517) 373-6234, for details.

**Expiration**

**Date:** None

GC:JH:pv  
Attachments

3/2014



**TRADE ADJUSTMENT ASSISTANCE  
REGISTRATION FORM**  
**State of Michigan**  
**Workforce Development Agency**

THIS INFORMATION IS REQUIRED BY THE TRADE ACT of 1974, AS AMENDED, TO DETERMINE PROGRAM  
ELIGIBILITY AND MEET FEDERAL REPORTING REQUIREMENTS.

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_ Birth Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ County \_\_\_\_\_

Email Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Alternate Contact Name \_\_\_\_\_ Alternate Phone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Personal Characteristics:**

Sex (Male/Female): \_\_\_\_\_

Hispanic/Latino Ethnicity (Yes/No) \_\_\_\_\_

**Racial Group** (check all that apply)

African American: \_\_\_\_\_

American Indian/Alaskan Native: \_\_\_\_\_

Asian: \_\_\_\_\_

Hawaiian Native/Other Pacific Islander: \_\_\_\_\_

White: \_\_\_\_\_

Disability (Yes/No): \_\_\_\_\_

If Yes, Category of Disability (Select One):

Physical Impairment \_\_\_\_\_

Mental Impairment \_\_\_\_\_

Both Physical & Mental Impairments \_\_\_\_\_

I choose not to disclose the category \_\_\_\_\_

**Veteran Status** (Select one)

Yes, Equal to, Less than 180 Days \_\_\_\_\_

Yes, Eligible Veteran \_\_\_\_\_

Yes, Other Eligible Person \_\_\_\_\_

No \_\_\_\_\_

If "Yes, Equal to, Less than 180 Days" OR "Yes, Eligible Veteran", fill out the following section -

Campaign Veteran (Yes/No) \_\_\_\_\_

Disabled Veteran (Select one)

Yes \_\_\_\_\_ Yes, Special Disabled \_\_\_\_\_ No \_\_\_\_\_

Date of Actual Military Separation \_\_\_\_/\_\_\_\_/\_\_\_\_

Transitioning Service Member (Yes/No) \_\_\_\_\_

Attended TAP Workshop Within Last Three Years

(Yes/No)

TANF Recipient (Yes/No) \_\_\_\_\_

SSI/SSDI Recipient (Select one)

SSI Only \_\_\_\_\_ SSDI Only \_\_\_\_\_ Both \_\_\_\_\_ Neither \_\_\_\_\_

Other Public Assistance (Yes/No) \_\_\_\_\_

**Employed at Registration** (Select One)

Employed \_\_\_\_\_

Employed, but Received Notice of Termination or Military Separation \_\_\_\_\_

Not Employed \_\_\_\_\_

**Wage Per Hour for Previous Six Months (at TAA-Certified Employer)** \_\_\_\_\_

**Unemployment Compensation Programs** (select one)

Claimant Referred by Worker Profiling and Reemployment Services (WPRS) \_\_\_\_\_

Claimant Not Referred by WPRS \_\_\_\_\_

Exhaustee \_\_\_\_\_

Neither Claimant nor Exhaustee \_\_\_\_\_

Pell Grant (Yes/No) \_\_\_\_\_

Limited English Language Proficiency (Yes/No) \_\_\_\_\_

Vocational Education (Yes/No) \_\_\_\_\_

Vocational Rehabilitation (Select one):

Yes \_\_\_\_\_ VR&E \_\_\_\_\_ Both VR and VR&E \_\_\_\_\_ Neither VR nor VR&E \_\_\_\_\_

Offender (Yes/No) \_\_\_\_\_

**Education Level** (Circle the highest level of education achieved)

Education beyond a Bachelors Degree      Bachelors Degree or Equivalent      Associates Degree or Equivalent

Attainment of Other Postsecondary Degree/Certificate      Attainment of Certificate of Attendance/Completion

Three Years Post High School      Two Years Post High School      One Year Post High School      High School Graduate

GED or Equivalent      Grades 1<sup>st</sup> - 12<sup>th</sup> (List highest grade completed) \_\_\_\_\_      No Formal Education

**Education Status** (Select your current status)

Student HS or Less \_\_\_\_\_ Student Alternative School \_\_\_\_\_ Student Attending Post High School \_\_\_\_\_

Not Attending School, Not a High School Graduate \_\_\_\_\_ Not Attending School, HS Graduate \_\_\_\_\_



**TRADE ADJUSTMENT ASSISTANCE  
REGISTRATION FORM**  
**State of Michigan**  
**Workforce Development Agency**

**TAA Eligibility:**

Certification (Petition) Number TA-W \_\_\_\_\_ Qualifying Separation Date/Last Day Worked \_\_\_\_/\_\_\_\_/\_\_\_\_  
(or future scheduled separation date if documented by employer)

