

# Trade Adjustment Assistance (TAA) Manual

December 29, 2016

Michigan Talent Investment Agency





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## Acronyms

*Please Note: The following acronyms are used throughout the entire manual. Please use this page as a reference for all abbreviations.*

<b>ALJ</b>	Administrative Law Judge
<b>ATAA</b>	Alternative Trade Adjustment Assistance
<b>CFR</b>	Code of Federal Regulations
<b>DTAA</b>	Division of Trade Adjustment Assistance
<b>ETA</b>	Employment and Training Administration
<b>EBT</b>	Employer-Based Training
<b>EO</b>	Equal Opportunity
<b>E-PMIG</b>	Electronic Participant Management Information Guide
<b>FY</b>	Fiscal Year
<b>GSA</b>	(United States) General Services Administration
<b>HCTC</b>	Health Coverage Tax Credit
<b>ISS</b>	Individual Service Strategy
<b>IRS</b>	Internal Revenue Service
<b>LMI</b>	Labor Market Information
<b>MARS</b>	Management of Awards to Recipients System
<b>M&amp;IE</b>	Meals & Incidentals Expense
<b>MAHS</b>	Michigan Administrative Hearings System
<b>MCAC</b>	Michigan Compensation Appellate Commission
<b>MiDAS</b>	Michigan Integrated Data Automated System
<b>MiWAM</b>	Michigan Web Account Manager
<b>MWA</b>	Michigan Works! Agency
<b>OTAA</b>	Office of Trade Adjustment Assistance
<b>OJT</b>	On-the-Job Training
<b>OSMIS</b>	One-Stop Management Information System
<b>PI</b>	Policy Issuance
<b>POV</b>	Privately Owned Vehicle
<b>RTAA</b>	Reemployment Trade Adjustment Assistance
<b>SAVE</b>	Systematic Alien Verification for Entitlements Program
<b>TAA</b>	Trade Adjustment Assistance
<b>TAA of 2002</b>	Trade Adjustment Assistance of 2002

<b>TAAEA of 2011</b>	Trade Adjustment Assistance Extension Act of 2011
<b>TAARA of 2015</b>	Trade Adjustment Assistance Reauthorization Act of 2015
<b>TGAAA of 2009</b>	Trade and Globalization Adjustment Assistance Act of 2009
<b>TEGL</b>	Training and Employment Guidance Letter
<b>TIA</b>	Talent Investment Agency
<b>TRA</b>	Trade Readjustment Allowances
<b>UI</b>	Unemployment Insurance
<b>UIA</b>	Unemployment Insurance Agency
<b>USDOL</b>	United States Department of Labor
<b>VEBA</b>	Voluntary Employees' Beneficiary Association
<b>WBO</b>	Worker Benefit Orientation
<b>WDB</b>	Workforce Development Board
<b>WIOA</b>	Workforce Innovation and Opportunity Act

# Chapter 1 – Background, Performance, and Reporting

## Section 1-1: Background

The TAA program is a federal program that assists United States workers who have lost or may lose their jobs as a result of foreign trade. This program provides adversely affected workers with opportunities to obtain the skills, credentials, resources, and support necessary to become re-employed. Worker group eligibility is determined by the USDOL in response to a petition for services filed as a result of involuntary job loss.

Currently, four programs are available under TAA:

- 1) The Trade Act of 2002 (petition numbers of 69,999 and below)
- 2) The TGAAA of 2009 (petition numbers of 70,000-79,999)
- 3) The TAAEA of 2011 (petition numbers of 80,000-84,999)
- 4) The TAARA of 2015 (petition numbers of 85,000 and above)

## Section 1-2: Performance and Reporting

The TAA program adheres to the Common Measures guidelines, and will be a component of Common Measures reporting until further notice by the USDOL.

The TAARA of 2015 created TAA Indicators of Performance (TEGL 5-15). However, detailed information is forthcoming from the USDOL on the implementation of the new measures. The TAA Indicators of Performance are:

- 1) The percentage and number of workers who received benefits under the TAA program who are in unsubsidized employment during the second calendar quarter after exit from the program.
- 2) The percentage and number of workers who received benefits under the TAA program and who are in unsubsidized employment during the fourth calendar quarter after exit from the program.
- 3) The median earnings of workers who received benefits under the TAA program who are in unsubsidized employment during the second calendar quarter after exit from the program.
- 4) The percentage and number of workers who received benefits under the TAA program who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in the program or within 1 year after exit from the program.
- 5) The percentage and number of workers who received benefits under the TAA program who, during a year while receiving such benefits, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable gains in skills toward such a credential or employment.

The most recent information regarding TAA performance measures can be obtained by contacting your TAA State Coordinator. MWAs shall ensure complete and accurate submission of TAA participant-related data through the OSMIS. This data will allow the State to develop federal reports properly reflecting Michigan's efforts.

Participant reporting requirements defined in PI 13-11, E-PMIG issued August 22, 2013, remain in effect and apply to all adversely affected workers deemed eligible under the TAA program.

### **Section 1-3: Merit Staff Requirement**

Merit staff requirements as defined in PI 10-21, issued January 26, 2011, remain in effect and apply to the delivery of services under all TAA programs.

In accordance with PI 10-21 all TAA eligibility determinations for TAA benefit eligibility, Job Search Allowances, Relocation Allowances, training approval and/or denial, and waiver of the training requirement must be made by individuals who meet the definition of a merit staff employee.

Under the State of Michigan's partial exemption to the merit-staffing requirement, all TAA services shall be provided by the staff of an MWA or contractor who has met one of the following Employment Service (staffing requirements: *a unit of the State of Michigan, a local unit of government, special purpose unit of government, school district, intermediate school district, public community college, or public university*).

### **Section 1-4: Local Operations**

The MWA is required to maintain the following three TAA local policies (in addition to the TAA Manual):

- Satisfactory Progress and Participation
- Waiver of TAA Training Deadline
- Protest and Appeals

In addition, it is suggested that the MWA maintain local policies on the following procedures:

- WBOs
- Veteran's Priority of Service for TAA
- Establishment and Review of Training Benchmarks
- File Management
- Local Monitoring
- Co-Enrollment with the WIOA
- Job Search/Relocation Allowance
- Local Area Training Approval

TAA does not stipulate restrictions due to residency or any residency requirement. It is the expectation of the TIA that all eligible adversely affected workers will receive services in the geographic area in which they apply.

## Section 1-5: Overpayments

### **Examples of an Overpayment include:**

Mileage reimbursement paid to adversely affected worker for a holiday or a day for which training was not scheduled.

An adversely affected worker was paid Job Search Allowances, and the MWA discovers the worker was not eligible under TAA.

If the MWA determines that an adversely affected worker has received a payment for which they were not entitled, the adversely affected worker shall be liable to repay the overpayment amount. The MWA is responsible for collecting the following overpayments: Job Search Allowances, Relocation Allowances, mileage or subsistence reimbursement, etc. The MWA is not responsible to take action on TRA overpayments.

If an overpayment is discovered, please contact your TAA State Coordinator for technical assistance.

### **Waiver of Repayment**

Prior to the enforcement of repayment from the adversely affected worker, the MWA must determine if the overpayment may be waived.

If both of the following exceptions apply, the adversely affected worker may be waived from the repayment requirement:

- 1) The payment was made *without fault*; and
- 2) The requirement of such repayment could cause financial hardship for the adversely affected worker (or the adversely affected worker's household, if applicable) when taking into consideration their income, resources reasonably available, and ordinary living expenses.

### **Collection of Overpayment**

If the waiver of overpayment cannot be applied, the MWA must enforce collection of repayment. To collect repayment, MWAs must complete the following steps:

- 1) An official determination is issued in writing (Form TAA-501: *Notice of Determination*, may be used).
- 2) Include the request for repayment amount and deadline on the determination.
- 3) The adversely affected worker must be provided the local Protest and Appeal Policy.
- 4) If the adversely affected worker protests the determination, the local Protest and Appeal procedure should be followed.

## Section 1-6: Fraud

### **Examples of Fraud include:**

An adversely affected worker knowingly falsifies an attendance form to receive a transportation payment for day(s) the worker did not attend TAA-approved training.

An adversely affected worker claims s/he has a qualifying separation to obtain TAA benefits while knowingly falsifying required eligibility documents.

If the MWA suspects that an adversely affected worker may have committed fraud, please contact your TAA State Coordinator. The TIA staff will follow the guidelines as stated in TEGl 2-12 for reporting allegations of fraud, program abuse or criminal conduct.

### **Fraud**

The MWA must evaluate if the adversely affected worker has demonstrated one of the following criteria of fraud:

- 1) Knowingly made, or presented a false statement or representation of fact; or
- 2) Knowingly has failed, or caused another to fail to disclose a material fact, which results in a false statement or representation, or for which the nondisclosure, allowed a benefit or payment for which they are not entitled.

### **Fraud Process**

If the MWA has determined that fraud has been demonstrated, the following process should be followed subsequent to contact with the TAA State Coordinator:

- 1) Issue an official determination (Form TAA-501: *Notice of Determination*, may be used) in writing to include:
  - a) the fraud/false representation/nondisclosure of material fact; and
  - b) the request for repayment amount and deadline for the determination; and
  - c) Indicate the implication of fraud by stating: “**No future TAA services can be provided at any time in the future, regardless of future TAA certifications/eligibility.**”
- 2) Notification to the TRA Unit (Form TAA-319: *Participant Status Report*, may be used).
- 3) The adversely affected worker must be provided the local Protest and Appeal Policy.
- 4) If the adversely affected worker protests the determination, the local Protest and Appeal procedure should be followed.

### **Section 1-7: File Retention**

All participant records and supporting documentation must be in compliance with federal regulations pertaining to record retention requirements ([2 CFR 200.333](#)). In general, files must be retained for a period of three years from the date of submission of the final expenditure report.

### **Section 1-8: EO**

EO requirements as defined in PI 13-23, Change 2, (and subsequent changes), must be followed in the delivery of services under each applicable TAA law. Documentation that local EO policies have been provided to participants must be included in all case files.

### **Section 1-9: Veteran's Priority of Service**

In general, a veteran is an individual who served in the active military, naval, or air service and was discharged or released from such service under conditions other than dishonorable. This may include National Guard or Military Reserve members who have been discharged from active duty service, but not necessarily from other reserve commitments, such as training.

Veterans' priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under a qualified job training program. Veterans' preference applies to all USDOL-funded employment and training programs, not just when a local area is in limited funds status. Federal law requires that the individual receiving priority must first meet the program's existing eligibility requirements. TEGs 10-09 and 22-04 provide guidance on implementing priority of service, including priority of service for veterans' spouses.

### **Section 1-10: TAA-Certified Employer Files**

The MWA must maintain a file for each TAA-certified employer that is located in the MWA's area. The file must contain the petition certification information, company contacts, and all attempts to contact adversely affected workers (including ongoing attempts to contact adversely affected workers through the expiration of the petition, in the event that the company did not close).

## Chapter 2 – Funding

MWAs should evaluate dual-enrollment of TAA adversely affected workers into the WIOA program to provide the most comprehensive array of services available to the adversely affected worker and to allow for the coordination and leveraging of funding, as appropriate.

TAA funds shall be used as the first option to support approvable costs for adversely affected workers eligible for and receiving services under TAA, who are co-enrolled in another dislocated worker program.

TAA funds allocated to MWAs include Program Funding, Case Management Funding, and Administration Funding.

### Other Funding Sources

If an active TAA participant will receive training funds from a source other than TAA, the MWA should consider whether or not the training meets the Six Training Approval Criteria, and if so, it qualifies as a one-time, TAA-approved, training benefit. Adversely affected workers should be advised of the MWAs decision prior to the start date of the training program.

### Section 2-1: Program Funding Allocations Applicable to each TAA Law

TAA Program Funds can be used to fund the following TAA services (and all allowable benefits that accompany the services):

- Classroom Training
- EBT
  - OJT
  - Customized Training
  - Registered Apprenticeship Training
- Job Search Allowances
- Relocation Allowances

Examples of allowable benefits that accompany these services include, but are not limited to:

- Travel and subsistence cost.
- Books.
- Required supplies.
- Course fees.
- Other items/services deemed necessary by the training institution for completion of training.

### Section 2-2: Administrative Funding Applicable to each TAA Law

Local Administrative Funding is limited to five percent of total program (training, Job Search Allowances, and Relocation Allowances) expenditures that may be used to support the local administration of the TAA program.

It is prohibited to take Administrative Funds from the expenditure of Case Management funds.

TAA administrative funds can be used for the following:

- Salaries and benefits for staff responsible for:
  - Providing program services.
  - Providing program oversight.
  - Monitoring and reviewing program operations.
  - Providing outreach and education to employers and eligible workers.
  - Collecting, validating, and reporting required information.
- Program related supplies, equipment, travel, postage, utilities, rental, and maintenance of office space.
- Re-engagement activities of TAA workers.
- One-Stop infrastructure costs (as part of the MWA's current cost allocation plan).
- Integration of the TAA program into the One-Stop (local coordination).
- Business Services activities that contribute to the employment of TAA customers.

### **Section 2-3: Case Management Funding for TGAAA of 2009/ TAAEA of 2011/TAARA of 2015**

**Please Note:** Case Management funds may not be used to support Reemployment Services for adversely affected workers certified under TAA of 2002. WIOA and/or Wagner-Peyser funds must be utilized to support Reemployment Services for adversely affected workers under TAA of 2002.

As outlined in Chapter 4: WBOs, Registration and Intake Requirements, MWAs are required to provide Case Management Services to adversely affected workers certified under the TGAAA of 2009, TAAEA of 2011, and TAARA of 2015, and to designate funds for that purpose.

The following eight Case Management activities must be offered, and the offer must be documented, to the adversely affected worker:

- Comprehensive Assessments
- ISSs
- Training Information
- Financial Aid Information
- Employability Skills
- Career Counseling
- LMI
- Supportive Service Information

The following list of activities are also considered to be Case Management and are acceptable uses for allocation of Case Management funding:

- Staff time spent conducting TAA program monitoring/auditing of TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Staff time spent on data entry into the OSMIS, including entry of case notes, for TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Staff time spent on Training Benchmarks for TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Staff time spent on the development and tracking of training plans (including verification of satisfactory participation) for TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Staff time spent on the removal of employment barriers for TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Staff time spent on issuing, continuing, and extending Waivers from Training for TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Staff time spent on the development and tracking of training plans (including verifying satisfactory participation) for TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Costs associated with training of TAA and non-TAA staff on the TAA program, including activities and services available to TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Case Management tools and equipment (including electronic equipment) that would benefit staff serving TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 adversely affected workers.
- Rent and utilities for the support of TAA staff.

MWAs should use Case Management funds before Administrative Funds, where appropriate.

#### **Section 2-4: Reemployment Service Funds for TAA of 2002**

As outlined in Chapter 4 – WBOs, Registration and Intake Requirements, Reemployment Services are provided to adversely affected workers eligible under the TAA of 2002 program. Funding to provide Reemployment Services can **only** be supported by WIOA and/or Wagner-Peyser funds.

Reemployment Services available to the adversely affected worker include:

- Employment Registration
- Comprehensive and Individualized Assessment
- ISS
- Information on Training
- Information on application for Financial Aid
- Pre-vocational Services

- Individual Career Guidance
- Provision of LMI
- Information on the Availability of Supportive Services
- Job Club
- Staff-Assisted Job Search
- Individual Job Development

### **Section 2-5: Funds Management in MARS as Applicable to each TAA Law**

TAA Program Funding, Administrative Funding, and Case Management Funding will be allocated via PI. MWAs may request additional TAA funds for a FY, if the MARS awards are exceeded, by contacting Ms. Tammy Flynn, TAA Manager, by email at [flynnt@michigan.gov](mailto:flynnt@michigan.gov) or by phone at 517-335-4267.

### **Section 2-6: Reporting of Fiscal Expenditures as Applicable to each TAA Law**

All TAA funding expenditures must be reported to the TIA on a quarterly basis. All quarterly financial expenditure reports are due no later than the 20<sup>th</sup> calendar day of January, April, July, and October.

Fiscal expenditure reports must be submitted to the [MARS](#).

## Chapter 3 - Petition and Certification Process

### Section 3-1: General Information

Worker group eligibility for all TAA programs is determined by the USDOL in response to a petition for services. A TAA petition can be filed by any of the following: a group of three adversely affected workers, company official, union official, state workforce office, One-Stop operator/partner, or an authorized representative for one of the aforementioned parties.

Detailed petition filing instructions, including both online and printable petitions, can be found on the [USDOL website](#).

The TIA provides assistance with completing and filing TAA petitions to MWAs, company officials, and/or affected workers. For assistance for petition inquiries, please contact Ms. Jimelle Blakley, TAA State Coordinator, at 517-241-8629 or [blakleyj1@michigan.gov](mailto:blakleyj1@michigan.gov).

Upon receipt of a petition, the USDOL assigns a petition number, a unique identifying number, which is then used throughout the life of the petition to identify provisions available to adversely affected workers.

#### Identify TAA Law by Petition Number:

- 1) The Trade Act of 2002 (petition numbers of 69,999 and below)
- 2) The TGAAA of 2009 (petition numbers of 70,000-79,999)
- 3) The TAAEA of 2011 (petition numbers of 80,000-84,999)\*
- 4) The TAARA of 2015 (petition numbers of 85,000 and above)\*\*

**\*Please Note:** An exception exists for adversely affected workers covered by certifications between TA-W 80,000 – 80,999. The 2009 Amendments expired on February 12, 2011, at which time the program reverted to operating under 2002 Amendments. Between 2/12/2011 – 10/21/2011, the Department certified, and states served workers under 2002 Amendments. The 2011 Amendments included a provision allowing workers covered under this certification series who were receiving benefits under 2002 Amendments on or before December 20, 2011, to make a one-time choice (between December 20, 2011 and March 19, 2012) to continue being served under the 2002 Program or to receive the 2011 program level of benefits and services. Therefore, if a participant is certified under this petition range, the MWA should verify which TAA Amendment benefits should be provided.

**\*\*Please Note:** Reversion 2014, originally in effect January 1, 2014 through September 30, 2015, reverted to the Trade Act of 2002 law and policies (with some exceptions). Adversely affected workers with petition numbers 85,000-89,999 were originally served under Reversion 2014. On June 29, 2015, President Obama signed into law the TAARA of 2015 with a commencement date of January 1, 2014, (in essence, backdating the start of TAARA of 2015 and canceling Reversion 2014). Adversely affected workers with petition numbers 85,000-89,999 were converted to the TAARA of 2015 program on September 28, 2015, and are served under TAARA of 2015 only.

### **Section 3-2: Notification to Certified Workers**

Subsequent to the notice of a TAA certification, the TIA will collect required adversely affected worker information from the TAA-certified employer. Once required information is received, the TIA will make contact with the administratively responsible MWA for notification purposes.

The administratively responsible MWA must provide all adversely affected workers (including workers that are currently working at the TAA-certified company and have received written notice of a lack of work separation) notification advising them of the following:

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

The Form TAA-602: *Notice of Certification*, may be used for this purpose.

## Chapter 4 - WBOs, Registration and Intake Requirements

### Section 4-1: Scheduling of WBOs

Within 15 working days from the issuance date of the notice of a certification, MWAs must notify the TIA of their scheduling of a WBO meeting(s) for the adversely affected worker group. The WBO shall be conducted by MWA staff or, upon request, a TAA State Coordinator.

The TIA maintains WBO information as a service to the MWAs seeking eligibility documentation for adversely affected workers certified outside of the MWA's service delivery area. Additionally, WBO information provides assistance to adversely affected workers certified in Michigan who seek benefits in another state (Agent/Liable).

For accurate record keeping of TAA certifications, the MWA must provide the TIA with the following information relative to the WBO:

- 1) Separation List
- 2) Name of company or companies
- 3) Petition number(s)
- 4) Date(s) and time(s) of WBO(s)
- 5) Location of WBO(s)
- 6) Number of adversely affected workers invited to each meeting
- 7) MWA contact name and phone number
- 8) Requests for TIA and/or TRA representation

The required information shall be submitted to Ms. Kelly Jackson, TAA State Coordinator, at [jacksonk27@michigan.gov](mailto:jacksonk27@michigan.gov).

Rapid Response services should be provided to all TAA adversely affected workers. If a worker or worker group did not participate in a Rapid Response worker orientation, Rapid Response services should be provided as part of the TAA application process.

### Section 4-2: Requesting TRA Representation

It is highly encouraged that a TRA representative be in attendance at the WBO to present information regarding potential eligibility for monetary benefits to the worker group. For submission of a request for a TRA representative, please contact Ms. Kelly Jackson, TAA State Coordinator, at [jacksonk27@michigan.gov](mailto:jacksonk27@michigan.gov).

### Section 4-3: WBO Requirements

A WBO is an informative meeting notifying adversely affected workers of the TAA benefits available to them if eligibility criteria are met. To ensure all available TAA information is provided to each adversely affected worker, the TIA recommends, at a minimum, the following information be provided and forms completed at the time of each worker group or individual orientation for each TAA law.

## TAA of 2002

### Information to provide:

- 1) WBO PowerPoint
- 2) TRA Fact Sheet
- 3) Contact information for MWA TAA staff
- 4) MWA services available

### Forms to be completed:

- 1) Form TAA-100: *Trade Adjustment Assistance Registration\**
- 2) Form TRA-920: *Request for Determination of Entitlement to TAA/TRA*
- 3) Form TAA-923: *TAA Training Application Form\*\**

### Actions to be completed:

- 1) Provide applicants with required next steps to access TAA services \*\*\*

**\*Please Note:** MWAs are required to verify TAA eligibility, as outlined in Chapter 5: Eligibility for TAA Services, of this manual, prior to the provision of any TAA service (with the exception of Reemployment Services). Entering a TAA registration into OSMIS does not require eligibility verification, and does not commence TAA participation.

**\*\*Please Note:** The Form TAA-923: *TAA Training Application Form*, is required to be completed and submitted to the TRA Unit no later than 210 days from the latter of the qualifying separation date or certification date.

**\*\*\*Please Note:** Prior to the issuance of Form TAA-802: *Waiver of TAA Training Requirement* - TAA of 2002, or a training activity, adversely affected workers are required to complete a comprehensive assessment and ISS (if it is determined that the adversely affected worker is eligible for the Waiver of TAA Training Requirement).

## TGAAA of 2009

### Information to provide:

- 1) WBO PowerPoint
- 2) TRA Fact Sheet
- 3) Contact information for MWA TAA staff
- 4) MWA services available

### Forms to be completed:

- 1) Form TAA-100: *Trade Adjustment Assistance Registration\**
- 2) Form TRA-920: *Request for Determination of Entitlement to TAA/TRA*

### Actions to be completed:

- 1) Acknowledgment of the Eight Case Management Services offered
- 2) Provide applicants with next required steps to access TAA services \*\*

**\*Please Note:** MWAs are required to verify TAA eligibility, as outlined in Chapter 5: Eligibility for TAA Services, of this manual, prior to the provision of TAA services. Entering a TAA registration into OSMIS does not require eligibility verification, and does not commence TAA participation.

**\*\*Please Note:** Prior to the issuance of Form TAA-802: *Waiver of TAA Training Requirement* - TGAAA of 2009, or a training activity, adversely affected workers are required to complete a comprehensive assessment and ISS (if it is determined that the adversely affected worker is eligible for the Waiver of TAA Training Requirement).

## TAAEA of 2011

### Information to provide:

- 1) WBO PowerPoint
- 2) TRA Fact Sheet
- 3) Contact information for MWA TAA staff
- 4) MWA services available

### Forms to be completed:

- 1) Form TAA-100: Trade Adjustment Assistance Registration\*
- 2) Form TRA-920: Request for Determination of Entitlement to TAA/TRA

### Actions to be completed:

- 1) Acknowledgment of the Eight Case Management Services offered
- 2) Provide applicants with required next steps to access TAA services \*\*

**\*Please Note:** MWAs are required to verify TAA eligibility, as outlined in Chapter 5: Eligibility for TAA Services, of this manual, prior to the provision of TAA services. Entering a TAA registration into OSMIS does not require eligibility verification, and does not commence TAA participation.

**\*\*Please Note:** Prior to the issuance of Form TAA-802: *Waiver of TAA Training Requirement* - TAAEA of 2011, or a training activity, adversely affected workers are required to complete a comprehensive assessment and ISS (if it is determined that the adversely affected worker is eligible for the Waiver of TAA Training Requirement).

## TAARA of 2015

### Information to provide:

- 1) WBO PowerPoint
- 2) TRA Fact Sheet
- 3) Contact information for MWA TAA staff
- 4) MWA services available

### Forms to be completed:

- 1) Form TAA-100: *Trade Adjustment Assistance Registration\**
- 2) Form TRA-920: *Request for Determination of Entitlement to TAA/TRA*

### Actions to be completed:

- 1) Acknowledgment of the Eight Case Management Services offered
- 2) Acknowledgment of the deadline to be enrolled in training or receive a Waiver of TAA Training Requirement
- 3) Provide applicants with required next steps to access TAA services \*\*

**\*Please Note:** MWAs are required to verify TAA eligibility, as outlined in Chapter 5: Eligibility for TAA Services, of this manual, prior to the provision of TAA services. Entering a TAA registration into OSMIS does not require eligibility verification, and does not commence TAA participation.

**\*\*Please Note:** Prior to the issuance of Form TAA-802: *Waiver of TAA Training Requirement* - TAARA of 2015, or a training activity, adversely affected workers are required to complete a comprehensive assessment and ISS (if it is determined that the adversely affected worker is eligible for the Waiver of TAA Training Requirement).

## All Programs

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

### Section 4-4: TAA Registration

Once an adversely affected worker has learned of the TAA benefits at a worker group or individual WBO, and has demonstrated an interest in seeking program services, a series of registration documents must be completed. MWAs should evaluate adversely affected workers eligibility for dual-enrollment into the WIOA program, to provide the most comprehensive array of services available to the participant and to allow for the coordination and leveraging of funding, as appropriate.

### Section 4-5: Intake

Subsequent to a WBO, MWAs may begin the registration and intake process for the adversely affected worker or worker group.

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

- 1) MWA staff will provide each adversely affected worker with the Form TAA-100 *Trade Adjustment Assistance Registration*.
- 2) MWA staff will provide the opportunity to register with the state's labor exchange system, and facilitate registration for TAA services, as required.
- 3) MWA staff will offer case management services, where applicable, as outlined in Section 6-2: Case Management Services.
- 4) MWA staff will interview each adversely affected worker regarding suitable training.
- 5) MWA staff will inform each adversely affected worker of the deadline for participation in training, or a waiver of the training requirement, as a condition for receiving TRA compensation.
- 6) MWA staff will provide each adversely affected worker with an application for TRA payments on Form TRA- 920, *Request for Determination of Entitlement to TAA/TRA*.
- 7) MWA staff will provide information and assistance in applying for Job Search and Relocation Allowances.
- 8) MWA staff will provide information and assistance in applying for A/RTAA.
- 9) MWA staff will offer assistance with the development of an ISS, required prior to waiver issuance and/or training approval.

## Chapter 5 - Eligibility for TAA Services

### Section 5-1: Requirements for TAA Eligibility

To receive services under the TAA program, an adversely affected worker must be determined eligible for TAA using the Form TAA-099: *Eligibility Determination*.

To qualify for services under any TAA law, adversely affected workers must meet all of the following requirements:

- Be a member of a worker group certified by the USDOL/OTAA as eligible for services; and
- Be partially or totally separated from adversely affected employment within the certification period, or have a documented future separation (between the impact date and expiration date); and
- Be separated (or if applicable by appropriate TAA law, have a notice that the adversely affected worker will be separated) due to a “lack of work” that is expected to last seven days, attributable to the employer between the impact date and expiration date.

An adversely affected worker may be eligible for services under TAA, even if he or she does not qualify for TRA.

An adversely affected worker whose final 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.

For adversely affected workers with a documented future separation date, the following services are available:

- Case Management
- Classroom Training
- Customized Training

The MWA must verify that the scheduled separation occurred. If the separation did not occur, the MWA must determine if another future separation is scheduled, OR if the separation will not occur. If there is no scheduled separation and the adversely affected worker is in training, the worker must withdraw from TAA training (the remaining term/semester can be finished).

### Alien Verification

A person who is not a citizen or national of the United States is defined as an Alien. If at the time of intake and registration, the adversely affected worker self-reports on the Form TAA-100: *TAA Registration*, that they are *not* a citizen of the United States, the MWA must officially verify the satisfactory immigration status of the individual. A self-reporting Alien must have the ability to work in the United States, and this is verified through the [SAVE](#).

If the immigration status of an individual changes while in TAA training, they must withdraw from the training (the remaining term/semester can be finished), as there is no longer a reasonable expectation of employment upon completion of the training.

If an Alien is reported, please contact Ms. Jimelle Blakley, TAA State Coordinator, at

[blakley1@michigan.gov](mailto:blakley1@michigan.gov) or Ms. Tammy Flynn, TAA Manager, at [flynnt@michigan.gov](mailto:flynnt@michigan.gov) for Alien verification through the SAVE system. Documentation to prove satisfactory immigration status is a required document of the case file and will be provided by the TIA.

## Dual-Citizenship

Adversely affected workers who hold dual citizenship (citizens of the United States and another country) and have a qualifying separation from an adversely affected employer, may receive TAA benefits if they are legally able to work in the United States.

### Section 5-2: Evidence of Qualification

To establish worker eligibility, MWAs must complete Form TAA-099: *Eligibility Determination*, and obtain and include in the adversely affected worker's file, at minimum, one of the following types of qualifying separation documentation:

- Company layoff list, Form TAA-601: *TAA Separation List Template*, is highly encouraged, with all of the following information:
  - Company Name and Petition Number
  - Adversely Affected Worker's Name (First/Last)
  - Separation Date or "Layoff" Date
  - Separation Reason
    - Lack of work, or
    - Laid off, or
    - Company Closure, or
    - Reduction in Workforce
- Layoff letter provided by the company or union with all of the following information:
  - Company Name
  - Work Location (Address)
  - Adversely Affected Worker's Name (First/Last)
  - Separation Date or Layoff Date
  - Separation Reason
    - Lack of Work, or
    - Laid off, or
    - Company Closure, or
    - Reduction in Workforce
  - TRA Determination of Eligibility
  - UIA Determination paired with another form of employer separation information

If the adversely affected worker is determined to be ineligible to apply for TAA services, protest and appeal rights can be exercised as stated on Form TAA-099: *Eligibility Determination*.

**Please Note:** For purposes of determining the eligibility for TAA benefits, the layoff must be verified for an indefinite or definite period of not less than seven consecutive days. To meet the eligibility criteria for TRA benefits, the number of days laid off must meet the definition set forth by the UIA.

The TIA has access to the MiDAS for verification of a qualifying separation and TAA eligibility. If evidence of a qualifying separation is not readily available, a request can be made to Ms. Jimelle Blakley, TAA State Coordinator, at [blakley1@michigan.gov](mailto:blakley1@michigan.gov) or Ms. Tammy Flynn, TAA Manager, at [flynnt@michigan.gov](mailto:flynnt@michigan.gov).

When an adversely affected worker applies for TRA, the UIA obtains the necessary information to establish eligibility, including:

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

### **Section 5-3: Workers on Employer Authorized Leave (Workman's Compensation)**

Adversely affected workers who are on an employer-authorized leave, such as Workman's Compensation, at the time of employee separations, can still qualify for TAA benefits. If the adversely affected worker would have been laid off due to 'lack of work' during the time of the employer-authorized leave, the worker would be eligible for TAA benefits. The MWA should request verification from the certified employer to ensure a qualifying separation would have been established had the employee been working during this time.

### **Section 5-4: Serving Workers without Evidence of a Qualifying Separation**

In the absence of the aforementioned eligibility information, the adversely affected worker is required to submit a signed document of self-attestation, setting forth evidence that they were employed with the company and had a qualifying separation, in order to determine eligibility. Additionally, the adversely affected worker must sign a statement of acknowledgement and understanding of the implications of fraud, to be included in the participant file. The statement must be certified by the adversely affected worker to be true to the best of his or her knowledge and belief, and be supported by other evidence, such as a W-2, paycheck stubs, union records, income tax returns, or statements of fellow former employees, and must be verified by the employer, if possible.

As a reminder, all data validation elements are subject to required source documentation. Subsequently, the self-attestation statement would be considered a fail for the "qualifying separation" element.

### **Section 5-5: Buyout Recipients and Involuntary Retirements**

Adversely affected workers who have accepted a buyout, an involuntary retirement, or participated in another type of attrition plan, may qualify to receive services under TAA. To qualify for services, an adversely affected worker must appear on the employer provided layoff or rapid response list with an acceptable reason for separation listed. Adversely affected workers who do not appear on a layoff or rapid response list must provide documentation from the certified 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 UI and TRA determinations. Buyout recipients may still qualify for TAA benefits, even if they do not qualify for UI or TRA.

## **Section 5-6: TAA – Acknowledgment of Same-Sex Marriage**

As indicated in TEGL 27-13, issued June 18, 2014, subsequent to the Supreme Court's Decision in *United States v. Windsor*, the USDOL remains consistent with the ETA's policy to recognize all marriages (including same-sex marriages) that are lawfully entered in the state of celebration.

MWAs are required to modify local policies to include same-sex marriages in the definition of "family" where the family is considered as part of the TAA program.

For example, the term "family" is considered when making a determination for the following benefits, for which a spouse of the same-sex should be considered:

- Financial Resources: determining if personal and family resources are available to maintain living expenses throughout the duration of training; and
- Relocation Allowances: pays a certain expense for eligible adversely affected workers and their families to relocate within the United States; and
- Overpayments and Fraud: when considering repayment of improperly paid TAA benefits, the State of Michigan may waive recovery of overpayment subsequent to review of all potential income and all cash resources available or potentially available including a review of financial hardship of the entire family; and
- HCTC: eligibility for HCTC includes the adversely affected worker and their family.

## Chapter 6 - Case Management and Reemployment Services

Adversely affected workers responding to notification letters or published notices of potential TAA eligibility must be provided program information, a determination of eligibility for TAA, and assistance in applying for those services.

The MWAs must hold WBO meetings, as outlined in Chapter 4: WBOs, Registration and Intake Requirements, for groups of newly certified adversely affected workers where program information is provided, general questions answered, and individual applications accepted.

### Section 6-1: Privacy and Confidentiality

Strict efforts to maintain privacy and confidentiality for adversely affected workers must be implemented. MWA staff having access to personal information shall respect the confidentiality of such information, and refrain from any conduct that would indicate a careless or negligent attitude toward such information.

When possible, limit the use and publication of Social Security Numbers on TAA forms. When necessary to communicate with the UIA through electronic communication, MWAs may only include the name of the adversely affected worker and the last four digits of the Social Security Number. Do not include additional worker information.

### Section 6-2: Case Management Services – TGAAA of 2009/TAAEA of 2011/TAARA 2015

**Case Management Requirements of the MWA:** MWAs must develop a procedure to document that each case management service was offered to the adversely affected worker. The MWA may develop a form or utilize the Form TAA-100, *Trade Adjustment Assistance Registration*, (regardless of which form is used, the adversely affected worker's signature of acknowledgement must be captured). Case Management services must be entered in the OSMIS.

Upon determination of TAA eligibility under the TGAAA of 2009, TAAEA of 2011, or TAARA of 2015 law, adversely affected workers must be offered the following eight case management services:

- 1) **Comprehensive and Specialized Assessment:** A comprehensive assessment is required for an adversely affected worker seeking a waiver of TAA training requirement and is interested in Classroom Training or EBT. Adversely affected workers will complete a comprehensive assessment, which may include assessment of skill levels and service needs, including referrals to diagnostic testing, interest assessment, and use of other assessment tools. A comprehensive assessment may also include in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- 2) **Employability Plan:** An employability plan is required for an adversely affected worker seeking a waiver from the training requirement and is interested in a Classroom Training or Employer Based Training program. The employability plan is an ISS used to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

- 3) Training Information: Training program information must be readily available for adversely affected workers who are interested in Classroom Training or Employer Based Training. The training information shall include potential training programs in the local and regional areas. Additionally, adversely affected workers are to be made aware of the opportunity for individual counseling to determine if the desired training program is suitable for the adversely affected worker, and must be provided instructions on how to apply for such training.
- 4) Financial Aid Information: Information on how to apply for financial aid, including referring workers to educational opportunity centers described in Section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that they may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act [20 U.S.C. 1002]) to use the administrators' discretion under Section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of A-47 need of the workers for federal financial assistance under Title IV of such Act (20 U.S.C. 1070 et seq.).
- 5) Employability Skills: Short-term prevocational services, including the development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare adversely affected workers for employment or training.
- 6) Career Counseling: Individual career counseling, including job search and placement counseling, during the period in which the adversely affected worker is receiving a TAA benefits or seeking TAA-approved training, must be readily available.
- 7) LMI: Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas; including job vacancy listings in such labor market areas; information on job skills necessary to obtain jobs identified in job vacancy listings; information relating to local occupations that are in-demand and earning potentials of such occupations; and skill requirements for local occupations.
- 8) Supportive Service Information: Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and needs-related payments that are necessary to enable an adversely affected worker to participate in training.

### **Section 6-3: Reemployment Services - TAA of 2002**

Upon determination of TAA eligibility under TAA of 2002, all adversely affected workers are eligible for basic reemployment services. Reemployment services include, but are not limited to:

- 1) Employment Registration: Information on the availability of resources and assistance to allow adversely affected workers the opportunity to register their resumé online with [Pure Michigan Talent Connect](#) must be offered.
- 2) Job Search Assistance: Job search assistance must be made available for adversely affected workers seeking suitable employment.
- 3) Career Guidance: Individual career counseling, including job search and placement counseling, during the period in which the adversely affected worker is receiving a trade adjustment allowance or seeking TAA-approved training, must be readily available.
- 4) Employment Counseling: Short-term prevocational services, including the development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare adversely affected workers for employment or training.
- 5) Vocational Assessment: Adversely affected workers will complete a comprehensive assessment and/or skills inventory assessment to determine the level of ability and service needs, including referrals to diagnostic testing, interest assessment, and use of other assessment tools. A comprehensive assessment may also include in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

## Chapter 7 - TAA Deadlines

### Section 7-1: Training

No specific filing deadlines for training are established in the federal regulations for TAA of 2002, TGAAA of 2009, TAAEA of 2011, or TAARA of 2015 laws.

### Section 7-2: TRA

In accordance with the UIA rules, the deadline for applications, processing training enrollments, and/or waivers of training must be observed by the MWA staff to ensure TRA maintenance income.

#### TAA of 2002

To qualify for TRA payments, adversely affected workers certified under TAA of 2002 must be either enrolled in TAA approved training or issued a waiver of the training requirement on Form TAA- 802: *2002 Waiver of Training Requirement, Trade Act of 2002*, by the latter of the last day of the 16<sup>th</sup> week of the adversely affected worker's last qualifying separation, or the last day of the 8<sup>th</sup> week after the certification.

To qualify for additional weeks of TRA payments beyond the Basic TRA payments, all TAA of 2002 adversely affected workers must have filed a bona fide application for training on Form TAA-923 *TAA Training Application*, within 210 days of the latter of the following:

- 1) Date of certification covering the adversely affected worker, or
- 2) Date of the adversely affected worker's most recent total, or partial, separation from affected employment in the certification period.

Additional exceptions for adversely affected workers who do not meet the 8/16 week deadline include:

- 1) 45 days extenuating circumstances; or
- 2) Equitable Tolling.

#### TGAAA of 2009

To qualify for TRA payments, adversely affected workers certified under TGAAA of 2009 must be either enrolled in TAA approved training or issued a waiver of the training requirement on Form TAA 802, *2009 Waiver of Training Requirement, TGAAA of 2009*, by the latter of the last day of the 26<sup>th</sup> week of the adversely affected worker's last qualifying separation or the last day of the 26<sup>th</sup> week after the certification (26/26). Additional exceptions for adversely affected workers who do not meet the 26/26 week deadline include:

- 1) 45 days extenuating circumstances; or
- 2) 60 days post notification; or
- 3) Application of federal good cause; or
- 4) Equitable tolling.

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 adversely affected worker must have been approved for TGAAA of 2009 training by the MWA (contract or agreement is signed by the adversely affected 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 Form TAA-923 *TAA Training Application*.

### **TAAEA of 2011**

To qualify for TRA payments, adversely affected workers certified under the TAAEA must be either enrolled in training or issued a waiver of the training requirement on the Form TAA 802: *2011 Waiver of Training Requirement, TAAEA of 2011*, by the latter of the last day of the 26<sup>th</sup> week of the adversely affected worker’s last qualifying separation or the last day of the 26<sup>th</sup> week after the certification (26/26). Exceptions for adversely affected workers who do not meet the 26/26 week deadline include:

- 1) 45 days extenuating circumstances; or
- 2) 60 days post notification; or
- 3) Application of Federal good cause; or
- 4) Equitable Tolling.

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 adversely affected worker must have been approved for TAAEA of 2011 training by the MWA (contract or agreement is signed by the adversely affected 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 Form TAA-923 *TAA Training Application*.

## TAARA of 2015

To qualify for TRA payments, adversely affected workers certified under the Reversion 2015 must be either enrolled in training or issued a waiver of the training requirement on the Form TAA 802: *2015 Waiver of Training Requirement, TAARA of 2015*, by the latter of the last day of the 26<sup>th</sup> week of the adversely affected worker's last qualifying separation or the last day of the 26<sup>th</sup> week after the certification (26/26). Exceptions for adversely affected workers who do not meet the 26/26 week deadline include:

- 1) 45 days extenuating circumstances; or
- 2) 60 days post notification; or
- 3) Application of Federal good cause; or
- 4) Equitable Tolling.

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 adversely affected worker must have been approved for TAARA of 2015 training by the MWA (contract or agreement is signed by the adversely affected 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 Form TAA-923 *TAA Training Application*.