Number of Months at TAA-Certified Employer \_\_\_\_\_

List Enrollment in Other Programs \_\_\_\_\_

Alternative/Reemployment TAA Participant (Yes/No) \_\_\_\_ Application (Today's) Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Industry Cluster: (Circle One)** Agriculture Health Care Information Technology and Media Manufacturing Other

**Special Initiatives:**

FY 09 GF/GP Participant (Yes/No) \_\_\_\_\_  
Chrysler/NWLB Partnership Participant (Yes/No) \_\_\_\_\_  
Community Venture Participant (Yes/No) \_\_\_\_\_

Region Code \_\_\_\_\_  
Optional Data A \_\_\_\_\_  
Optional Data B \_\_\_\_\_

**TAA APPLICANT CERTIFICATION:**

I certify that I have reviewed this application and that the information given is true to the best of my knowledge. I am aware that the information I have provided is subject to review and certification and I may have to provide documents to support this application. I understand the refusal to provide requested documents may result in my termination from the program. I am also aware that I am subject to immediate termination if I am found ineligible after enrollment and may be prosecuted for fraud or perjury. I allow release of this information for verification purposes and understand it will be used to determine eligibility.

**MWA REPRESENTATIVE CERTIFICATION:**

I certify that I have verified eligibility for this applicant for the TAA program by obtaining verification of a qualifying separation from the above-name TAA-certified company.

**TAA Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**MWA Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Workforce Development Agency, 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

**ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE (ATAA)**  
**Intake Application**  
**TAA Reversion 2014**

TAA2014-ATAA  
3/2014

Application Date: \_\_\_\_\_

Michigan Works! Agency \_\_\_\_\_

Section 1. Personal Information		
1. Social Security Number:	2. Date of Birth (mm/dd/yy):	
3. First Name:	4. Middle Initial:	5. Last Name:
6. Street Address:		
7. City:	8. State:	9. ZIP code:
10. Telephone Number (include area code):	11. Do you receive SSI or SSDI?	
12. Are you a United States Citizen?      Yes <input type="checkbox"/> (if yes, skip to #13)      No <input type="checkbox"/> (if no, answer a-c.) a) Alien Registration Number: _____ b) Alien Verification Type: _____ c) Alien Expiration Date: _____		
Section 2. Former Trade-Affected Employer Information		
13. Employer Name:	14. Petition Number:	
15. Company Certification Date: (mm/dd/yyyy)		
16. Expiration Date: (mm/dd/yyyy)	17. Qualifying Separation Date: (mm/dd/yyyy)	
18. Hourly Wage at Time of Last Full Week: \$		
19. Number of Hours Worked (less overtime pay) in Last Full Week:		
20. Were You Employed With Any Other Employer The Last Full Week of Work With This Employer: If yes, Employer Name: _____		
21. Annualized separation wages (#18 times #19, times 52 (weeks)):		

<b>Section 3- New Employer(s) Information</b>		
22. Employer Name:		
23. Employer Street Address:		
24. City:	25. State:	26. ZIP code:
27. Job Title:	28. Telephone Number with Area Code:	
29. Contact Person:	30. First Day Worked (MM/DD/YY):	
31. Hourly Wage:	32. Number of Hours Worked (less overtime) in First Full Week:	
33. Annualized separation wages (#31 times #32, times 52 (weeks)):		
<b>Section 6- ATAA/RTAA Benefits Calculation</b>		
34. Enter Annualized Separation Wages from #21: \$		35. Annualized Re-employment Wage from #33: \$
36. Difference: #34 minus #35: \$	37. 50% of difference in #36 (#36 divided by 2): \$	
38. Monthly ATAA wage subsidy (item #37 divided by 12): \$		
<b>Section 7- Contract</b>		
Current Employment: Signature of the new employer is only required for those workers who have not provided a pay stub or appropriate documentation of employment as of the date of this application.		
_____		_____
Signature and Title of New Employer		Date signed (mm/dd/yyyy)
<b>Section 8- Signatures</b>		
I hereby request consideration for certification of individual eligibility under the Alternative Trade Adjustment Assistance (ATAA) Program. I understand that receipt of ATAA payments can affect my eligibility for Trade Adjustment Assistance services; including TAA training, job search allowances, relocation allowances, and Trade Readjustment Assistance benefits.		
_____		_____
(Signature of ATAA Applicant)		Date signed (mm/dd/yyyy)
_____		_____
(Signature of MWA Representative)		Date signed (mm/dd/yyyy)