Waiver from Training & 210 Day Application of Training Deadlines****									
Applicable Law	8/16*	26/26**	210 Days***	Exceptions to deadlines:	45 Days Extenuating Circumstances	60 Days Post Notification	Good Cause	Equitable Tolling	
TAA of 2002	X		X			X			X
TGAAA of 2009		X				X	X	X	X
TAAEA of 2011		X				X	X	X	X
TAARA of 2015		X				X	X	X	X

\*Note: To qualify for TRA payments, adversely affected workers certified under TAA of 2002 must be either enrolled in TAA approved 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 adversely affected worker's last qualifying separation, or the last day of the 8<sup>th</sup> week after the date of certification (8/16).

\*\*Note: To qualify for TRA payments, adversely affected workers certified under TGAAA of 2009, TAAEA of 2011, or TAARA of 2015 must be either enrolled in TAA approved training or issued a waiver of the training requirement by the latter of the last day of the 26<sup>th</sup> week of the adversely affected worker's last qualifying separation or the last day of the 26<sup>th</sup> week after the date of certification (26/26).

\*\*\*Note: To qualify for additional weeks of TRA payments beyond the basic TRA payments, all adversely affected workers must have filed a bona fide application for training, (TRA-923), within 210 days by the latter of the date of certification or the date of the adversely affected worker's most recent separation.

\*\*\*\*Note: Exceptions to the deadlines for Waivers of the Training Requirement are further explained in detail in [Chapter 11: Waiver of the Training Requirement](#).

### Section 7-3: Job Search Allowances

For all TAA laws including: TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015, the application for Job Search Allowances on Form TAA-401: *Request for Job Search Allowance*, must be filed within the latter of:

- 1) 365 days of the date of certification covering the adversely affected worker, or
- 2) 365 days of the adversely affected worker's last qualifying separation, or
- 3) 182 days after completion of training\*

**\*Please Note:** An adversely affected worker who is certified under TAA of 2002 and received the waiver of the training requirement is ineligible for Job Search Allowances 182 days after completion of training.

Additional exceptions for Job Search Allowances include:

- 1) Equitable Tolling

### Section 7-4: Relocation Allowances

For all TAA laws including: TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015, the application for Relocation Allowances on Form TAA-402: *Request for Relocation Allowance*, must be filed within the latter of:

- 1) 425 days of the date of certification covering the adversely affected worker, or
- 2) 425 days of the adversely affected worker's last qualifying separation, or
- 3) 182 days after completion of training\*

**\*Please Note:** An adversely affected worker who is certified under TAA of 2002 and received the waiver of the training requirement, is ineligible for Relocation Allowances 182-days after completion of training.

Additional exceptions for Relocation Allowances include:

- 1) Equitable Tolling

### Section 7-5: ATAA

#### TAA of 2002 ONLY

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. The Form TAA-244: *A/RTAA Application*, is to be used for the application for ATAA benefits, and must be submitted to the TRA Unit for final determination. For a detailed explanation of rules and requirements for ATAA, please refer to Chapter 14, A/RTAA.

Additional exceptions for ATAA include:

- 1) Equitable Tolling

## Section 7-6: RTAA

### TGAAA of 2009 and TAAEA of 2011, and TAARA of 2015

For RTAA, adversely affected workers that have received TRA, the deadline to apply for RTAA is two years from reemployment minus the total weeks of TRA received. For adversely affected workers that have not received TRA, the deadline to apply for RTAA is the two-year period beginning on the earlier of the date of reemployment, or the date on which the worker exhausts all rights to UI based on the separation from the adversely affected employment. The Form TAA-244: *A/RTAA Application*, is to be used for the application for RTAA benefits, and must be submitted to the TRA Unit for final determination. For a detailed explanation of rules and requirements for RTAA, please refer to Chapter 14, A/RTAA.

Additional exceptions for RTAA include:

- 1) Equitable Tolling

## Section 7-7: Exceptions to Deadlines

45-Day Extenuating Circumstance - Adversely affected workers who did not meet the “8/16” or “26/26” deadline, as imposed by the applicable TAA law for which the adversely affected worker has been certified, due to extenuating circumstances, but applied within 45 days from that period, may be granted the waiver. 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.

60-Day Post Notification - This exception may be applied to adversely affected workers who did not meet the “26/26” week deadline, as imposed by the applicable TAA law for which the adversely affected worker has been certified, because they were not notified of the TAA benefits, however upon notification applied for the waiver within 60 days. If applied, MWAs must document efforts to notify all workers. Reasons to apply this exception are as follows:

- 1) Due to MWA or company error; or
- 2) Name did not appear on list provided by employer; or
- 3) Temporary Agency employees not included on layoff list.

Good Cause - This exception allows for an MWA to consider the following factors when time limitations of TRA or enrollment in training have not been met, as imposed by the applicable TAA law for which the adversely affected worker has been certified:

- 1) Whether the adversely affected worker acted in the manner that a reasonably prudent person would have acted under the same or similar circumstances.
- 2) Whether the adversely affected worker received timely notice of the need to act before the deadline passed.
- 3) Whether there were factors outside the control of the adversely affected worker that prevented the worker from taking timely action to meet the deadline.
- 4) Whether the adversely affected worker’s efforts to seek an extension of time by promptly notifying the MWA were sufficient.

- 5) Whether the adversely affected worker was physically unable to take timely action to meet the deadline.
- 6) Whether the adversely affected worker's failure to meet the deadline was due to the employer warning, instructing, or coercing of the worker in any way that prevented the worker's timely filing of an application for TRA, or to enroll in training.
- 7) Whether the adversely affected worker's failure to meet the deadline was due to the worker reasonably relying on misleading, incomplete, or erroneous advice provided by the MWA.
- 8) Whether the adversely affected worker's failure to meet the deadline was due to the MWA failing to perform its affirmative duty to provide advice reasonably necessary for the protection of their entitlement to TRA.
- 9) Whether there were other compelling reasons or circumstances that would prevent a reasonable person under the circumstances presented from meeting a deadline for filing an application for TRA or enrolling in training including:
  - a) Neglect, a mistake, or administrative error by the MWA;
  - b) Illness or injury of the adversely affected worker or any member of the adversely affected worker's immediate family;
  - c) The unavailability of mail service for a worker in a remote area;
  - d) A natural catastrophe such as an earthquake, fire, or flood;
  - e) An employer's failure or undue delay in providing documentation, including instructions, a determination, notice, or pertinent and important information;
  - f) Compelling personal affairs or problems that could not reasonably be postponed such as an appearance in court, or an administrative hearing or proceeding, substantial business matters, attending a funeral, or relocation to another residence or area;
  - g) The state failed to effectively communicate in the adversely affected worker's native language, and the worker has limited understanding of English; or
  - h) The loss or unavailability of records due to a fire, flood, theft or another similar reason. (Adequate documentation of the availability of the records includes a police, fire, or insurance report, containing the date of the occurrence and the extent of the loss or damage.)

Equitable Tolling - The equitable tolling of a deadline *only* applies in circumstances in which a deadline was missed through no fault of the adversely affected worker, and the MWA has found that due diligence in taking all necessary actions to protect their eligibility for TAA benefits upon notification of the applicable deadline has been demonstrated. Reasons equitable tolling may be applied are when the adversely affected worker was not:

- 1) Included on a layoff list; or
- 2) Notified by the MWA of the TAA certification; or
- 3) Invited to the WBO.

Law	45-Day Extenuating Circumstances	60-Day Post Notification	State Good Cause	Federal Good Cause	Equitable Tolling
Trade Act of 2002 (50,000 - 69,999)	Yes – Training (for TRA) Training Waiver	No	No	No	Yes – Application for Training (210-Day) Training (for TRA) Training Waiver Job Search Allowance Relocation Allowance
TGAAA of 2009 (70,000 – 79,999)	Yes – Training (for TRA) Training Waiver	Yes – Training (for TRA) Training Waiver	Yes – Training (for TRA) Training Waiver	No	Yes – Training (for TRA) Training Waiver Job Search Allowance Relocation Allowance
TAAEA of 2011 (80,000 – 84,999)	Yes – Training (for TRA) Training Waiver	Yes – Training (for TRA) Training Waiver	No	Yes – Training (for TRA) Training Waiver	Yes – Training (for TRA) Training Waiver Job Search Allowance Relocation Allowance
TAARA of 2015 (85,000 and above)	Yes – Training (for TRA) Training Waiver	Yes – Training (for TRA) Training Waiver	No	Yes – Training (for TRA) Training Waiver	Yes – Training (for TRA) Training Waiver Job Search Allowance Relocation Allowance

## Chapter 8 – Training

The “Training Overview” portion of this section provides guidance applicable for *all* TAA Laws (TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015). Each subsequent section (8-2 thru 8-5) outlines training requirements specific to each law. The rules that apply to all TAA laws include:

\*Types of TAA Training Options

\*EBT

\*Training costs paid by TAA

\*Comprehensive Assessments

\*ISS

\*Online Learning Credentials

\*Interruptions in Training

\*Scheduled Breaks in Training

\*Special Component Training

\*Pre-Separation Training (TGAAA of 2009/TAAEA of 2011/TAARA of 2015)

\*Removal from Training

\*Training Approval Standards

\*Modifications

\*Call-Back Scenarios

### Section 8-1: Training Overview (Applicable for Each TAA Law)

The purpose of TAA training is to assist adversely affected workers in obtaining the skills necessary to gain suitable, long-term employment. Authority for approval of training programs resides with the MWA. MWAs are responsible for accepting applications for training, which includes the approval and denial of training programs in accordance with established training approval guidelines. MWAs must work with adversely affected workers to find an approvable training program that is appropriate for the worker. The TAA regulations and requirements for each applicable law, TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015, are outlined in this chapter.

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 adversely affected worker, where appropriate; however, training begin and end dates should be consistent across training agreements when using more than one provider, regardless of specific enrollment dates. If an adversely affected worker is enrolled in a WIOA-funded training program, every effort must be made to approve that training under TAA.

Form TAA-923: *TAA Training Application*, must be used to approve TAA training. Once a training contract is signed by all parties (adversely affected worker, training institution, and MWA), the Form TAA-923: *TAA Training Application*, must be completed. The latest signature date on the contract should be used for the approval date on the Form TAA-923: *TAA Training Application*. To be considered “enrolled” in training, an adversely affected worker must have been approved for TAA training by the MWA (contract or agreement is signed by the adversely affected 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).

Upon completion, Form TAA-923: *TAA Training Application*, should be forwarded to the TRA Unit. A formal denial of TAA training can be issued on the Form TAA-923: *TAA Training Application*, or the Form TAA-507: *Notice of Determination Form*.

### Types of TAA Training Options

The TAA program offers two types of training options: Classroom Training or EBT. Classroom Training may include or consist entirely of Remedial Training. EBT may consist of OJT, a Registered Apprenticeship, or Customized Training.

To be considered for approval of Classroom Training or EBT, the following must be completed and documented:

- 1) \*Comprehensive Assessment, and
- 2) \*ISS, and
- 3) Form TAA-312: *Training Approval Standards*

MWAs must not limit TAA-approved classroom training or EBT to those approved under the WIOA-approved training program list (Michigan Training Connect). At a minimum, training providers must be state licensed to provide the requested training program.

**Please Note:** It is required that the comprehensive assessment and ISS be completed prior to issuance of the waiver of training requirement, or a training activity, under TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015. If an adversely affected worker has not received a waiver of the training requirement, the comprehensive assessment and ISS are required to be conducted prior to the completion of the Form TAA-312: *Training Approval Standards*.

### EBT

A demand-driven workforce system is the State of Michigan's primary workforce development strategy. Local WDBs must identify priority industries and develop and implement appropriate services based on input received from employers and other key partners. TAA EBT can play a key role in the local area's demand-driven system. TAA EBT will require a partnership between the MWA and the employer for selection, testing/assessment and pre-screening of potential candidates. The TIA strongly encourages the use of EBT for adversely affected workers (taking into account customer choice and the six TAA training approval criteria).

For dual-enrolled participants, TAA and WIOA can co-fund OJT programs (TAA can fund up to 50 percent of the wages, and WIOA can fund the remaining portion, up to the allowable WIOA percentage). TAA and WIOA cannot duplicate funding.

For dual-enrolled participants, TAA and WIOA can co-fund Registered Apprenticeships if TAA does not fund On-the-Job Learning and the WIOA does not fund training that takes place after the TAA-funded portion of the Registered Apprenticeship. (For example, TAA cannot fund the first two years of a Registered Apprenticeship program, for which WIOA plans to fund the second two years).

## Training Costs paid by TAA

All costs of training are paid by the TAA program (Classroom and EBT), including tuition, course fees, books, required supplies and equipment, and other items/services deemed necessary for successful completion of the training program. Items other than tuition, course fees, and books must be documented in the case file. A syllabus or letter from the training provider listing such required item(s) and/or service(s) would suffice. For clarification, training costs paid by TAA may include computers, laptops, and parking fees. However, the supporting documentation must explicitly state the requirement of such purchases for successful completion of training.

For adversely affected workers traveling outside the normal commuting area, subsistence or mileage costs are reimbursed. The commuting area is defined as 15 miles or more from the adversely affected worker's home to the training facility. Please refer to Chapter 10 – Mileage and Subsistence Reimbursement, for further guidance.

## Comprehensive Assessment

Prior to consideration of a TAA-approved training program under any TAA law, including EBT, or prior to the issuance of a TAA of 2002, TGAAA of 2009, TAAEA of 2011, or TAARA of 2015, waiver of the training requirement, a comprehensive assessment, and an ISS must be completed. The MWA is required to compare the results of the comprehensive assessment and ISS to the skills required for successful completion of the requested training program.

The comprehensive assessment must include an evaluation of the adversely affected worker's skills, aptitude, and abilities (including reading and math levels). The results of the comprehensive assessment must indicate the ability of the adversely affected worker to undertake and successfully complete the requested training program within the allowed maximum number of training weeks and/or should be used to determine the interest of the adversely affected worker as it relates to employment opportunities.

In lieu of a comprehensive assessment, an employer engaged in an OJT opportunity may provide justification to deem the adversely affected worker capable of meeting the objectives outlined in the EBT Contract. The employer must also support the adversely affected worker's ability to undertake and successfully complete training within the allowed number of training weeks.

## ISS

The development of an ISS is required to be completed prior to the approval of a TAA training program (applicable for all TAA laws) and is required to be issued prior to a TAA of 2002, TGAAA of 2009, TAAEA of 2011, or TAARA of 2015, Form TAA-802: *Waiver of Training Requirement*. The ISS is established in the OSMIS and includes four sections: Client Characteristics, Employment Goal, Assessment, and Action Plan. The MWA may decide, on an individual case basis, which sections are necessary for completion. It is recommended that the ISS be completed in person with the individual. At least one employment goal and one action plan are required in OSMIS. The ISS should be updated throughout the adversely affected worker's participation in the TAA program.

## Online Learning

Online learning may be considered classroom training 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 approvable training to include scenarios in which the adversely affected worker completes all, or part of, an

educational or vocational program online, or in a location that is not physically on the campus of the institution hosting the training program. The final degree, or certificate received, 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 TIA 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, for online learning to be approved, all six training approval standards must be met in the same way as in all TAA training programs. Online learning requires the monitoring of satisfactory progress and participation as described per applicable law.

Online 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 training providers to understand the specific requirements or milestones of the online learning program, and to ensure that the training provider keeps the agency informed of the adversely affected worker's adherence to those requirements.

The regulations at 20 CFR 617.18(b)(2) make an adversely affected 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 an adversely affected 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 adversely affected worker 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 adversely affected worker is ineligible for TRA for that week, unless a reasonable adversely affected worker in this situation would have missed meeting the requirements.

## **Credentials**

TEGL 15-10 established "credential" as the umbrella term encompassing postsecondary degrees, diplomas, GEDs, licenses, and industry-recognized certifications. A credential must be awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are generally based on standards developed or endorsed by employers.

MWAs are encouraged to work with industry cluster groups to create and promote industry-recognized credentials. More information from the USDOL regarding TAA credentials is forthcoming.

## **Interruptions in Training**

Generally, adversely affected workers 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 managed depends on the reason for the interruption. In general, adversely affected workers 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 adversely affected worker.

Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is attainment of employment, adversely affected workers may be allowed to return to TAA-approved training under the following circumstances, to be evaluated by the designated MWA staff person:

- 1) Whether the reasons for interrupting training can be remedied during a short period away from school, or
- 2) Whether training can be completed within the maximum allowed actual training weeks (as defined by applicable law).

Any changes in training program end dates must be documented. The UIA also must be notified if the adversely affected worker is receiving TRA benefits (or is not yet receiving TRA because UI or extended benefits have not yet been exhausted). The Form TAA-319: *Notice of TAA Participant Status Report*, must be used for this process. For individual training agreements, the end dates must be modified.

Adversely affected workers 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 may affect their benefits. The waiver of availability and seeking work, based on participation in approved training, will *not* apply during the absence. The adversely affected worker may lose weeks of TRA eligibility or benefits.

A maximum amount of days that an adversely affected worker can temporarily cease training is not defined; therefore, the length of interruption of training is at the discretion of the MWA.

### **Scheduled Breaks in Training**

A scheduled break in training may be approved for adversely affected workers enrolled in a TAA approved training program. Prior to the break in training, the adversely affected worker must request the break and the MWA must determine if approvable. An adversely affected worker who is otherwise eligible for TRA continues to be eligible for Basic and Additional weeks of TRA during scheduled breaks in training, but only if a scheduled break is no longer than 30 days *and* all of the following additional conditions are met:

- 1) The adversely affected worker was participating in TAA training immediately before the beginning of the break; and
- 2) 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 adversely affected worker; and further
- 3) The adversely affected worker resumes participation in the training immediately after the break ends.

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

**Please Note:** 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.

- 1) If the number of days counted is 30 or less, the adversely affected worker can be paid during the entire break period. If the number of days counted is more than 30, the adversely affected worker 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 adversely affected workers in approved training, cannot be paid during summer breaks lasting more than 30 days. However, an adversely affected worker can be paid for any week during which at least one day of training is scheduled and attended.
- 2) 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.
- 3) If an adversely affected worker 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 adversely affected worker in training.

A maximum amount of days that an adversely affected worker can temporarily cease training is not defined; therefore, the length of interruption of training is at the discretion of the MWA.

**Please Note:** A scheduled break in TAA-approved training greater than 30 days may occur, if approved by the MWA. The requirement for breaks to be equal to or less than 30 days applies only to the receipt of payment of TRA benefits. All breaks in training must be reported to the TRA Special Programs Unit.

### Special Component Training

MWA's may consider special component training and/or seminars to address a break in training of over 30 days (for the purpose of continuing TRA benefits). Form TAA-321: *Special Component Training*, or a locally developed form may be used for this purpose. Special component training must adhere to the following guidelines:

- 1) Seminars or classes are consistent with the participant'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/host to be weeks of full-time training.

### Pre-Separation Training (TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 ONLY)

Training may be approved before separation for adversely affected incumbent workers covered under the TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 laws only. This provision defines an adversely affected incumbent worker as a worker who: (1) is a member of a group of workers that has been certified as eligible to apply for TAA benefits; (2) has not been totally or partially separated from employment, and thus, does not have a qualifying separation; and (3) is

determined to be threatened with total or partial separation (has documentation of a future qualifying separation). A MWA may determine that an adversely affected worker has been individually threatened with separation when the worker has received a notice of termination or layoff from employment. An adversely affected incumbent worker differs from an adversely affected worker in that the adversely affected incumbent worker has a future documented layoff scheduled that will occur between the eligibility dates of the TAA petition, but that layoff has not yet occurred.

The MWA may accept other documentation to prove the threat of total or partial separation from the firm or another reliable source in making a determination that a worker is adversely affected and deemed entitled to pre-separation training. The MWA must, upon notice of a certification, notify each worker covered by a TAA certification of program benefits as soon as possible after the partial or total separation (or for an adversely affected incumbent worker, after the notification of a future separation). The MWA satisfies this requirement by obtaining from the firm, or another reliable source, the names and addresses of all workers who were or will become totally or partially separated before the MWA received the certification and within the certification period, as well as workers subsequently separated during the certification period.

MWAs are required to notify adversely affected incumbent workers of their possible entitlement to TAA training as soon as possible, before their partial or total separations. Thus, the MWA must identify, through the firm or another reliable source, the names and addresses of all adversely affected incumbent workers to permit the MWA to determine whether a worker is individually threatened with separation. Accordingly, MWAs must request a separate list of workers who are threatened with separation at the same time they request the list of adversely affected workers from the employer. "Pre-separation training" is not the same as incumbent worker training programs allowable under the WIOA. The goal of the WIOA incumbent worker training programs is retraining the worker with new skills to allow the worker to continue employment with an employer. TAA pre-separation training is intended to allow earlier intervention where layoffs are planned in advance, and the employer can specifically identify which employees will be affected. Adversely affected incumbent workers may begin training prior to layoff, thereby lessening the amount of time needed to complete the training program after the separation occurs, and lessening the worker's overall length of unemployment. The criteria and limitations for approval of training for adversely affected incumbent workers are the same as they are for adversely affected workers, except that adversely affected incumbent workers may not be approved for OJT or Apprenticeships. Adversely affected incumbent workers, like adversely affected workers, are entitled to employment and case management services to ensure that they have the same assistance in developing a reemployment plan and choosing training.

MWAs must evaluate whether the threat of total or partial separation continues to exist for the duration of the pre-separation training. This can be accomplished by verifying with the employer that the threat of separation still exists before each subsequent portion of the training is funded.

If the threat of separation is removed during a training program, or if the worker voluntarily quits employment at the TAA-certified company, funding of the training must cease. The adversely affected incumbent worker would be eligible to complete any portion of the training program where TAA funds have already been expended, but would not be eligible for further TAA funding of the training program in the absence of a threatened or actual separation from the adversely affected employment. The adversely affected worker may resume the approved training program upon the resumption of the threat or in the event of a total qualifying separation if the six criteria for approval of the training are still met. TAA regulations permit a worker approval of one training program per certification. A training program begun prior to separation counts as that one training program and the training plan should be designed to meet the long-term needs

of the worker based on the expectation that they will be laid off. The training program should also take into account the availability of up to 156 weeks of training for TGAAA of 2009, and 130 weeks of training for both TAAEA of 2011 and TAARA of 2015 laws. Thus, while a pre-separation training program may be resumed, a worker who has participated in pre-separation training will not be eligible for a new and different training program.

### Removal from Training

MWA staff, in close contact with the adversely affected worker and training institution, may find that although the school indicates “satisfactory participation” when verifying training attendance, the adversely affected worker’s progress will not allow achievement of a marketable skill by the end of the training program. Although acceptable to the school, this may not meet standards for 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. Please note that an adversely affected worker may drop scheduled classes without approval

Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is the attainment of employment, every effort should be made to assist adversely affected workers in completing their training programs. **A notification in writing is to be provided to the adversely affected worker warning of the possible removal from the training program with the opportunity for improvement.** The opportunity for improvement includes an arrangement of tutoring or allowing an adversely affected worker to repeat a course, if appropriate. If it becomes apparent that the adversely affected worker, due to a lack of satisfactory progress or satisfactory participation, or other reasons, will be unable to complete training within the specified time limits addressed in the warning letter, removal of the adversely affected worker from training may be necessary.

If the MWA determines that an adversely affected worker must be removed from TAA-approved training for any reason, written notification must be issued to the adversely affected worker. The Form TAA-501: *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 adversely affected worker’s file. Adversely affected workers may protest and appeal a removal from training; therefore, appeal information must be included if using a locally designed form. The TRA Unit must be immediately notified of a removal from training and the Form TAA-319: *Participant Status Report*, must be used for this purpose.

For adversely affected workers enrolled in TAA-approved training under TAAEA of 2011 and TAARA of 2015, Chapter 9, Establishment and Review of Training Benchmarks, outlines additional information for the monitoring of satisfactory progress and participation.

### Training Approval Standards - Six Training Approval Criteria

**Please Note:** For TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015: Approval of a TAA training program (Classroom or EBT), requires verification by the MWA that each of the following TAA Training Approval Standards have been met. Additionally, each standard requires supporting documentation to be included in the adversely affected worker’s case file.

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 TAA-312: *TAA Training Approval Standards*, must be used for this purpose. Each adversely affected worker’s case file must include the Form TAA-312: *TAA Training Approval Standards*, and supporting documentation for each of the six training approval standards, in addition to the results of assessments.

A training request that does not meet all six training approval standards must be denied. The MWA staff must issue a written denial of training to the adversely affected worker. The Form TAA 923: *TAA Training Application*, or the Form TAA-501: *Notice of Determination*, may be used for this purpose. The adversely affected worker may appeal a denial of a training program.

**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 an equal or higher skill level than the adversely affected worker's past adversely affected employment, and wages for such work at not less than 80 percent of the adversely affected worker'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. Adversely affected workers who leave TAA-approved training to accept recalls that meet the definition of "suitable employment" may 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 LMI or job orders.

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

The training must enhance the adversely affected worker's employability by providing vocational skills required by the stated occupational goal. Upon completion of training, the adversely affected worker is job-ready. Training must be expected to improve the adversely affected worker's chances of obtaining and retaining sustainable employment at higher wages than would have been obtained in the absence of training. A specific vocational goal must be entered on the training contract. The vocational goal must be one that prepares the adversely affected worker 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 adversely affected worker obtain full-time employment. Therefore, there must be a reasonable expectation that the adversely affected worker will find a job using skills acquired through training, given the local 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 adversely affected worker 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 adversely affected worker 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 adversely affected worker, at no cost to the adversely affected worker, within the adversely affected worker'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 adversely affected worker, 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.

Training at a facility outside of the local commuting area will be approved only if such training is not available within the commuting area. Adversely affected workers can attend training outside of Michigan under the aforementioned circumstance, or if the adversely affected worker 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 approved.

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

Evidence that the adversely affected worker has the basic skills, aptitude, and financial resources to complete training must be documented on an ISS. 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 adversely affected worker must have a plan to meet living expenses while in training. The MWA case manager only determines whether the adversely affected worker'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, but the fact that financial resources have been discussed must be documented in the file. Form TAA-604: *Employability Plan*, or Form TAA-312: *Training Approval Standards*, can be used for this purpose. 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.

Adversely affected workers 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 adversely affected worker” means that the training being considered meets the fifth training approval standard, and that the training is appropriate given the adversely affected 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 adversely affected worker 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 another future period, not paid by the adversely affected worker. MWAs may not consider student financial assistance (Pell Grants, Work-Study program, and other federal or state loans and grants) in approving training. This allows a worker to use student financial assistance for living expenses instead of tuition, and thus, provides the worker income support during training. However, the student may voluntarily choose to apply student financial assistance to the costs of training, if the training would not be approved otherwise due to cost.

### Training Modifications

If a change to the Form TAA-301: *Classroom Training Contract* (extended version), or the Form TAA-302: *Classroom Training Contract* (abridged version), or a locally developed training contract form is necessary, a training modification is required. **All modifications to a TAA Training Contract are required to be conducted prior to the end date of training.**

If a simple modification to the Classroom Training Contract, such as the start date or total funds allocated is necessary, the following is required:

- a. Form TAA-304: *Training Contract Modification*\*
- b. Modified Program Planning Worksheet/Education Plan
- c. Verification of weeks calculated vs. weeks used

\* Signature of the adversely affected worker is not necessary, however, an MWA Representative and the training provider must sign and approve the modification. A new Form TAA-923: *Training Application*, may also be used for change in start date.

If significant modification to the Classroom Training Contract, such as a change of end date, training program to a lesser degree, or a change in training institution is necessary, the following steps and documents are required in the case file:

- i. Form TAA-304: *\* Training Contract Modification\**, and
- ii. Form TAA-312: *Training Approval Standards*, and
- iii. Modified Program Planning Worksheet/Education Plan
- iv. Verification of weeks calculated vs. weeks used

\*Signature of the adversely affected worker, the MWA Representative, and a representative of the training provider is required for approval of the modification.

## Call Back Scenarios

The following scenarios may be helpful when trying to determine how to assist an adversely affected worker who may be presented with a recall.

- 1) Qualifying separation, with no indication of recall –**
  - Eligible for TAA training benefit
  - MWA may approve training
  
- 2) Qualifying separation; then, returned to work full-time at TAA-certified employer –**
  - Eligible for TAA benefits
  - MWA should deny training
  - Denial of training would be due to suitable employment (UNLESS the adversely affected worker is participating in or enrolled into TAA-approved training). Enrolled in training is defined as, an approved training contract signed by all 3 signatories for which training will begin training within 30 days.
  
- 3) Qualifying separation; then, returned to work part-time at TAA-certified employer –**
  - Eligible for TAA benefits
  - MWA may approve training
  - If the adversely affected worker is not suitably employed and will not be recalled to full-time employment in the foreseeable future. This includes part-time employment at the TAA-certified employer.
  
- 4) Qualifying Separation, with a “specific” recall date –**
  - Eligible for TAA benefits
  - MWA should deny training
  - The firm from which the separation occurred plans to recall the adversely affected worker within the reasonably foreseeable future. Per CFR 617.19, the recall is within the “foreseeable future,” and thus, training cannot be approved. A recall can be “specific” or “general.” A specific recall names the adversely affected worker and documents a recall date. Any “specific” recall prevents approval of training. Even if short-term training is requested prior to the recall date in this case, training must be denied.
  
- 5) Qualifying Separation, with a “general” recall after regular UIA will be exhausted –**
  - Eligible for TAA benefits
  - MWA may approve training
  - Per CFR 617.19, the recall is not within the “foreseeable future,” and thus, training can be approved. A recall can be “specific” or “general”. A general recall occurs when the employer announces an intention to recall an individual or group of individuals without specifying any certain date or specific time period. If the general recall is reasonably expected to occur after regular UIA will be exhausted, training can be approved.
  
- 6) Qualifying Separation, with a “general” recall before regular UIA is exhausted –**
  - Eligible for TAA benefits
  - MWA should deny training
  - The firm from which the separation occurred plans to recall the adversely affected worker within the reasonably foreseeable future. Per CFR 617.19, the recall is within the “foreseeable future,” and thus, training cannot be approved. A recall can be “specific” or “general”. A general recall occurs when the employer announces an intention to recall

an adversely affected workers or group of adversely affected workers without specifying any certain date or specific time period. If the general recall is reasonably expected to occur before regular UIA will be exhausted, training cannot be approved.

## **Section 8-2: Training Overview - TAA of 2002**

Adversely affected workers eligible for TAA of 2002 training benefits may choose between Classroom Training and EBT. Classroom training consists of a traditional training program offered at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes, OJT, Registered Apprenticeship, or Customized Training, each of which are composed of a hands-on approach available for adversely affected workers who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TAA of 2002, the following must be completed and documented:

- 1) A comprehensive assessment; and
- 2) ISS; and
- 3) Form TAA-312: *TAA Training Approval Standards*.

### **Section 8-2(A): TAA of 2002 - Classroom Training**

**Please Note:** Prior to official approval of a TAA of 2002 training program, the comprehensive assessment and ISS must be completed, and the TAA-312: *Training Approval Standards* must be approved. If these steps have not been completed, please refer to Section 8-1: Training Overview, before proceeding.

### **Training Approval**

For an official determination of TAA training, the Form TAA-312: *Training Approval Standards*, must be completed, and each of the six training approval standards must be met. Additionally, the Form TAA-301: *Classroom Training Contract (extended version)*, or the Form TAA-302: *Classroom Training Contract (abridged version)*, or a locally developed training contract form, must be finalized and signed by the following three individuals: the adversely affected worker, an MWA representative, and a representative at the training institution.

### **Length of Classroom Training**

The TAA of 2002 allows adversely affected workers up to 104 weeks of TAA approved classroom training. In addition to the 104 actual weeks of training, up to 26 weeks of remedial training is available on an “as needed” basis (training may consist of 130 weeks of remedial training). Refer to the following section for further information on remedial training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate 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.

All TAA of 2002 classroom training is required to be maintained at a full-time status. Full-time status is defined by the training institution. An exception to fall below full-time status *only* exists in circumstances when the adversely affected worker is in the last term or semester of the approved training program.

If a training program meets the duration requirements, but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. Form TAA-604: *Employability Plan*, or Form TAA-312: *Training Approval Standards*, can be used for this purpose.**

### Remedial/Prerequisite Training

If the results of the adversely affected worker's comprehensive assessment indicate the need to correct, or improve, deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training may cause the adversely affected worker to extend beyond the allowed 104-week maximum. In such instances, up to 26 weeks beyond the maximum weeks allowed, or up to 130 total weeks, may be approved in cases where this type of training is necessary to allow the adversely affected worker to obtain suitable employment (training may be also be 130 weeks of remedial). Adversely affected workers may simultaneously engage in remedial and regular courses for which both activities should be reflected in the OSMIS.

The requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are to be included within the 104-week maximum.

If remedial/prerequisite training are required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers' file should only contain one training contract and training plan to detail the entire duration of training.

### Section 8-2(B): TAA of 2002 - EBT

EBT allows adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the local TAA staff meet regularly with their Business Services Team to identify EBT opportunities.

### OJT

An OJT under TAA of 2002 consists of up to a 104-week maximum of training provided by an employer to an adversely affected worker who has been hired by the employer. OJT is conducted while the adversely affected worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. Subsequent to the results of a comprehensive assessment, up to an additional 26 weeks may be added to the 104-week maximum for adversely affected workers who require remedial training (for up to a total of 130-week OJT contract).

The OJT contract must be approved *prior* to the start date of the adversely affected worker's employment. OJT is conducted while the adversely affected 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.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the adversely affected worker will gain the knowledge or skills to become proficient in the job for which they are being trained.
- 4) Allow for benchmark reviews throughout the duration of the training contract.

An MWA can enter into a contract on Form TAA-303: *Employer-Based Training Contract*, to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training.) 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 adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract*, can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer, 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 employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above, or in the employer provisions of the OJT contract.

MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers may *not* obtain the ATAA while enrolled in an OJT. Although the OJT may be consistent with state definitions of full-time employment, TAA of 2002 does not allow for these benefits to be combined. See Chapter 14: A/RTAA for further guidance.

## Customized Training

Customized training is designed to meet the special requirements of an employer or group of employers. This type of training is conducted by a separate vendor but with a commitment by the employer, or group of employers, to employ an adversely affected worker upon successful completion of training. Customized training may be designed and delivered for multiple employers in an industry sector, or for groups of targeted employees of a single employer, maximizing the effectiveness of the workforce system for participating employers. Customized training arrangements entail the commitment by the employer to hire trainees after successful training completion.

If an employer determines that, in order to meet their specific training needs, an adversely affected worker would require employer on-site training in addition to classroom instruction, this combination can be approved, if documented as a requirement of the employer in the training contract. In this case, the employer must meet the requirements of the OJT assurances and provisions.

Customized Training allows for up to 104 weeks of training participation, with an additional maximum of 26 weeks for remedial training, if justified by the comprehensive assessment. The TAA program pays 50 percent of the classroom training component, as determined by the MWA, for tuition, fees, books supplies, and equipment required by the training program. MWAs may use Form TAA-303: *Employer-Based Training Contract*, for Customized Training approval.

Customized Training requires coordination with the employer in the selection and pre-screening process, due to the commitment of the employer to contribute training funds and the commitment of the adversely affected worker to utilize the TAA training benefit.

## Registered Apprenticeships

The Registered Apprenticeship program offers adversely affected workers employment with a combination of an OJT and related training instruction. In apprenticeship programs, the employer pays the apprentice's wages, the hands-on learning portion of the apprenticeship is not considered an official OJT.

Adversely affected workers participating in a registered apprenticeship approved under the TAA of 2002 law may receive up to a maximum of 104 weeks of training. Additionally, if the results of the comprehensive assessment indicate the need for remedial training, up to 26 additional weeks may be added to the Registered Apprenticeship, for up to 130 total weeks.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for the expenses associated with the related instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 104 weeks (up to 130 weeks if remedial training is necessary) or whichever comes first, while participating in the registered apprenticeship program. The registered apprenticeship combines classroom or related technical instruction with employment, therefore, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA, due to their income earned through wages.

Additionally, adversely affected workers may not receive ATAA for the duration of the Registered Apprenticeship. The Form TAA-303, *Employer Based Training Contract*, can be

used for the Registered Apprenticeship approval process.

### **Section 8-2(C): TAA of 2002 – Satisfactory Progress and Participation**

**Please Note:** The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for the continuation of TAA-approved training, and to receive TRA benefits from the UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9, Establishment and Review of Training Benchmarks, benchmark establishment and reviews are not a requirement for TAA of 2002, however, are highly encouraged. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

**Please Note:** Solely providing transcripts at the end of a training program is not an acceptable method for documenting satisfactory progress as grades should be verified throughout the duration of training.

Additionally, adversely affected workers must also maintain satisfactory participation, or adequate attendance, for the duration of the TAA-approved training program. The Form TAA-307: *Training Attendance Report*, is highly encouraged to document the participation requirement. Adversely affected workers receiving mileage or subsistence reimbursement are also required to prove attendance. Therefore, this form is highly encouraged for that purpose as well.

### **Section 8-3: Training Overview- TGAAA of 2009**

Adversely affected workers eligible for TGAAA of 2009 training benefits may choose between Classroom Training and EBT. Classroom training consists of a traditional training program offered at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes OJT, Registered Apprenticeship, or Customized Training, which are a hands-on approach available for adversely affected workers, who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TGAAA of 2009, the following must be completed and documented:

- 1) A comprehensive assessment; and
- 2) ISS; and
- 3) Form TAA-312: *TAA Training Approval Standards*.

### Section 8-3(A): TGAAA of 2009- Classroom Training

**Please Note:** Prior to official approval of a TGAAA of 2009 training program, the comprehensive assessment, ISS, and the TAA-312, *Training Approval Standards* must be completed. If these steps have not been completed, please refer to Section 8-1: Training Approval Standards before proceeding.

#### Training Approval

For an official determination of TAA training, the Form TAA-312: *Training Approval Standards*, must be completed, and each of the six training approval standards must be met. Additionally, the Form TAA-301: *Classroom Training Contract* (extended version), or the Form TAA-302: *Classroom Training Contract* (abridged version), or a locally developed training contract form, must be finalized and signed by the following three individuals: the adversely affected worker, an MWA representative, and a representative at the training provider.

#### Length of Classroom Training

The TGAAA of 2009 allows adversely affected workers up to 156 weeks of TAA-approved classroom training. For training programs that require prerequisite training, or courses required prior for advancement into the actual program, the weeks of such training must be included within the 156-week maximum. The 156 weeks of training may be 100 percent occupational (classroom) or remedial, or a combination of occupational, remedial, and prerequisite training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA-approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate 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.

If a training program meets the duration requirements, but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. Form TAA-604: *Employability Plan*, or Form TAA-312: *Training Approval Standards*, can be used for this purpose.**

#### Part-time Training Option

The TGAAA of 2009 allows adversely affected workers to attend training less than full-time. MWAs may approve part-time training if the adversely affected worker has reasonable justification. Reasonable justification must be included in the case file and may include, but is not limited to work schedule or lack of sufficient courses to qualify as full-time in one or more semesters or terms. Part-time training should be indicated on the Form TAA 923: *TAA Training Application*. If the status of training changes to or from part-time, a Form

TAA 319: *TAA Participant Status Report*, must be submitted to the TRA Special Programs Unit immediately.

**Please Note:** For receipt of TRA payments, the adversely affected worker is required to maintain full-time status, as defined by the training institution.

## Remedial/Prerequisite Training

If the results of the comprehensive assessment indicate the need to correct or improve deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training weeks are to be included within the 156-week maximum. Adversely affected workers may simultaneously engage in remedial and regular occupational courses for which both activities should be reflected in the OSMIS.

Additionally, the requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are also to be included within the 156-week maximum.

If remedial/prerequisite training are required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers' file should only contain one training contract and training plan to detail the entire duration of training.

## Section 8-3(B): TGAAA of 2009 – EBT

EBTs allow adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the MWA meet regularly with their Business Services Team to identify EBT opportunities.

## OJT

An OJT consists of up to a 104-week maximum of training provided by an employer to a 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.

The OJT contract must be approved prior to the start date of the adversely affected workers employment. 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.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the worker will gain the knowledge or skills

to become proficient in the job for which the worker is being trained.

- 4) Allow for benchmark reviews throughout the duration of the training contract.

A MWA can enter into a contract on Form TAA-303: *Employer-Based Training Contract*, to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training.) 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 adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract*, can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job, for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer 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 employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above, or in the employer provisions of the OJT contract.

MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers enrolled in an OJT may be eligible and apply for RTAA under TGAAA of 2009. This provides a greater opportunity for RTAA recipients to receive a wage subsidy while in an OJT. See Chapter 14: A/RTAA, for further guidance.

### **Customized Training**

Customized training is designed to meet the special requirements of an employer or group of employers. This type of training is conducted by a separate vendor, but with a commitment by the employer or group of employers, to employ an adversely affected worker upon successful completion of training. MWAs may use the Form TAA-303: *Employer-Based Training Contract*, for customized training approval.

Customized training allows for up to 156 weeks of training participation. The TAA program pays 50 percent of the classroom training component, as determined by the MWA.

## Registered Apprenticeships

Registered Apprenticeship programs offer adversely affected workers employment with a combination of an OJT and related technical instruction. In apprenticeship programs, the employer pays the apprentice's wages, so the OJT learning portion of the apprenticeship is not considered an official OJT.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for the expenses associated with 100 percent of the related technical instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 130 weeks, whichever comes first, while participating in the registered apprenticeship program. "Suitable employment" means work of equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. Registered apprenticeship combines related technical instruction with employment, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA due to their income earned through wages. However, the use of the RTAA benefit may be an option for adversely affected workers who are being trained and employed through a registered apprenticeship program. In the case of a registered apprenticeship, a key factor for access to and use of RTAA funds, are the wages for the workers' past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program, as well as meeting the age requirement of being age 50 or older.

### Section 8-3(C): TGAAA of 2009 - Satisfactory Progress and Participation

**Please Note:** The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for continuation of training and to receive TRA benefits from UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9, Establishment and Review of Training Benchmarks, benchmark establishment and reviews are not a requirement for TGAAA of 2009, however, are highly encouraged. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

**Please Note:** Solely providing transcripts at the end of a training program is not an acceptable method for documenting satisfactory progress as grades should be verified throughout the duration of training.