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

**WAIVER of TRADE ADJUSTMENT ASSISTANCE (TAA) TRAINING REQUIREMENT  
TAA Reversion 2014**

TAA2014-WAIVER  
3/2014

Date: \_\_\_\_\_

<b>Section 1. Participant Information</b>		
1. First Name:	2. Middle Initial:	3. Last Name:
4. Street Address:		
5. City:	6. State:	7. ZIP code:
8. Telephone Number (include area code):		9. Email Address:
<b>Section 2. Former TAA-Certified Employer Information</b>		
10. Employer Name:		11. Petition Number:
12. Participant Qualifying Separation Date: (mm/dd/yyyy)		13. Company Certification Date: (mm/dd/yyyy)
14. Impact Date: (mm/dd/yyyy)		15. Expiration Date: (mm/dd/yyyy)
<b>Section 3- Requirements for Waiver Issuance</b>		
(The participant must have completed an Initial Assessment <u>prior</u> to issuance of a waiver)		
16. Date Initial Assessment completed: (mm/dd/yyyy)		
17. Is the participant actively pursuing full-time TAA-approved training (explain)?		
<b>Section 4 – Reason for Waiver from Training</b>		
The training requirement is waived because training is not feasible or appropriate for the following reason: (Check one)		
<input type="checkbox"/> 1. HEALTH: Claimant is unable to participate in training due to health reasons. (Note: This waiver does not exempt the participant from being available for work, searching for work, or refusing to accept work under Federal and State unemployment compensation laws) 1a. Health Reason preventing participation in training _____		
<input type="checkbox"/> 2. ENROLLMENT NOT AVAILABLE: There has been a delay in the beginning date of training (However, the first available enrollment date must begin within 60 days of the date of this determination, unless there are extenuating circumstances). 2a. Start Date of Training (mm/dd/yyyy): _____		
<input type="checkbox"/> 3. TRAINING NOT AVAILABLE: Training approved is not available to the participant, no training funds are available under TAA or other Federal programs, or training is not available at a reasonable cost. 3a. State reason why training is not available _____		

### Section 5 – Deadline Exceptions

The Trade Act requires that individuals certified under Reversion 2014 be enrolled in training or issued a waiver of the training requirement by the latter of the last day of the 8<sup>th</sup> week after the certification, or the last day of the 16<sup>th</sup> week of the individual's qualifying separation (8/16), unless one of the following exceptions applies.

- The participant met the TAA Waiver from Training requirements and met the 8/16 deadline, or
- The participant did not meet the 8/16 deadline (if selected, consider one of the following exceptions):
- 45 Day Extenuating Circumstances- Explanation:
  - Equitable Tolling- Explanation:
  - Exceptions of the 8/16 deadline are not applicable (neither the 45 days extenuating circumstances or the equitable tolling doctrine apply to the missed 8/16 deadline for the participant).

### Section 6 - 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/Participant: \_\_\_\_\_

Date (mm/dd/yyyy): \_\_\_\_\_

### Section 7 - MWA Determination

This (Re)Determination approves or denies a waiver of the training requirement based solely on the criteria of 19 USC 2291©(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.

Check one:  Waiver Approved  Waiver Denied

(If approved) The waiver is issued for the following 6-month period: Effective: \_\_\_\_\_ Expiration: \_\_\_\_\_

Signature of MWA Staff: \_\_\_\_\_ Date (mm/dd/yyyy): \_\_\_\_\_

(If denied) Explanation of denial of waiver: \_\_\_\_\_

### Section 8 – MWA Redetermination

This (Re)Determination approves or denies a waiver of the training requirement based solely on the criteria of 19 USC 2291©(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.

Check one:  Waiver Approved  Waiver Denied

(If approved) The waiver is issued for the following 6-month period: Effective: \_\_\_\_\_ Expiration: \_\_\_\_\_

Signature of MWA Staff: \_\_\_\_\_ Date (mm/dd/yyyy): \_\_\_\_\_

(If denied) Explanation of denial of waiver: \_\_\_\_\_

### Section 9 – Waiver Extensions

**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.

**Extension #1:** The waiver is extended for the following 6-month period: Effective: \_\_\_\_\_ Expiration: \_\_\_\_\_

Signature of MWA Staff: \_\_\_\_\_ Date: \_\_\_\_\_

**Extension #2:** The waiver is extended for the following 6-month period: Effective: \_\_\_\_\_ Expiration: \_\_\_\_\_

Signature of MWA Staff: \_\_\_\_\_ Date: \_\_\_\_\_

**Extension #3:** The waiver is extended for the following 6-month period: Effective: \_\_\_\_\_ Expiration: \_\_\_\_\_

Signature of MWA Staff: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 10 - Revocation**

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: \_\_\_\_\_

**Section 11 – 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 Michigan Compensation Appellate Commission. 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 30<sup>th</sup> day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

**Section 12 – Waiver Reviews**

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