Additionally, adversely affected workers must also maintain satisfactory participation, or adequate attendance, for the duration of the TAA-approved training program. The Form TAA-307: *Training Attendance Report*, is highly encouraged to document the participation requirement. This form is also encouraged to prove attendance, as required for adversely affected workers receiving mileage or subsistence reimbursement.

#### **Section 8-4: Training Overview - TAAEA of 2011**

Adversely affected workers eligible for TAAEA of 2011 training benefits may choose between Classroom Training and EBT. Classroom training consists of a traditional training program offered at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes, OJT, Registered Apprenticeship, or Customized Training, which are a hands-on approach available for adversely affected workers, who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TAAEA of 2011, the following must be completed and documented:

- 1) A comprehensive assessment; and
- 2) ISS; and
- 3) Form TAA-312: *TAA Training Approval Standards*.

#### **Section 8-4(A): TAAEA of 2011- Classroom Training**

**Please Note:** Prior to official approval of a TAAEA of 2011 training program, the comprehensive assessment, ISS, and the TAA-312: *Training Approval Standards* must be completed. If these steps have not been completed, please refer to Section 8-1: Training Approval Standards before proceeding.

#### **Training Approval**

For an official determination of TAA training, the Form *TAA-312: Training Approval Standards*, must be completed, and each of the six training approval standards must be met. Additionally, the Form *TAA-301: Classroom Training Contract (extended version)*, or the Form *TAA-302: Classroom Training Contract (abridged version)*, or a locally developed training contract form must be finalized and signed by the following three individuals: the adversely affected worker, an MWA representative, and a representative at the training institution.

#### **Length of Classroom Training**

The TAAEA of 2011 allows adversely affected workers up to 130 weeks of TAA-approved classroom training. For training programs that require prerequisite or remedial training, the weeks of such training must be included within the 130-week maximum (see the following section for additional information). The 130 weeks of training may be 100 percent occupational (classroom) or remedial, or a combination of occupational, remedial, and prerequisite training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate 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.

If a training program meets the duration requirements, but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. Form TAA-604: *Employability Plan*, or Form TAA-312: *Training Approval Standards*, can be used for this purpose.**

### Remedial/Prerequisite Training

If the results of the comprehensive assessment indicate the need to correct or improve deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training weeks are available; however are to be included *within* the 130-week maximum. Adversely affected workers may simultaneously engage in remedial and regular courses for which both activities should be reflected in the OSMIS.

Additionally, the requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are also to be included *within* the 130-week maximum.

If remedial/prerequisite training are required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers' file should only contain one training contract and training plan to detail the entire duration of training.

### Section 8-4(B): TAAEA of 2011 - EBT

EBTs allow adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the MWA meet regularly with their Business Services Team to identify EBT opportunities.

### OJT

An OJT consists of up to a 104-week maximum of training provided by an employer to a 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.

The OJT contract must be approved prior to the start date of the adversely affected workers employment. 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.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the adversely affected worker is being trained.
- 4) Allow for benchmark reviews throughout the duration of the training contract.

A MWA can enter into a contract, the Form TAA-303: *Employer Based Training Contract*, may be used to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training.) 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 adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract*, can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job, for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer 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 employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above, or in the employer provisions of the OJT contract.

MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers enrolled in an OJT may be eligible and apply for RTAA under TAAEA of 2011. This provides a greater opportunity for RTAA recipients to receive a wage subsidy while in an OJT. See Chapter 14: A/RTAA, for further guidance.

### **Customized Training**

Customized training is designed to meet the special requirements for an employer or group of employers. This type of training is conducted by a separate vendor, but with a commitment by the employer, or group of employers, to employ an adversely affected worker upon successful completion of training. MWAs may use the Form TAA-303, *Employer-Based Training Contract*, for customized training approval.

Customized training allows for up to 130 weeks of training participation. The TAA program pays 50 percent of the classroom training component, as determined by the MWA.

### **Registered Apprenticeships**

Registered Apprenticeship programs offer adversely affected workers employment with a combination of an OJT and related technical instruction. In apprenticeship programs, the employer pays the apprentice's wages so the OJT learning portion of the apprenticeship is not considered an official OJT.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for 100 percent of the expenses associated with related technical instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 130 weeks, whichever comes first, while participating in the registered apprenticeship program. "Suitable employment" means work of equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. Registered apprenticeship combines related technical instruction with employment, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA due to their income earned through wages. However, the use of the RTAA benefit may be an option for adversely affected workers who are being trained and employed through a registered apprenticeship program. In the case of a registered apprenticeship, a key factor for access to and use of RTAA funds, are the wages for the workers' past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program, as well as meeting the age requirement of being age 50 or older.

## Section 8-4(C): TAAEA of 2011 - Satisfactory Progress and Participation

**Please Note:** The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for continuation of TAA-approved training and to receive TRA benefits from the UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9, Establishment and Review of Training Benchmarks, benchmark reviews are a requirement for TAAEA of 2011, and must be established at the development of the ISS/IEP. Refer to Chapter 9 for specific guidance. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

**Please Note:** Solely providing transcripts at the end of a training program is not an acceptable method for documenting satisfactory progress, as grades should be verified throughout the duration of training.

Additionally, adversely affected workers must also maintain satisfactory participation, or adequate attendance, for the duration of the TAA approved training program. The Form TAA-307: *Training Attendance Report*, is highly encouraged to document the participation requirement. Adversely affected workers receiving mileage or subsistence reimbursement are also required to prove attendance. Therefore, this form is highly encouraged for that purpose as well.

## Section 8-5: Training Overview - TAARA of 2015

Adversely affected workers eligible for TAARA of 2015 training benefits may choose between Classroom Training and EBT. Classroom training consists of a traditional training program obtained at a community college, university, private college, or a trades training facility, such as a truck driver training program. The EBT option includes, OJT, Registered Apprenticeship, or Customized Training, which are a hands-on approach available for adversely affected workers, who seek to work directly with a new employer to obtain new skills.

Prior to consideration for approval of classroom training or EBT under TAARA of 2015, the following must be completed and documented:

- 1) A comprehensive assessment; and
- 2) ISS; and
- 3) Form TAA-312: *TAA Training Approval Standards*.

## Section 8-5(A): TAARA of 2015 - Classroom Training

**Please Note:** Prior to official approval of a TAARA of 2015 training program, the comprehensive assessment, ISS, and the Form TAA-312: *Training Approval Standards*, must be completed. If these steps have not been completed, please refer to Section 8-1: Training Approval Standards before proceeding.

### Training Approval

For an official determination of TAA training, the Form *TAA-312: Training Approval Standards*, must be completed, and each of the six training approval standards must be met. Additionally, the Form *TAA-301: Classroom Training Contract* (extended version), or the Form *TAA-302: Classroom Training Contract* (abridged version), or a locally developed training contract form must be finalized and signed by the following three individuals: the adversely affected worker, a MWA representative, and a representative at the training provider.

### Length of Classroom Training

The TAARA of 2015 allows adversely affected workers up to 130 weeks of TAA-approved classroom training. For training programs that require prerequisite or remedial training, the weeks of such training must be included within the 130-week maximum. The 130 weeks of training may be 100 percent occupational (classroom) or remedial, or a combination of occupational, remedial, and prerequisite training. Refer to the following section for further information on remedial training.

To calculate the total number of weeks an adversely affected worker will attend or has attended training, the “actual” number of training weeks must be counted. TAA approved breaks in training, breaks between semesters, or holiday breaks are *not* counted against maximum weeks allowed.

The MWA, in determining whether to approve classroom training, must determine the appropriate 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.

If a training program meets the duration requirements, but will extend beyond the period in which TRA is available, the MWA must determine that the adversely affected worker has sufficient financial resources to complete the training. **A document to verify the ability to sustain living expenses while in training is required to be located in the case file. TAA-604: *Employability Plan*, or Form TAA-312: *Training Approval Standards*, can be used for this purpose.**

### Remedial/Prerequisite Training

If the results of the comprehensive assessment indicate the need to correct or improve deficient skills necessary for successful completion of the training program, remedial courses must be considered. Remedial training weeks are available; however are to be included within the 130-week maximum. Adversely affected workers may simultaneously engage in remedial and regular courses for which both activities should be reflected in the OSMIS.

Additionally, the requested training program may require prerequisite courses, courses required prior to advancement into the actual program, which are also to be included *within* the 130-week maximum.

If remedial/prerequisite training are required, the training contract must reflect the training plan in its entirety to include the start and end date of the entire training program, including the dates for each remedial/prerequisite training. Additionally, it may be necessary for the adversely affected worker to attend more than one training provider, for which the specific start and end dates should be itemized within the training contract. The adversely affected workers' file should only contain one training contract and training plan to detail the entire duration of training.

### **Section 8-5(B): TAARA of 2015 - EBT**

EBTs allow adversely affected workers an opportunity to actively work with an employer while learning new skills. The EBT may consist of OJT, or Customized Training, or a Registered Apprenticeship. In an effort to increase the EBT participation, and to meet the needs of employers, it is highly encouraged that the MWA meet regularly with their Business Services Team to identify EBT opportunities.

#### **OJT**

An OJT consists of up to a 104-week maximum of training provided by an employer to a 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.

The OJT contract must be approved prior to the start date of the adversely affected workers employment. 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.

OJT programs must meet the following requirements:

- 1) Are reasonably expected to lead to suitable employment with the employer offering the OJT.
- 2) Are compatible with the skills of the adversely affected worker.
- 3) Include a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the adversely affected worker is being trained.
- 4) Allow for benchmark reviews throughout the duration of the training contract.

A MWA can enter into a contract, the Form TAA-303: *Employer Based Training Contract*, may be used to pay the employer not more than 50 percent of an adversely affected worker's salary, paid in monthly installments, using TAA funds, for a maximum of 104 weeks. The adversely affected worker must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills. (Most OJT programs will not require 104 weeks of training.) 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 adversely affected worker during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form TAA-303: *Employer-Based Training Contract*, can be used for this purpose.

- 1) No employee is on layoff from the same, or any equivalent job for which the OJT is offered.
- 2) The employer has not terminated the employment of any regular employee or otherwise reduced the workforce of the employer, 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 employer has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above, or in the employer provisions of the OJT contract.

MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Additionally, adversely affected workers enrolled in an OJT may be eligible and apply for RTAA under TAARA of 2015. This provides a greater opportunity for RTAA recipients to receive a wage subsidy while in an OJT. See Chapter 14: A/RTAA, for further guidance.

### **Customized Training**

Customized training is designed to meet the special requirements of an employer or group of employers. This type of training is conducted by a separate vendor, but with a commitment by the employer, or group of employers, to employ an adversely affected worker upon successful completion of training. MWAs may use Form TAA-303: *Employer-Based Training Contract*, for customized training approval.

Customized training allows for up to 130 weeks of training participation. The TAA program pays 50 percent of the classroom training component, as determined by the MWA.

### **Registered Apprenticeships**

Registered Apprenticeship programs offer adversely affected workers employment with a combination of an OJT and related technical instruction. In apprenticeship programs, the employer pays the apprentice's wages, so the OJT learning portion of the apprenticeship is not considered an official OJT.

Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship program. TAA funds can be used to pay for 100 percent of the expenses associated with related technical instruction, e.g., classroom and distance learning, tools, uniforms, equipment and/or books, for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 130 weeks, whichever comes first, while participating in the registered apprenticeship program. "Suitable employment" means work of equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. Registered apprenticeship combines related technical instruction with employment, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA due to their income

earned through wages. However, the use of the RTAA benefit may be an option for adversely affected workers who are being trained and employed through a registered apprenticeship program. In the case of a registered apprenticeship, a key factor for access to and use of RTAA funds, are the wages for the workers' past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program, as well as meeting the age requirement of being age 50 or older.

### **Section 8-5(C): Satisfactory Progress and Participation (TAARA of 2015)**

**Please Note:** The MWA is required to implement a local policy setting forth the requirements to monitor the satisfactory progress and participation throughout the duration of the adversely affected worker's TAA-approved training program.

The requirement of adversely affected workers to maintain satisfactory progress and participation for the duration of training is necessary for continuation of TAA-approved training and to receive TRA benefits from the UIA.

The requirement to maintain satisfactory progress and participation while in TAA-approved training is essential to ensure the adversely affected worker is on track for successful completion of training. If it is found that satisfactory progress is not being maintained, the local policy must outline the subsequent steps to either provide remediation or to modify the training contract. If after remediation and/or a modification of the training contract the adversely affected worker will be unable to complete training within the specified time limits, consideration may have to be given to removing them from training. As outlined in Chapter 9, Establishment and Review of Training Benchmarks, benchmark reviews are a requirement for TAARA of 2015, and must be established at the development of the ISS/IEP. Refer to Chapter 9 for specific guidance. The following documents are acceptable examples of proof of satisfactory progress: weekly, biweekly, or monthly grade reports, verification from the instructor or training institution, or a locally devised form.

**Please Note:** Solely providing transcripts at the end of a training program is not an acceptable method for documenting satisfactory progress, as grades should be verified throughout the duration of training.

Additionally, adversely affected workers must also maintain satisfactory participation, or adequate attendance, for the duration of the TAA-approved training program. The Form TAA-307: *Training Attendance Report*, is highly encouraged to document the participation requirement. Adversely affected workers receiving mileage or subsistence reimbursement are also required to prove attendance. Therefore, this form is highly encouraged for that purpose as well.

Type of Training	Maximum Week Limit								Training Provided by Employer On-site (Wages)			Classroom Instruction Provided by Training Institution (May be physically located at the training institution or the employer)			Supplies and Equipment		
	2002		2009		2011		2015		Allowable	Employer Contribution	TAA Funding	Allowable	Employer Contribution	TAA Funding	Allowable	Employer Contribution	TAA Funding
	Training Weeks	TRA	Training Weeks	TRA	Training Weeks	TRA	Training Weeks	TRA									
Classroom	104, 130 with Remedial Training	104, 130 with Remedial TRA	156	130, 156 with Remedial TRA	130	117, 130 with Completion TRA	130	117, 130 with Completion TRA	No	N/A	N/A	Yes	0%	100%	Yes	N/A	100%
On-the-Job Training	104, 130 with Remedial Training	N/A	104	N/A	104	N/A	104	N/A	Yes	Not less than 50%	Not more than 50%	No	N/A	N/A	Yes	0%	100%
Customized Training	104, 130 with Remedial Training	N/A	156	N/A	130	N/A	130	N/A	Yes	Not less than 50%	Not more than 50%	Yes	Not less than 50%	Not more than 50%	Yes	0%	100%
Apprenticeships	104, 130 with Remedial Training	N/A	156	N/A	130	N/A	130	N/A	Yes	100%	0%	Yes	Remainder of TAA-funded portion	Up to 100%	Yes	0%	100%

Notes: 1) Remedial Training is funded by the TAA program at 100% 2) The TRA maximum week limits include weeks of Unemployment Insurance and applicable extensions

## Chapter 9 - Establishment and Review of Training Benchmarks

The establishment and review of training benchmarks are required for all adversely affected workers enrolled in TAAEA of 2011 or TAARA of 2015 TAA-approved training.

For receipt of Completion TRA, the adversely affected worker must submit an official Completion TRA Application provided by the UIA.

***MWAs are encouraged to implement a local benchmark policy to include the requirements to establish and review TAAEA of 2011 and TAARA of 2015 training programs.***

To secure receipt of eligible Completion TRA payments, the establishment of training benchmarks for adversely affected workers enrolled in approved training under the TAAEA of 2011 or the TAARA of 2015 is required. Training benchmarks must be reviewed at set intervals, and the adversely affected worker must meet the benchmark requirements for the duration of training. Additionally, if TAA approved training is paid by another funding source, benchmark reviews and attendance tracking are still required.

Training benchmarks strengthen and standardize case management efforts, provide early intervention, and allow for the modification of training plans for participants in jeopardy of failing to complete training and attain a credential.

### Section 9-1: Establishment of Training Benchmarks

The MWA must establish training benchmarks at the start date of training for adversely affected workers enrolled in TAAEA of 2011 and TAARA of 2015 TAA-approved training. The establishment of the training benchmark occurs in the OSMIS to allow precise record management and access by the TRA Unit.

### Section 9-2: Review of Training Benchmarks

Once a training benchmark has been established in the OSMIS, the requirement is initiated for adversely affected workers to substantially maintain two performance benchmarks throughout the duration of TAA-approved training.

#### Training Benchmark Statements

The MWA must evaluate satisfactory progress against the following two benchmark statements at intervals of no more than 60 days, beginning with the start date of the training contract. Each benchmark review must also allow some variability (such as, course failure or missed week of attendance that may be excused if other factors are present for reasonable passing of the benchmark review).

The two training benchmark statements are:

- 1) Maintain satisfactory academic standing (not on probation or determined to be “at risk” by instructor or training provider); and
- 2) On schedule to complete training within the timeframe identified in the approved training plan.

## Training Benchmark Reviews: Acceptable Documentation

Each benchmark review must contain verification from the training provider and clearly document the status of each of the benchmark review statements.

Benchmark reviews must be documented on the Form TAA-306: *Benchmark Report*. The review of benchmarks must also be entered into the OSMIS and the documentation must be located in the file.

**Please Note:** Adversely affected workers are prohibited from completing any portion of benchmark review documents.

## Grade Reports and Attendance: File Requirements

In addition to the review and documentation of benchmarks, MWAs are also required to ensure satisfactory progress and participation are monitored. The following documents are required to be collected from the training provider and/or adversely affected worker to verify satisfactory progress and participation for the duration of TAA-approved training:

- 1) Satisfactory Progress: Grade/Progress Reports (midterms, end of semester grades, instructor verification of progress); and
- 2) Satisfactory Participation: Attendance/Satisfactory participation (attendance reports, instructor verification of attendance).

### Summary of File Requirements:

- 1) Form TAA- 306: *Benchmark Report*; and
- 2) Benchmark monitoring of satisfactory progress and participation.
  - a) Grade reports; and
  - b) Verification of attendance/satisfactory progress and participation.

## Section 9-3: Non-compliance of Training Benchmarks

### Failed Training Benchmarks

If upon review and documentation of the benchmark standards, the adversely affected worker has failed one or both of the benchmarks, the following shall take place:

- 1) The first failed review of a benchmark will result in a documented warning.
  - Constitutes a discussion with the adversely affected worker to acknowledge future implications.
- 2) The second failed review of a benchmark will result in a modification of the training plan or removal from the training program.

Subsequent to the modification of the training plan due to the second failed benchmark, the adversely affected worker is expected to continue to meet benchmarks at intervals of no more than every 60 days, and is held to the same non-compliance procedure for the duration of the training plan.

A Form TAA-319: *Participant Status Report*, is to be used to notify the TRA Unit if the adversely affected worker has failed two benchmark reviews and refused a modification of the training plan. Additionally, if the adversely affected worker refuses to modify the training plan, the MWA should indicate the refusal on the Form UIA-6364: *Request for Determination of Entitlement to Completion TRA*.

## **Lack of Timeliness – Training Benchmark Reviews**

If apparent that the adversely affected worker has not complied with the 60-day benchmark review requirement, the MWA should case note all attempts to obtain benchmark documentation including verbal or written warnings. A new 60-day benchmark interval begins when the present benchmark documentation has been collected and entered in OSMIS. MWAs should follow local non-compliance procedures when addressing situations where the adversely affected worker repeatedly fails to submit benchmarks timely. The non-compliance procedures should include the process for removal from training if necessary.

### **Section 9-4: Application for Completion TRA**

Completion TRA provides up to 13 more weeks of TRA payments if at the time of exhaustion of Additional TRA payments, an adversely affected worker has not yet completed TAA training. An application for Completion TRA payments is required to receive Completion TRA payments.

The TRA Unit will mail the adversely affected worker a Completion TRA Application, *Form UIA 6364: Request for Determination of Entitlement to Completion Trade Readjustment Allowances (TRA)*, within two weeks prior to the exhaustion of Additional TRA, and within 20 weeks from the end date of TAA-approved training. The adversely affected worker will be advised to bring the Completion TRA Application to the MWA for verification of training benchmarks. The Completion TRA Application should then be faxed to the UIA-TRA Unit for processing. The adversely affected worker will receive a Completion TRA Determination in the mail.

## Chapter 10 - Mileage and Subsistence Reimbursement

This chapter provides guidance for the reimbursement of mileage and/or subsistence applicable for all TAA Laws (TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015).

A cost comparison calculation for mileage versus subsistence must be included in the adversely affected worker's case file to verify the lesser of the two methods of supplemental assistance are paid. The Form TAA-605: *Travel and Subsistence Eligibility Determination*, or a locally developed form may be used.

The TAA program allows for supplemental assistance reimbursement to pay transportation and/or subsistence expenses to adversely affected workers enrolled in TAA-approved training; if the training site is outside the normal commuting area. MWAs determine eligibility for transportation and/or subsistence allowances, issue denials when appropriate, and make appropriate approved payments.

The MWA must determine whether mileage to the training site or subsistence to maintain a residence near the training site is more economical and approve the lesser of the two. The total cost of the mileage or subsistence reimbursement is to be included in the total cost of the TAA training plan. Determinations for payment of mileage or subsistence reimbursement and the training plan are made concurrently; however, MWAs may issue a denial of mileage or subsistence separately from the approval of a training plan.

Mileage or subsistence reimbursement may not be paid when supplemental assistance is being paid (directly for mileage and/or subsistence) under another other program. This policy does not apply to general funds such as the Pell Grant that can cover a variety of expenses). Furthermore, the adversely affected worker may not receive subsistence payments for any day that mileage reimbursement is payable, or to the extent, the adversely affected worker is entitled to be paid or reimbursed for such expenses from any other source. Conversely, mileage reimbursement may not be paid for any day that subsistence is payable.

No more than one adversely affected worker in TAA approved training may be paid for mileage and/or subsistence, when those expenses are shared with other adversely affected workers in TAA training (for example – carpooling).

### Section 10-1: Attendance Report Requirement

The MWA is required to verify attendance in training prior to any payment of mileage or subsistence reimbursement. The adversely affected worker is required to provide proof of attendance, as verified by a representative of the training provider, on a biweekly or monthly basis. Mileage reimbursement cannot be paid for days in which attendance cannot be verified. The Form TAA-307: *Training Attendance Report*, or a locally developed form can be used for this purpose. Additionally, subsistence payment cannot be paid for any day of an unexcused absence.

### Section 10-2: Determining Mileage versus Subsistence Reimbursement

**Please Note:** The commuting area is defined as 15 miles or more (one-way) from the adversely affected worker's residence to the training facility.

If an adversely affected worker is traveling outside of the normal commuting area for TAA-approved training, mileage or subsistence reimbursement must be paid. To determine which of the two methods of supplemental assistance can be approved, both mileage and subsistence must be calculated, and the MWA must pay the lesser of the two amounts. In situations where the affected worker *must* commute due to personal circumstances, the daily commuting amount

cannot exceed the amount otherwise payable as subsistence.

**Calculation comparisons should include consideration of the following:**

**Mileage:**

- 1) Actual cost of travel from official residence to training facility if using public transportation; or
- 2) Cost per mile at the prevailing wage rate if using private vehicle.

*Versus*

**Subsistence:**

- 1) Actual cost of expenses; or
- 2) Fifty percent of the prevailing per diem rate authorized under federal travel regulations for the locale of the training.

A cost comparison between both mileage and subsistence is required to be calculated and present in the case file. The Form TAA-605: *Travel and Subsistence Eligibility Determination*, may be used for the calculation of cost comparison.

**Section 10-3: Mileage Reimbursement**

**Please Note:** Current rates of per diem for subsistence and POV mileage reimbursement are found at the [GSA Website](#).

For adversely affected workers enrolled in TAA-approved training, mileage reimbursement may be paid when the daily round trip cost is *less than* the daily subsistence cost.

When mileage reimbursement is approved, adversely affected workers are to receive the actual cost for travel from their official residence to the training facility (if using public transportation) or the cost per mile (if using a POV) at the prevailing mileage wage authorized by the federal travel regulations, whichever is less. When calculating the cost of mileage, the total one-way trip should be calculated. For example, if the mileage to the training provider is 25 miles and state policy is 15 miles, the adversely affected worker must be reimbursed for all 25 miles.

Reimbursement for mileage will be paid for travel:

- 1) For daily commuting; or
- 2) For one round trip to/from the adversely affected worker's primary residence to the separate maintenance location, in cases where subsistence is being paid for the duration of time residing in the separate maintenance location.

Payment of mileage and subsistence may not be paid on the same day. As such, the TAA Program does not utilize the Federal Travel Regulation mandate that pays federal employees 75 percent of the total M&IE rate on the first and last day of travel.

Mileage payments may be paid in advance if necessary to enable the adversely affected worker to begin training. An adjustment can then be made if the amount of the advance is less, or more, than the amount to which the worker is entitled.

## Section 10-4 Subsistence Payments (Allowance)

**Please Note:** Current rates of Per Diem for subsistence and POV mileage reimbursement are found at the [GSA Website](#).

For adversely affected workers enrolled in TAA-approved training, subsistence payments may be paid when the daily subsistence cost is *less than* the daily round trip cost.

Adversely affected workers enrolled in TAA-approved training may be afforded subsistence allowance to pay lodging, the cost of the separate maintenance of a residence, meals, and incidental expenses when the training facility is located outside the normal commuting area. To qualify for a subsistence allowance, the individual must maintain a regular residence in addition to a residence near the training site.

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

- 1) The adversely affected worker's actual expenses for subsistence; or
- 2) Fifty percent of the prevailing per diem rate authorized under the federal travel regulations for the locale of the training site.

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.

### Lodging or Separate Maintenance of a Residence

In some instances, it is more cost effective for the adversely affected worker to maintain a separate residence near the training site. A separate residence may include an extended hotel stay, an apartment lease, or a dorm facility. Lodging or the separate maintenance of a residence is paid by TAA funds and is to be calculated seven days per week, including days for which the adversely affected worker does not have class. However, no subsistence payments can be made for any day of unexcused absence from training.

The calculation and subsequent determination for subsistence, whether on Form TAA-605: *Travel and Subsistence Eligibility Determination*, or a locally developed form must take place before training begins, and no payments for subsistence can be issued without proof of attendance for the time period being paid or reimbursed. Form TAA-307: *Training Attendance Report*, can be used for this purpose. Subsistence payments may; however, be paid in advance if necessary to enable the adversely affected worker to begin training. An adjustment can then be made if the amount of the advance is less, or more, than the amount to which the worker is entitled.

The subsistence payment schedule, and method of payment, must also be agreed upon before training begins, and must continue for the duration of training unless a change to the adversely affected worker's residence situation occurs. A modification and/or new Mileage and Subsistence Determination must then take place.

### M&IE

The M&IE rate includes allowance for meals and incidental expenses, such as taxes and tips. TAA funds pay M&IE for the entirety of the training contract. M&IE is paid by TAA funds and is to be calculated seven days per week, including days for which the adversely affected worker is not participating in training.

## Chapter 11 - Waiver of TAA Training Deadline Requirement

The requirements to receive a Form TAA-802: *Waiver of Training Requirement*, vary greatly dependent upon the TAA law for which the adversely affected worker is certified.

Please refer to the applicable TAA law outlined in the sections below for specific requirements for issuance of a waiver.

***MWAs are required to implement a TAA Waiver policy that describes local procedures for issuing, reviewing, extending, and revoking waivers.***

### Section 11-1: Waiver Overview (Applicable for each TAA Law)

#### Waivers and TRA Eligibility

Adversely affected workers deemed eligible for TAA may be eligible for weekly TRA, which are payable once state unemployment benefits and any extended benefits have been exhausted. TRA benefits include Basic TRA, Additional TRA, Remedial/Prerequisite TRA (TAA of 2002 and TGAAA of 2009 *only*), Completion TRA (TAAEA of 2011, and TAARA 2015 *only*). For specific TRA information including TRA eligibility periods and payable weeks, see Chapter 15 - TRA. The following qualifications apply to each type of TRA received:

- **Basic TRA Weeks:** Basic TRA benefits can be paid if the adversely affected worker is enrolled in training, qualifies for and receives a waiver of training, or has completed an approved training program. Work search requirements may still apply if not actively participating in training.
- **Additional TRA Weeks:** Additional TRA is only paid if the adversely affected worker is participating in an approved TAA training program.
- **Remedial/Prerequisite TRA (TAA of 2002 and TGAAA of 2009 *only*):** Remedial or Prerequisite TRA weeks are paid if the adversely affected worker has exhausted both Basic TRA and Additional TRA, and the MWA confirms that remedial or prerequisite courses have been taken.
- **Completion TRA (TAAEA of 2011 and TAARA of 2015 *only*):** Completion TRA weeks may be paid to adversely affected workers who have exhausted Basic TRA and Additional TRA, and are still enrolled in a TAA-approved training program if the MWA has verified that benchmark reviews have been successfully met (or a training modification has been made after a failed benchmark review).

## Waiver Requirements

All adversely affected workers must receive a Comprehensive Assessment and complete an ISS before receiving a waiver of TAA training requirement. An ISS must be entered on the OSMIS and consist of, at a minimum, one Action Plan, and one Employment Goal. The ISS should be updated throughout the adversely affected worker's TAA participation. A Comprehensive Assessment is an assessment of skill levels and service needs, including diagnostic testing; and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals. The Comprehensive Assessment requirements may be met by providing a Reading and Math Assessment, along with an interest assessment (and/or in-depth interviewing).

## Waivers in the OSMIS

In order to verify an adversely affected worker's continued eligibility for TRA, the TRA Unit may access the OSMIS to ensure that waiver reviews are conducted at least once every 30 days. MWAs are required to enter the issuance, reviews, extensions, and revocation, of waivers into the OSMIS. Simultaneously, the waiver activities must be documented on the Form TAA-802: *Waiver of TAA Training Requirement*. 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 TRA eligibility. A training waiver is an activity that commences participation in the TAA program. Entering a training waiver into the OSMIS for a pending TAA adversely affected worker will convert the adversely affected worker to a TAA participant. It is very important to note this change in the OSMIS, as it will affect exiting and outcomes. Adversely affected workers with only a training waiver will be included in performance calculations.

If an adversely affected worker 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 inactivity greater than 90 days (waiver reviews must occur every 30 days). This may be used in rare circumstances only to preserve eligibility for Basic TRA.

## Section 11-2: Waiver of TAA Training Requirement: TAA of 2002

Adversely affected workers must be enrolled in TAA-approved training by the deadline imposed under the TAA of 2002 guidelines to receive TRA. If the adversely affected worker does not start training within 30 days of the deadlines outlined below, a training waiver can be issued by the MWA to preserve eligibility for Basic TRA. Please refer to Chapter 8: Training for additional information.

Prior to issuance of a waiver of TAA training requirement, adversely affected workers must complete and follow the steps below (each step detailed in subsequent subsections):

- 1) Complete a comprehensive assessment and an ISS; and
- 2) Meet the "8/16" rule deadline; and
- 3) Meet one of the six waiver issuance reasons.

## TAA of 2002 Waiver – Deadlines

Under the TAA of 2002, payment of TRA benefits require the adversely affected worker to be enrolled in training or receive a waiver from the training requirement, within the later of two dates (8/16):

- 1) The last day of the 8<sup>th</sup> week after issuance of the certification of eligibility covering the adversely affected worker; or
- 2) The last day of the 16<sup>th</sup> week after the adversely affected worker's most recent total qualifying separation.

\*Note: The deadline will always fall on a Saturday.

**Please Note:** If an adversely affected worker has missed the "8/16" deadline, MWAs are required to consider the following exceptions as allowed under the TAA of 2002, prior to issuance of a denial of the Form TAA-802: *Waiver of TAA Training Requirement, TAA of 2002:*

\*45-Day Extenuating Circumstances, or  
\*Equitable Tolling

**\*Refer to Section 11-6: Exceptions to the Waiver Deadline – Applicable to all TAA Laws**

## TAA of 2002 Waiver – Comprehensive Assessment and ISS Requirement

Prior to the issuance of the Form TAA-802: *Waiver of TAA Training Requirement, TAA of 2002*, MWAs must verify that the adversely affected worker has completed a comprehensive assessment and ISS prior to being issued a waiver. To ensure the "8/16" rule is met, MWAs shall provide the adversely affected worker ample opportunity to complete the comprehensive assessment and ISS in a timely manner.

MWAs are not held to a particular comprehensive assessment system. The comprehensive assessment must include an assessment of the adversely affected worker's skills, aptitude, and abilities (including reading and math levels). The MWA should also determine, as part of the comprehensive assessment phase, the adversely affected worker's interests, skills, and experience as they relate to employment opportunities.

## TAA of 2002 Waiver – Six Waiver Issuance Reasons

The waiver must be treated as an event triggered by the ISS and comprehensive assessment results, with such results matched to one of the appropriate waiver categories.

Subsequent to the adversely affected worker meeting the "8/16" rule deadline, and completion of the comprehensive assessment and ISS, the MWA must evaluate the results and select one of the following six reasons for issuance of waiver most suited to the adversely affected worker:

- 1) Recall – The adversely affected worker has been notified that he/she will be recalled by the firm from which the separation occurred.
- 2) Marketable Skills – The adversely affected worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the adversely affected worker), and there is a reasonable expectation of employment in the foreseeable future.
- 3) Retirement – The adversely affected worker is within two years of meeting all requirements for entitlement to either:
  - a. Old-age insurance benefits under Title II of the Social Security Act (42 U.S.C. 401 et. seq.) (except for application, therefore); or

- b. A private pension sponsored by an employer or labor organization.
- 4) Health – The adversely affected worker is unable to participate in training due to the health of the adversely affected worker, except that a waiver under this subparagraph shall not be construed to exempt an adversely affected worker 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 adversely affected worker 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 adversely affected worker from either governmental agencies or private sources (which may include area vocational education schools and employers), no training that is suitable for the adversely affected worker is available at reasonable cost, or no training funds are available.

### **TAA of 2002 Waiver – 30-Day Review Requirement**

The Form TAA-802: *Waiver of TAA Training Requirement, Trade Act of 2002*, must be issued for a six-month period of time allowed by the TAA of 2002, and reviewed at least once every 30 days until the waiver expires or is revoked due to enrollment into training, expiration, and/or non-compliance. The MWA may determine how adversely affected workers shall conduct waiver reviews. Waivers may be extended beyond the original six-month period of time in cases in which it is necessary to cover the adversely affected worker's full entitlement to basic TRA. Waiver reviews must also be the result of, and be consistent with, intake and assessment results.

It is allowable to change the reason for the waiver during the waiver review process; however, it is very important that both the OSMIS and the Form TAA-802: *Waiver of TAA Training Requirement, Trade Act of 2002*, reflect the same waiver reason.

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 adversely affected workers 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 WIOA, National Emergency Grant needs-related payments, and training assistance.

### **TAA of 2002 Waiver - Expiration and Revocation of Waivers**

The MWA must revoke a waiver once an adversely affected worker 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 adversely affected worker. However, once a waiver is revoked, it cannot be reissued unless the revocation is reversed by a redetermination or appeal. Therefore, waivers should only be revoked after all other alternatives have been exhausted. If a waiver is revoked, both the adversely affected worker and the TRA Unit must be notified in writing of this action.

### **A waiver must be revoked under the following circumstances:**

- The adversely affected worker is enrolled in TAA-approved training; or
- The reason for the waiver no longer exists; or
- The adversely affected worker refuses to participate in waiver reviews (per local policy); or
- Basic TRA benefits have expired; or
- The 104-week eligibility period for Basic TRA has expired.

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

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

An adversely affected worker has the right to protest a waiver revocation and must be advised of this right when notified of the action. Notification of a waiver revocation can be issued to the adversely affected worker in writing and with the Form TAA-802: *Waiver of TAA Training Requirement, Trade Act of 2002*, or a locally designed document may be used. If using a locally designed document, the notification must include the language relating to protest rights contained on the waiver form.

Refer to Chapter 17: TAA Protest and Appeal Process for additional information.

### **Section 11-3: Waiver of TAA Training Requirement: TGAAA of 2009**

Adversely affected workers must be enrolled in TAA-approved training by the deadline imposed under the TGAAA of 2009 guidelines to receive TRA. If the adversely affected worker does not start training within 30 days of the deadlines outlined below, a training waiver can be issued by the MWA to preserve eligibility for Basic TRA. Please refer to Chapter 8: Training for additional information.

Prior to issuance of a Waiver from the Training Requirement, adversely affected workers must complete and follow the steps below (each step detailed in subsequent subsections):

- 1) Complete a comprehensive assessment and ISS; and
- 2) Meet the “26/26” rule deadline; and
- 3) Meet one of the six waiver issuance reasons.

#### **TGAAA of 2009 Waiver - Deadlines**

Under the TGAAA of 2009, payment of TRA benefits require the adversely affected worker to be enrolled in training or receive a waiver of the TAA training requirement, within the later of two dates (26/26):

- 1) The last day of the 26<sup>th</sup> week after issuance of the certification of eligibility covering the adversely affected worker, or

- 2) The last day of the 26<sup>th</sup> week after the adversely affected worker's most recent total qualifying separation.

\*Note: The deadline will always fall on a Saturday.

**Please Note:** If an adversely affected worker has missed the "26/26" deadline, MWAs are required to consider the following exceptions as allowed under the TGAAA of 2009, prior to issuance of a denial of the Form TAA-802: *Waiver of TAA Training Requirement, TGAAA of 2009*:

- \*45-Day Extenuating Circumstances, or
- \*60-Days Post Notification, or
- \*Good Cause, or
- \*Equitable Tolling.

\*Refer to Section 11-6: Exceptions to the Waiver Deadline – Applicable to all TAA Laws

### TGAAA of 2009 Waiver – Comprehensive Assessment and ISS Requirement

Prior to the issuance of the Form TAA-802: *Waiver from Training Requirement, TGAAA of 2009*, MWAs must verify that the adversely affected worker has completed a comprehensive assessment and ISS prior to being issued a waiver. To ensure the "26/26" rule is met, MWAs shall provide the adversely affected worker ample opportunity to complete the comprehensive assessment and ISS in a timely manner.

MWAs are not held to a particular comprehensive assessment system. The comprehensive assessment must include an assessment of the adversely affected worker's skills, aptitude, and abilities (including reading and math levels). The MWA should also determine, as part of the comprehensive assessment, the adversely affected worker's interests, skills, and experience as they relate to employment opportunities.

### TGAAA of 2009 Waiver - Six Waiver Issuance Reasons

The waiver must be treated as an event triggered by the ISS and comprehensive assessment results, with such results matched to one of the appropriate waiver categories.

Subsequent to the adversely affected worker meeting the "26/26" rule deadline, completion of the comprehensive assessment and ISS, the MWA must evaluate the results and select one of the following six reasons for issuance of a waiver most suited to the adversely affected worker:

- 1) Recall – The adversely affected worker has been notified that he/she will be recalled by the firm from which the separation occurred.
- 2) Marketable Skills – The adversely affected worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the adversely affected worker), and there is a reasonable expectation of employment in the foreseeable future.
- 3) Retirement – The adversely affected worker is within two years of meeting all requirements for entitlement to either:
  - a. Old-age insurance benefits under Title II of the Social Security Act (42 U.S.C. 401 et. seq.) (except for application, therefore); or
  - b. A private pension sponsored by an employer or labor organization.
- 4) Health – The adversely affected worker is unable to participate in training due to the health of the adversely affected worker, except that a waiver under this subparagraph

shall not be construed to exempt an adversely affected worker 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 adversely affected worker 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 adversely affected worker from either governmental agencies or private sources, (which may include area vocational education schools and employers). No training that is suitable for the adversely affected worker is available at reasonable cost, or no training funds are available.

### **TGAAA of 2009 Waiver – 30-Day Review Requirement**

The Form TAA-802: *Waiver of TAA Training Requirement, TGAAA of 2009*, must be issued for a six-month period of time allowed by the TGAAA of 2009; and, reviewed at least once every 30 days until the waiver expires, or is revoked due to enrollment into training, expiration, and/or non-compliance. The MWA may determine how adversely affected workers shall conduct waiver reviews. Waivers may be extended beyond the original six-month period in cases when it is necessary to cover the adversely affected worker's full entitlement to basic TRA. Waiver reviews must also be the result of, and be consistent with, intake and assessment results.

It is allowable to change the reason for the waiver during the waiver review process; however, it is very important that both the OSMIS and the Form TAA-802: *Waiver of TAA Training Requirement, TGAAA of 2009*, reflect the same waiver reason.

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 adversely affected workers 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 the WIOA National Emergency Grant needs-related payments, and training assistance.

### **TGAAA of 2009 Waiver – Expiration and Revocation of Waivers**

The MWA must revoke a waiver once an adversely affected worker 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 adversely affected worker. However, once a waiver is revoked, it cannot be reissued unless the revocation is reversed by redetermination or appeal. Therefore, waivers should only be revoked after all other alternatives have been exhausted. If a waiver is revoked, both the adversely affected worker and the TRA Unit must be notified in writing of this action.

**A waiver must be revoked under the following circumstances:**

- The adversely affected worker is enrolled in TAA-approved training; or
- The reason for the waiver no longer; or
- The adversely affected worker refuses to participate in waiver reviews (per local policy); or
- Basic TRA benefits have expired; or
- The 104-week eligibility period for Basic TRA has expired.

However, under no circumstance should a waiver be revoked without giving the adversely affected worker ample opportunity to participate in the review process. For example, a revocation should not occur without several attempts to contact the adversely affected worker in writing. It is acceptable to allow a waiver to expire, but waiver reviews must continue until the expiration occurs.

An adversely affected worker has the right to protest a waiver revocation, and must be advised of this right when being notified of the action. Notification of a waiver revocation must be issued to the adversely affected worker in writing and with the Form TAA-802: *Waiver of TAA Training Requirement, TGAAA of 2009*, or a locally designed document may be used. If using a locally designed document, the notification must include the language relating to protest rights contained on the waiver form.

Refer to Chapter 17: TAA Protest and Appeal Process for additional information.

**Section 11-4: Waiver off TAA Training Requirement: TAAEA of 2011**

Adversely affected workers must be enrolled in TAA-approved training by the deadline imposed under the TAAEA of 2011 guidelines to receive TRA. If the adversely affected worker does not start training within 30 days of the deadlines outlined below, a training waiver can be issued by the MWA to preserve eligibility for Basic TRA. Please refer to Chapter 8: Training for additional information.

Prior to issuance of a waiver of TAA training requirement, adversely affected workers deemed eligible under TAAEA of 2011 must complete and follow the steps below (each step detailed in subsequent subsections):

- 1) Complete a comprehensive assessment and ISS; and
- 2) Meet the “26/26” rule deadline; and
- 3) Meet one of the three waiver issuance reasons.

## TAAEA of 2011 Waiver - Deadlines

Under the TAAEA of 2011, payment of TRA benefits require the adversely affected worker to be enrolled in training or receive a waiver from the training requirement, within the later of two dates (26/26):

- 1) The last day of the 26<sup>th</sup> week after issuance of the certification of eligibility covering the adversely affected worker; or
- 2) The last day of the 26<sup>th</sup> week after the adversely affected worker's most recent total qualifying separation.

\*Note: The deadline will always fall on a Saturday.

**Please Note:** If an adversely affected worker has missed the "26/26" deadline, MWAs are required to consider the following exceptions as allowed under the TAAEA of 2011, prior to issuance of a denial of the Form TAA-802: *Waiver of TAA Training Requirements, (TAAEA of 2011)*:

- \*45-Day Extenuating Circumstances, or
- \*60-Days Post Notification, or
- \*Good Cause, or
- \*Equitable Tolling.

**\*Refer to Section 11-6: Exceptions to the Waiver Deadline – Applicable to all TAA Laws**

## TAAEA of 2011 Waiver – Comprehensive Assessment and ISS Requirement

Prior to the issuance of the Form TAA-802: *Waiver of TAA Training Requirement, TAAEA of 2011*, MWAs must verify that the adversely affected worker has completed a comprehensive assessment and ISS prior to being issued a waiver. In an effort to ensure the "26/26" rule is met, MWAs shall provide the adversely affected worker ample opportunity to complete the comprehensive assessment and ISS in a timely manner.

MWAs are not held to a particular comprehensive assessment system. The comprehensive assessment must include an assessment of the adversely affected worker's skills, aptitude, and abilities (including reading and math levels). The MWA should also determine, as part of the comprehensive assessment, the adversely affected worker's interests, skills, and experience as they relate to employment opportunities.

## TAAEA of 2011 Waiver - Three Waiver Issuance Reasons

The waiver must be treated as an event triggered by the ISS and comprehensive assessment results, with such results matched to one of the appropriate waiver categories.

Subsequent to the adversely affected worker's completing the comprehensive assessment and ISS, and meeting the "26/26" rule deadline, the MWA must evaluate the results, and select one of the following three reasons for issuance of a waiver most suited to the adversely affected worker:

- 1) Health – the adversely affected worker is unable to participate in training due to their health, except that the basis for a waiver does not exempt the adversely affected worker from the "available to work, active work search, or refusal to accept work" requirements under Federal or State unemployment compensation laws.
- 2) Enrollment Unavailable – The first available enrollment date for the approved training of the adversely affected worker 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.

- 3) **Training Not Available** – Training approved by the MWA is not reasonably available to the adversely affected worker from either governmental agencies or private sources (which may include area vocational education schools and employers), no training that is suitable for the adversely affected worker is available at reasonable cost, or no training funds are available.

Training waivers under the TAAEA of 2011 must not be issued unless the adversely affected worker meets and the case file documents, that one of the three criteria have been met. For the waiver reasons “Enrollment Unavailable” and “Training Not Available,” this includes documentation that progress toward entering training is continually made while the waiver is active. If an adversely affected worker ceases efforts to enter training without reasonable justification (or training is no longer feasible), the waiver must be revoked.

In the case of an adversely affected worker expressing interest in EBT, documentation that progress toward entering that training must be included in the case file. Examples of documentation include:

- Partnership between TAA and Business Services staff to identify EBT opportunities;
- Applications for employment for EBT opportunities; and/or
- Other efforts to enter EBT.

#### **TAAEA of 2011 Waiver – 30-Day Review Requirement**

The Form TAA-802: *Waiver of TAA Training Requirement - TAAEA of 2011*, must be issued for a six-month period of time allowed by the TAAEA of 2011, and reviewed at least once every 30 days, until the waiver expires or is revoked, due to enrollment into training, expiration, and/or non-compliance. The MWA may determine how adversely affected workers shall conduct waiver reviews. Waivers may be extended beyond the original six-month period in cases when it is necessary to cover the adversely affected worker’s full entitlement to basic TRA. Waiver reviews must also be the result of, and be consistent with, intake and comprehensive assessment results.

It is allowable to change the reason for the waiver during the waiver review process; however, it is very important that both the OSMIS and the Form TAA-802: *Waiver of TAA Training Requirement - TAAEA of 2011*, reflect the same waiver reason.

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 three waiver reasons still applies. A review must include a determination of the adversely affected worker’s training needs.

Just as with other adversely affected workers 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 WIOA, National Emergency Grant needs-related payments, and training assistance.

## TAAEA of 2011 Waiver - Expiration and Revocation of Waivers

The MWA must revoke a waiver once an adversely affected worker 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 adversely affected worker. However, once a waiver is revoked, it cannot be reissued unless the revocation is reversed by redetermination or appeal. Therefore, waivers should only be revoked after all other alternatives have been exhausted. If a waiver is revoked, both the adversely affected worker and the TRA Unit must be notified in writing of this action.

### **A waiver must be revoked under the following circumstances:**

- The adversely affected worker is enrolled in TAA-approved training; or
- The reason for the waiver no longer exists; or
- The adversely affected worker refuses to participate in waiver reviews (per local policy); or
- Basic TRA benefits have expired; or
- The 104-week eligibility period for Basic TRA has expired.

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

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

An adversely affected worker has the right to protest a waiver revocation, and must be advised of this right when being notified of the action. Notification of a waiver revocation must be issued to the adversely affected worker in writing and the Form TAA-802: *Waiver of TAA Training Requirement - TAAEA of 2011*, or a locally designed document may be used. If using a locally designed document, the notification must include the language relating to protest rights contained on the waiver form.

Refer to Chapter 17: TAA Protest and Appeal Process for additional information.

## Section 11-5: Waiver of TAA Training Requirement: TAARA of 2015

Adversely affected workers must be enrolled in TAA-approved training by the deadline imposed under the TAARA of 2015 guidelines to receive TRA. If the adversely affected worker does not start training within 30 days of the deadlines outlined below, a training waiver can be issued by the MWA to preserve eligibility for Basic TRA. Please refer to Chapter 8: Training, for additional information.

Prior to issuance of a waiver of TAA training requirement, adversely affected workers deemed eligible under TAARA of 2015 must complete and follow the steps below (each step detailed in subsequent subsections):

- 1) Complete a comprehensive assessment and ISS; and
- 2) Meet the “26/26” rule deadline; and
- 3) Meet one of the three waiver issuance reasons.

### TAARA of 2015 Waiver - Deadlines

Under the TAARA of 2015, payment of TRA benefits require the adversely affected worker to be enrolled in training or receive a waiver from the training requirement, within the later of two dates (26/26):

- 1) The last day of the 26<sup>th</sup> week after issuance of the certification of eligibility covering the adversely affected worker, or
- 2) The last day of the 26<sup>th</sup> week after the adversely affected worker’s most recent total qualifying separation.

\*Note: The deadline will always fall on a Saturday.

**Please Note:** If an adversely affected worker has missed the “26/26” deadline, MWAs are required to consider the following exceptions as allowed under the TAARA of 2015, prior to issuance of a denial of the Form TAA-802: *Waiver of TAA Training Requirement - TAARA of 2015*:

- \*45-Day Extenuating Circumstances, or
- \*60-Days Post Notification, or
- \*Good Cause, or
- \*Equitable Tolling.

**\*Refer to Section 11-6: Exceptions to the Waiver Deadline – Applicable to all TAA Laws**

### TAARA of 2015 Waiver – Comprehensive Assessment and ISS Requirement

Prior to the issuance of the Form TAA-802: *Waiver of TAA Training Requirement - TAARA of 2015*, MWAs must verify that the adversely affected worker has completed a comprehensive assessment and ISS prior to being issued a waiver. In an effort to ensure the “26/26” rule is met, MWAs shall provide the adversely affected worker ample opportunity to complete the comprehensive assessment and ISS in a timely manner.

MWAs are not held to a particular comprehensive assessment system. The comprehensive assessment must include an assessment of the adversely affected worker’s skills, aptitude, and abilities (including reading and math levels). The MWA should also determine, as part of the comprehensive assessment, the adversely affected worker’s interests, skills, and experience as they relate to employment opportunities.

## TAARA of 2015 Waiver - Three Waiver Issuance Reasons

The waiver must be treated as an event triggered by the ISS and comprehensive assessment results, with such results matched to one of the appropriate waiver categories.

Subsequent to the adversely affected worker's completing the comprehensive assessment and ISS, and meeting the "26/26" rule deadline, the MWA must evaluate the results, and select one of the following three reasons for issuance of a waiver most suited to the adversely affected worker:

- 1) Health – the adversely affected worker is unable to participate in training due to their health, except that the basis for a waiver does not exempt the adversely affected worker from the "available to work, active work search, or refusal to accept work" requirements under Federal or State unemployment compensation laws.
- 2) Enrollment Unavailable – The first available enrollment date for the approved training of the adversely affected worker 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.
- 3) Training Not Available – Training approved by the MWA is not reasonably available to the adversely affected worker from either governmental agencies or private sources (which may include area vocational education schools and employers), no training that is suitable for the adversely affected worker is available at reasonable cost, or no training funds are available.

Training waivers under the TAARA of 2015 must not be issued unless the adversely affected worker meets and the case file documents, that one of the three criteria have been met. For the waivers reasons "Enrollment Unavailable" and "Training Not Available," this includes documentation that progress toward entering training is continually made while the waiver is active. If an adversely affected worker ceases efforts to enter training without reasonable justification (or training is no longer feasible), the waiver must be revoked.

In the case of an adversely affected worker expressing interest in EBT, documentation that progress toward entering that training must be included in the case file.

Examples of documentation include:

- Partnership between TAA and Business Services staff to identify EBT opportunities;
- Applications for employment for EBT opportunities; and/or
- Other efforts to enter EBT.

## TAARA of 2015 Waiver - 30 Day Review Requirement

The Form TAA-802: *Waiver of TAA Training Requirement - TAARA of 2015*, must be issued for a six-month period of time allowed by the TAARA of 2015, and reviewed at least once every 30 days, until the waiver expires or is revoked, due to enrollment into training, expiration, and/or non-compliance. The MWA may determine how adversely affected workers shall conduct waiver reviews. Waivers may be extended beyond the original six-month period in cases when it is necessary to cover the adversely affected worker's full entitlement to basic TRA. Waiver reviews must also be the result of, and be consistent with, intake and comprehensive assessment results.

It is allowable to change the reason for the waiver during the waiver review process; however, it is very important that both the OSMIS and the Form TAA-802: *Waiver of TAA Training Requirement - TAARA of 2015*, reflect the same waiver reason.

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 three waiver reasons still applies. A review must include a determination of the adversely affected worker's training needs.

Just as with other adversely affected workers 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 WIOA, National Emergency Grant needs-related payments, and training assistance.

### **TAARA of 2015 Waiver - Expiration and Revocation of Waivers**

The MWA must revoke a waiver once an adversely affected worker 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 adversely affected worker. However, once a waiver is revoked, it cannot be reissued unless the revocation is reversed by redetermination or appeal. Therefore, waivers should only be revoked after all other alternatives have been exhausted. If a waiver is revoked, both the adversely affected worker and the TRA Unit must be notified in writing of this action.

#### **A waiver must be revoked under the following circumstances:**

- The adversely affected worker is enrolled in TAA-approved training; or
- The reason for the waiver no longer exists; or
- The adversely affected worker refuses to participate in waiver reviews (per local policy); or
- Basic TRA benefits have expired; or
- The 104-week eligibility period for Basic TRA has expired.

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

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

An adversely affected worker has the right to protest a waiver revocation, and must be advised of this right when being notified of the action. Notification of a waiver revocation must be issued to the adversely affected worker in writing and the Form TAA-802: *Waiver of TAA Training Requirement - TAARA of 2015*, or a locally designed document may be used. If using a locally designed document, the notification must include the language relating to protest rights contained on the waiver form.

Refer to Chapter 17: TAA Protest and Appeal Process for additional information.

## Section 11-6: Exceptions to the Waiver Deadline - Applicable to All TAA Laws

### Overview

Each TAA law clearly defines the deadline for application for a waiver from training (“8/16” or “26/26”), and other benefits available to adversely affected workers. The waiver deadlines imposed by each TAA law require adversely affected workers to make every effort to meet the time-limit requirements. However, in certain circumstances adversely affected workers, through no fault of their own, do not meet the deadline of application. In instances where the adversely affected worker has missed the deadline imposed by the applicable TAA law, MWAs are required to consider each of the following exceptions to the application deadline.

### Exceptions to the Waiver Deadline – Definitions

45-Day Extenuating Circumstance - Adversely affected workers who did not meet the “8/16” or “26/26” deadline, as imposed by the applicable TAA law for which the adversely affected worker has been certified, due to extenuating circumstances, but applied within 45 days from that period, may be granted the waiver. 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.

60-Day Post Notification - This exception may be applied to adversely affected workers who did not meet the “26/26” week deadline, as imposed by the applicable TAA law for which the adversely affected worker has been certified, because they were not notified of the TAA benefits. However, upon notification applied for the waiver within 60 days. If applied, MWAs must document efforts to notify all workers. Reasons to apply this exception are as follows:

- 1) Due to MWA or company error; or
- 2) Name did not appear on list provided by employer; or
- 3) Temporary Agency employees not included on layoff list.

Good Cause - This exception allows for an MWA to consider the following factors when time limitations of TRA or enrollment in training have not been met, as imposed by the applicable TAA law for which the adversely affected worker has been certified:

- 1) Whether the adversely affected worker acted in the manner that a reasonably prudent person would have acted under the same or similar circumstances.
- 2) Whether the adversely affected worker received timely notice of the need to act before the deadline passed.
- 3) Whether there were factors outside the control of the adversely affected worker that prevented the worker from taking timely action to meet the deadline.
- 4) Whether the adversely affected worker’s efforts to seek an extension of time by promptly notifying the MWA were sufficient.
- 5) Whether the adversely affected worker was physically unable to take timely action to meet the deadline.
- 6) Whether the adversely affected worker’s failure to meet the deadline was due to the employer warning, instructing, or coercing of the worker in any way that prevented the worker’s timely filing of an application for TRA, or to enroll in training.
- 7) Whether the adversely affected worker’s failure to meet the deadline was due to the worker reasonably relying on misleading, incomplete, or erroneous advice provided by the MWA.

- 8) Whether the adversely affected worker's failure to meet the deadline was due to the MWA failing to perform its affirmative duty to provide advice reasonably necessary for the protection of their entitlement to TRA.
- 9) Whether there were other compelling reasons or circumstances that would prevent a reasonable person under the circumstances presented from meeting a deadline for filing an application for TRA or enrolling in training including:
  - a. Neglect, a mistake, or administrative error by the MWA;
  - b. Illness or injury of the adversely affected worker or any member of the adversely affected worker's immediate family;
  - c. The unavailability of mail service for a worker in a remote area;
  - d. A natural catastrophe such as an earthquake, fire, or flood;
  - e. An employer's failure or undue delay in providing documentation, including instructions, a determination, notice, or pertinent and important information;
  - f. Compelling personal affairs or problems that could not reasonably be postponed such as an appearance in court, or an administrative hearing or proceeding, substantial business matters, attending a funeral, or relocation to another residence or area;
  - g. The state failed to effectively communicate in the adversely affected worker's native language, and the worker has limited understanding of English; or
  - h. The loss or unavailability of records due to a fire, flood, theft or another similar reason. Adequate documentation of the availability of the records includes a police, fire, or insurance report, containing the date of the occurrence and the extent of the loss or damage.

Equitable Tolling - The equitable tolling of a deadline *only* applies in circumstances in which a deadline was missed through no fault of the adversely affected worker, and the MWA has found that due diligence in taking all necessary actions to protect their eligibility for TAA benefits upon notification of the applicable deadline has been demonstrated. Reasons equitable tolling may be applied are when the adversely affected worker was not:

- 1) Included on a layoff list; or
- 2) Notified by the MWA of the TAA certification; or
- 3) Invited to the WBO.

### **Exceptions to the Waiver Deadline – Supporting Documentation**

In cases where the adversely affected worker has missed the deadline to file a waiver of the training requirement, MWAs are required to document on the Form TAA-802: *Waiver of TAA Training Requirement*, that consideration of applicable exceptions were considered. Because each of the exceptions to the missed waiver deadline does not apply to all of the TAA laws, the applicable Form TAA-802: *Waiver of TAA Training Requirement*, specific to the appropriate law, will specify which exceptions are to be considered.

### **Exceptions to the Waiver Deadline – Denial of a Waiver**

If the deadline exceptions are not applicable to grant a waiver beyond the imposed deadline, the MWA must issue a denied waiver. The denial must be issued to the adversely affected worker in writing, and a copy included in the case file. The MWA should indicate on the Form TAA-802: *Waiver of TAA Training Requirement*, that deadline exceptions were considered, but not applicable. Adversely affected workers may protest a denied waiver as outlined in Chapter 17: TAA Protest and Appeal Process.

## Chapter 12 - Job Search Allowances

The Section 12-1 - Job Search Allowance Overview portion of this chapter provides guidance applicable for all TAA Laws (TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015). Each subsequent section (12-2 thru 12-5) outlines Job Search Allowance requirements specific to the law identified. The rules that apply to all TAA laws include:

- \*Application Requirement and Deadlines
- \*Determination of Eligibility Criteria and File Requirements

### Section 12-1: Job Search Allowances Overview - Applicable to each TAA Law

Job Search Allowances (20 CFR 617.30) may be provided to adversely affected workers who seek to secure suitable work outside of the normal commuting area by allowing a total or partial reimbursement of pre-approved job interview expenses. Suitable work is defined as at least 70 percent of the rate of pay for which the adversely affected worker received at the certified employer. The normal commuting area is defined as 15 miles or more from the adversely affected worker's home to the location where the job interview will be held. The amount of Job Search Allowance approved will be dependent upon the TAA law for which the adversely affected worker is certified.

#### Job Search Allowances - Application Requirement and Deadlines

Application for Job Search Allowances may be conducted by the completion of Form TAA-401: *Request for Job Search Allowance*, or a locally developed form, at any time, regardless of whether a certification covering the worker has been made. The job search may not be approved until after the adversely affected worker is covered under a certification and has a qualifying separation.

The following requirements apply to all requests for Job Search Allowances:

- The Form TAA-401: *TAA Request for Job Search Allowances*, application or locally developed form, is filed before the job interview takes place and within the designated time limits:
  - The latter of the following: Before the 365<sup>th</sup> day after the date of the certification or the 365<sup>th</sup> day after the date of the adversely affected worker's last total separation; and/or
  - Before the 182<sup>nd</sup> day after the concluding date of TAA-approved training (see the TAA of 2002 exclusion below).

**Please Note:**

TAA of 2002 - Adversely affected workers can apply for Job Search Allowances within:

\*365 days from the later of the certification date or the last qualifying separation date, or

\*182 days from the conclusion of TAA-approved training IF a Waiver of Training Requirement was not received.

(If a Form TAA 802: *Waiver of TAA Training Requirement* is issued, the adversely affected worker is not eligible for Job Search Allowances after conclusion of training).

TGAAA of 2009, TAAEA of 2011, and TAARA of 2015 - Adversely affected workers can apply for Job Search Allowances within:

\*365 days from the later of the certification date or the last qualifying separation date, or

\*182 days from the conclusion of training.

Job Search Allowance includes reimbursement for travel, meals, and lodging expenses. For the maximum monetary amount of reimbursement allowed for job searches, refer to the following sections of this chapter that are applicable to the TAA law for which the adversely affected worker is certified.

### **Job Search Allowances – Determination of Eligibility Criteria and File Requirements**

Subsequent to the application of Job Search Allowances within the above-mentioned application deadline requirements, MWAs determine eligibility for Job Search Allowances, issue denials when appropriate, and issue payments.

Job Search Allowances may be approved once the MWA has considered the application deadline requirements and has determined that each of the following have been met and documented in the case file:

- 1) The Job Search Allowance application has been received in accordance with the application deadlines outlined in the previous subsection; and
- 2) The adversely affected worker has no reasonable expectation of securing suitable work within the commuting area; and

**Acceptable Source Documentation:** The MWA may verify this requirement by documenting proof of job search logs or declining LMI.

- 3) There is a reasonable expectation of obtaining suitable, long-term work in the area where the job search will be conducted; and

**Acceptable Source Documentation:** A comparison of the wages of the potential employment to the wages earned at the certified employer, are required to ensure suitable work would be obtained.

- 4) The job search must be completed within 30 days from the day on which the job search began. A job search is completed when the adversely affected worker either secures suitable work or has interviewed with the employer(s) as planned; and

**Acceptable Source Documentation:** An official confirmation from the potential employer including the date and time of the interview. Examples: email confirmation, letter from potential employer, etc.

- 5) The job search must be located outside of the normal commuting area; and

**Acceptable Source Documentation:** The address of the adversely affected worker and the address of the job interview site must be present. A mileage calculation using an online mapping tool is recommended.

- 6) For lodging and meals, receipts must be submitted; and

**Acceptable Source Documentation:** For payment of lodging and meals, receipts for each transaction must be submitted to the MWA for review. If a receipt is not provided, reimbursement may not be paid to the adversely affected worker. The adversely affected worker has the right to appeal the denial of lodging and meals due to the absence of receipts.

- 7) Mileage may be calculated in accordance with the [GSA Website](#).

## **Section 12-2: Job Search Allowances - TAA of 2002**

Adversely affected workers deemed eligible for TAA of 2002 benefits must apply for Job Search Allowances at their local MWA prior to the scheduled job interview.

The TAA of 2002 Job Search Allowance benefit includes reimbursement to the adversely affected worker for 90 percent for travel, meals, and lodging expenses, up to a maximum amount of \$1,250.

TAA of 2002 includes reimbursement for a maximum allowable amount of \$1,250 for travel, meals, and lodging expenses, regardless of the number of job searches undertaken.

MWAs may advance an adversely affected worker 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 adversely affected worker certifies on forms furnished by the MWA that a job interview(s) occurred, and to the amount expended daily for meals, lodging, and transportation. Receipts must be submitted for meals, lodging, and transportation expenses (excluding mileage).

Job Search Allowance is reduced by any amount the adversely affected worker is entitled to be paid or reimbursed for such expenses from any other source.

### **Transportation Expenses**

Payment amount for travel allowance may not exceed the lower cost of the following:

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

Time spent on travel may be used as justification for allowing the adversely affected worker to travel with their own vehicle (using the prevailing mileage rate authorized by federal travel regulations) if the cost comparison is not exceptionally varied from public transportation.

## Lodging and Meal Expenses

Payment amount for lodging and meals may not exceed the lower cost of the following:

- The actual cost to the adversely affected worker 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.

If air travel is necessary, the MWAs must include, at a minimum, three quotes for airfare.

### Section 12-3: Job Search Allowances - TGAAA of 2009

Adversely affected workers deemed eligible for TGAAA of 2009 benefits must apply for Job Search Allowances at their local MWA prior to the scheduled job interview as outlined in Section 12-1: Job Search Allowance Overview.

The TGAAA of 2009 Job Search Allowance benefit includes reimbursement to the adversely affected worker for 100 percent for travel, meals, and lodging expenses, up to a maximum amount of \$1,500 regardless of the number of job searches undertaken.

MWAs may advance an adversely affected worker 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 adversely affected worker certifies on forms furnished by the MWA that a job interview(s) occurred, and to the amount expended daily for meals, lodging, and transportation. Receipts must be submitted for meals, lodging, and transportation expenses (excluding mileage).

Job Search Allowance is reduced by any amount the adversely affected worker is entitled to be paid or reimbursed for such expenses from any other source.

## Transportation Expenses

Payment amount for travel allowance may not exceed the lower cost of the following:

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

Time spent on travel may be used as justification for allowing the adversely affected worker to travel with their own vehicle (using the prevailing mileage rate authorized by federal travel regulations) if the cost comparison is not exceptionally varied from public transportation.

## Lodging and Meal Expenses

Payment amount for lodging and meals may not exceed the lower cost of the following:

- The actual cost to the adversely affected worker 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.

If air travel is necessary, the MWAs must include, at a minimum, three quotes for airfare.

## Section 12-4: Job Search Allowances - TAAEA of 2011

Adversely affected workers deemed eligible for TAAEA of 2011 benefits must apply for Job Search Allowances at their local MWA prior to the scheduled job interview as outlined in Section 12-1: Job Search Allowance Overview.

The TAAEA of 2011 Job Search Allowance benefit includes reimbursement to the adversely affected worker for 90 percent for travel, meals, and lodging expenses up to a maximum amount of \$1,250 regardless of the number of job searches undertaken.

MWAs may advance an adversely affected worker 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 adversely affected worker certifies on forms furnished by the MWA that a job interview(s) occurred, and to the amount expended daily for meals, lodging, and transportation. Receipts must be submitted for meals, lodging, and transportation expenses (excluding mileage).

Job Search Allowance is reduced by any amount the adversely affected worker is entitled to be paid or reimbursed for such expenses from any other source.

## Transportation Expenses

Payment amount for travel allowance may not exceed the lower cost of the following:

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

Time spent on travel may be used as justification for allowing the adversely affected worker to travel with their own vehicle (using the prevailing mileage rate authorized by federal travel regulations) if the cost comparison is not exceptionally varied from public transportation.

## Lodging and Meal Expenses

Payment amount for lodging and meals may not exceed the lower cost of the following:

- The actual cost to the adversely affected worker 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.

If air travel is necessary, the MWAs must include, at a minimum, three quotes for airfare.

## Section 12-5: Job Search Allowances – TAARA of 2015

Adversely affected workers deemed eligible for TAARA of 2015 benefits must apply for Job Search Allowances at their local MWA prior to the scheduled job interview as outlined in Section 12-1: Job Search Allowance Overview.

The TAARA of 2015 Job Search Allowance benefit includes reimbursement to the adversely affected worker for 90 percent for travel, meals, and lodging expenses up to a maximum amount of \$1,250 regardless of the number of job searches undertaken.

MWAs may advance an adversely affected worker 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 adversely affected worker certifies on forms furnished by the MWA that a job interview(s) occurred, and to the amount expended daily for meals, lodging, and transportation. Receipts must be submitted for meals, lodging, and transportation expenses (excluding mileage).

Job Search Allowance is reduced by any amount the adversely affected worker is entitled to be paid or reimbursed for such expenses from any other source.

Job Search Allowance is reduced by any amount the adversely affected worker is entitled to be paid or reimbursed for such expenses from any other source.

## Transportation Expenses

Payment amount for travel allowance may not exceed the lower cost of the following:

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

Time spent on travel may be used as justification for allowing the adversely affected worker to travel with their own vehicle (using the prevailing mileage rate authorized by federal travel regulations) if the cost comparison is not exceptionally varied from public transportation.

## **Lodging and Meal Expenses**

Payment amount for lodging and meals may not exceed the lower cost of the following:

- The actual cost to the adversely affected worker 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.

If air travel is necessary, the MWAs must include, at a minimum, three quotes for airfare.

## Chapter 13 - Relocation Allowances

The Section 13-1: Relocation Allowances Overview portion of this chapter provides guidance applicable for *all* TAA Laws (TAA of 2002, TGAAs of 2009, TAAEA of 2011, and TAARA of 2015). Each subsequent section (13-2 thru 13-5) outlines Relocation Allowance requirements specific to each law.

The rules that apply to all TAA Laws include:

- \*Application Requirement and
- \*Deadlines Determination of Eligibility Criteria

### Section 13-1: Relocation Allowances Overview - Applicable to all TAA Laws

Relocation Allowances (20 CFR 617.40) may be provided to adversely affected workers who have secured suitable work outside their normal commuting area enabling the adversely affected worker and his/her family to relocate within the United States. Relocation Allowances pay a total or partial reimbursement of pre-approved moving expenses for the adversely affected worker, their family, and household items. Suitable work is defined as at least 70 percent of the rate of pay for which the adversely affected worker received at the certified employer. The normal commuting area is defined as 15 miles or more from the adversely affected worker's home to the location where suitable work has been secured. The amount of Relocation Allowances approved is dependent upon the TAA law for which the adversely affected worker is certified.

#### Relocation Allowances– Application Requirement and Deadlines

Application for Relocation Allowances may be conducted by the completion of Form TAA-402: *Request for Relocation Allowance*, or a locally developed form, at any time, regardless of whether a certification covering the worker has been made. The relocation may not be approved until after the adversely affected worker is covered under a certification and has a qualifying separation.

The following requirements apply to all requests for Relocation Allowances:

The Form TAA-402: *Request for Relocation Allowances* application, or locally developed form, is filed before the relocation takes place and within the designated time limits:

The latter of the following: Before the 425th day after the date of the certification or the 425th day after the date of the adversely affected worker's last total separation; and/or

Before the 182nd day after the concluding date of TAA-approved training (see the TAA of 2002 exclusion below\*).

#### **\*Please Note:**

TAA of 2002 - Adversely affected workers can apply for Relocation Allowances within:

- \*425 days from the later of the certification date or the last qualifying separation date, or
- \*182 days from the conclusion of TAA-approved training IF a Waiver from the Training was not received. (If a Form TAA 802: *Waiver of TAA Training Requirement* is issued, the adversely affected worker is not eligible for Relocation Allowances after conclusion of training).

TGAAs of 2009, TAAEA of 2011, and TAARA of 2015 - Adversely affected workers can apply for Relocation Allowances within:

- \*425 days from the later of the certification date or the last qualifying separation date, or
- \*182 days from the conclusion of training.

Relocation Allowances include reimbursement for travel, meals, and lodging expenses for the adversely affected worker and their family and the costs accumulated for the moving of all household items. For the maximum monetary amount of reimbursement allowed for relocation,

see the following sections of this chapter applicable to the TAA law for which the adversely affected worker is certified.

### Relocation Allowances – Determination of Eligibility Criteria and File Requirements

Subsequent to the application for Relocation Allowances within the above-mentioned application deadline requirements, MWAs determine eligibility for Relocation Allowances, issue denials when appropriate, and issue payments.

Relocation Allowances may be approved once the MWA has considered the application deadline requirements and has determined that each of the following have been met and documented in the case file:

- 1) The adversely affected worker has a qualifying separation from the adversely affected employment at the time that relocation begins; and
- 2) The application for Relocation Allowances has been submitted prior to the adversely affected worker's move; and
- 3) Verification of suitable work obtained; and

**Acceptable Source Documentation:** Verification of a valid job offer or agreement of employment including name of employee, name and address of new employer, wages, hours, and start date of employment. This documentation may be in the form of an email, and/or letter. A comparison of the wages of the TAA-certified employer and the new employment must be included to verify suitable work has been obtained.

- 4) No prior payment of a Relocation Allowance under the same certification has been made; and
- 5) The relocation is within the United States and is beyond the adversely affected worker's normal commuting area; and

**Acceptable Source Documentation:** The current address of the adversely affected worker and the address of the new residence site must be present. A mileage calculation using an online mapping tool is recommended.

- 6) The adversely affected worker has no reasonable expectation of securing suitable work within the commuting area; and

**Acceptable Source Documentation:** The MWA may verify this requirement by documenting proof of job search logs, declining LMI, or another locally developed method.

- 7) The relocation must begin within a reasonable period, or 182 days after the date of application for Relocation Allowances; and
- 8) For reimbursement of moving expenses, a cost comparison between different moving companies or rental equipment are required; and
- 9) For lodging and meals, receipts must be submitted; and

**Acceptable Source Documentation:** For payment of lodging and meals, receipts for each transaction must be submitted to the MWA for review. If a receipt is not provided, reimbursement may not be paid to the adversely affected worker. The adversely affected worker has the right to appeal the denial of lodging and meals due to the absence of receipts.

- 10) Mileage may be calculated in accordance with the [GSA Website](#).

## **Section 13-2: Relocation Allowances - TAA of 2002**

Adversely affected workers deemed eligible for TAA of 2002 benefits and who have secured suitable work outside of their normal commuting area must apply for Relocation Allowances at their local MWA. Moving expenses incurred prior to application for Relocation Allowances are not eligible for reimbursement.

The TAA of 2002 Relocation Allowance includes reimbursement to the adversely affected worker for 90 percent of the total cost of travel, meals, lodging, and moving expenses. Relocation Allowance reimbursement may also include costs of travel, meals, and lodging of family members.

### **Lump Sum Payment**

Additionally, a lump sum payment is allowable (not taxable income) equal to three times the adversely affected worker's average weekly wage, not to exceed \$1,250.

The MWA may pay the lump sum allowance when arrangements for the relocation are complete, but not more than 10 days before the earlier of the following:

- 1) The adversely affected worker's departure to begin the relocation; or
- 2) The shipment of the adversely affected worker's household goods and personal belongings.

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

### **Transportation Expenses**

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

- 1) Public transportation, using the most cost effective mode reasonably available in the area, (bus, train, commercial air, etc.); or
- 2) The cost per mile for travel by the adversely affected worker'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 adversely affected worker if health, school, or economic circumstances justify such separate travel. However, in no case may a travel allowance for the adversely affected 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:

- 1) The actual cost to the adversely affected worker for lodging and meals while in travel status; or
- 2) Fifty percent of the prevailing per diem allowance rate authorized under federal travel regulations for the locality where the suitable work is located.

For current mileage and per diem rates, refer to the [GSA Website](#).

## Moving Expenses

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

- 1) **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.
- 2) **Relocation using a trailer:** If a privately owned trailer is pulled by the adversely affected worker'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 of the towing vehicle at the prevailing rate authorized by current federal travel regulations, or if hauled by commercial carrier, the actual costs of hauling.
- 3) **Relocation using a rental truck:** If a rental truck is used, costs of the rental charges (including insurance surcharges) and necessary fuel paid by the adversely affected worker.
- 4) **Relocation by moving a mobile home:** If a mobile home is used as the adversely affected worker'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.

TAA will cover a maximum of 18,000 pounds of net weight for moving expenses. The adversely affected worker is responsible for any amount over 18,000 pounds.

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.

## Time and Method of Payments

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 adversely affected worker within ten days prior to departure. On completion of the relocation, the adversely affected worker 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, trailer rental or truck rental firms, and mobile home movers, the MWA may pay the service provider-directly or pay the adversely affected worker 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/or the rental agency for 90 percent of the estimated cost.

### **Section 13-3: Relocation Allowances - TGAAA of 2009**

Adversely affected workers deemed eligible for TGAAA of 2009 benefits and have secured suitable work outside of their normal commuting area must apply for Relocation Allowances at their local MWA. Moving expenses incurred prior to application for Relocation Allowances are not eligible for reimbursement.

The TGAAA of 2009 Relocation Allowance includes reimbursement to the adversely affected worker for 100 percent of the total cost of travel, meals, lodging, and moving expenses. Relocation Allowance reimbursement may also include costs of travel, meals, and lodging of family members.

#### **Lump Sum Payment**

Additionally, a lump sum payment is allowable (not taxable income) equal to three times the adversely affected worker's average weekly wage, not to exceed \$1,500.

The MWA may pay the lump sum allowance when arrangements for the relocation are complete but not more than 10 days before the earlier of the following:

- 1) The adversely affected worker's departure to begin the relocation; or
- 2) The shipment of the adversely affected worker's household goods and personal belongings.

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

#### **Transportation Expenses**

Payment amount for transportation may not exceed the lesser of 100 percent of one of the following:

- 1) Public transportation, using the most cost-effective mode reasonably available in the area, (bus, train, commercial air, etc.); or
- 2) The cost per mile for travel by the adversely affected worker'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 adversely affected worker if health, school, or economic circumstances justify such separate travel. However, in no case may a travel allowance for the adversely affected 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 100 percent of one of the following:

The actual cost to the adversely affected worker 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 suitable work is located.

For current mileage and per diem rates, refer to the [GSA Website](#).

## Moving Expenses

Payment amount for moving expenses may not exceed the lesser of 100 percent of one of the following:

- 1) **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.
- 2) **Relocation using a trailer:** If a privately owned trailer is pulled by the adversely affected worker'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.
- 3) **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 adversely affected worker.
- 4) **Relocation by moving a mobile home:** If a mobile home is used as the adversely affected worker'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.

TAA will cover a maximum of 18,000 pounds of net weight for moving expenses. The adversely affected worker is responsible for any amount over 18,000 pounds.

If temporary storage of household goods and personal effects is necessary, 100 percent of the costs of such storage may be paid for a period not exceeding 60 days.

## Time and Method of Payments

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 100 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 adversely affected worker within ten days prior to departure. On completion of the relocation, the adversely affected worker must provide the MWA with receipts for all travel costs (meals, lodging, etc.). The MWA would make an adjustment if the amount advanced was more or less than the actual costs.

For commercial carriers, trailer rental or truck rental firms, and mobile home movers, the MWA may pay the service provider-directly or pay the adversely affected worker who in turn pays the service provider. Payments are 100 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/or the rental agency for 100 percent of the estimated cost.

## Section 13-4: Relocation Allowances - TAAEA of 2011

Adversely affected workers deemed eligible for TAAEA of 2011 benefits and have secured suitable work outside of their normal commuting area must apply for Relocation Allowances at their local MWA. Moving expenses incurred prior to application for Relocation Allowances are not eligible for reimbursement.

The TAAEA of 2011 Relocation Allowances include reimbursement to the adversely affected worker for 90 percent of the total cost of travel, meals, lodging, and moving expenses. Relocation Allowance reimbursement may also include costs of travel, meals, and lodging of family members.

### Lump Sum Payment

Additionally, a lump sum payment is allowable (not taxable income) equal to three times the adversely affected worker's average weekly wage, not to exceed \$1,250.

The MWA may pay the lump sum allowance when arrangements for the relocation are complete but not more than 10 days before the earlier of the following:

- 1) The adversely affected worker's departure to begin the relocation; or
- 2) The shipment of the adversely affected worker's household good and personal belongings.

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 adversely affected worker's first qualifying separation, by the number of weeks worked in that 52-week period.

### Transportation Expenses

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

- 1) Public transportation, using the most cost-effective mode reasonably available in the area, (bus, train, commercial air, etc.); or
- 2) The cost per mile for travel by the adversely affected worker'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 adversely affected worker if health, school, or economic circumstances justify such separate travel. However, in no case may a travel allowance for the adversely affected 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:

- 1) The actual cost to the adversely affected worker for lodging and meals while in travel status; or
- 2) Fifty percent of the prevailing per diem allowance rate authorized under federal travel regulations for the locality where the suitable work is located.

For current mileage and per diem rates, refer to the [GSA Website](#).

## Moving Expenses

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

- 1) **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.
- 2) **Relocation using a trailer:** If a privately owned trailer is pulled by the adversely affected worker'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.
- 3) **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 adversely affected worker.
- 4) **Relocation by moving a mobile home:** If a mobile home is used as the adversely affected worker'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.

TAA will cover a maximum of 18,000 pounds of net weight for moving expenses. The adversely affected worker is responsible for any amount over 18,000 pounds.

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.

## Time and Method of Payments

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 10 days prior to the relocation. Amounts paid to family members for separate travel are paid to the adversely affected worker within ten days prior to departure. On completion of the relocation, the adversely affected worker 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, trailer rental or truck rental firms, and mobile home movers, the MWA may pay the service provider directly or pay the adversely affected worker 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/or the rental agency for 90 percent of the estimated cost.

## Section 13-5: Relocation Allowances - TAARA of 2015

Adversely affected workers deemed eligible for TAARA of 2015 benefits and have secured suitable work outside of their normal commuting area must apply for Relocation Allowances at their local MWA. Moving expenses incurred prior to application for Relocation Allowances are not eligible for reimbursement.

The TAARA of 2015 Relocation Allowances include reimbursement to the adversely affected worker for 90 percent of the total cost of travel, meals, lodging, and moving expenses. Relocation Allowance reimbursement may also include costs of travel, meals, and lodging of family members.

### Lump Sum Payment

Additionally, a lump sum payment is allowable (not taxable income) equal to three times the adversely affected worker's average weekly wage, not to exceed \$1,250.

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:

- 1) The adversely affected worker's departure to begin the relocation; or
- 2) The shipment of the adversely affected worker's household good and personal belongings.

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 adversely affected worker's first qualifying separation, by the number of weeks worked in that 52-week period.

### Transportation Expenses

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

- 1) Public transportation, using the most cost-effective mode reasonably available in the area, (bus, train, commercial air, etc.); or
- 2) The cost per mile for travel by the adversely affected worker'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 adversely affected worker if health, school, or economic circumstances justify such separate travel. However, in no case may a travel allowance for the adversely affected 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:

- 1) The actual cost to the adversely affected worker for lodging and meals while in travel status; or
- 2) Fifty percent of the prevailing per diem allowance rate authorized under federal travel regulations for the locality where the suitable work is located.

For current mileage and per diem rates, refer to the [GSA Website](#).

## Moving Expenses

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

- 1) **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.
- 2) **Relocation using a trailer:** If a privately owned trailer is pulled by the adversely affected worker'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.
- 3) **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 adversely affected worker.
- 4) **Relocation by moving a mobile home:** If a mobile home is used as the adversely affected worker'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.

TAA will cover a maximum of 18,000 pounds of net weight for moving expenses. The adversely affected worker is responsible for any amount over 18,000 pounds.

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.

## Time and Method of Payments

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 10 days prior to the relocation. Amounts paid to family members for separate travel are paid to the adversely affected worker within ten days prior to departure. On completion of the relocation, the adversely affected worker 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 adversely affected worker 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/or the rental agency for 90 percent of the estimated cost.

## Chapter 14 – A/RTAA

RTAA is a wage subsidy for older workers to help bridge the gap in wages from those received at the certified company and those received at new employment. RTAA is available to eligible adversely affected workers under TGAAA of 2009, TAAEA of 2011 and TAARA of 2015 laws.

ATAA is a wage subsidy for older workers to help bridge the gap in wages from those received at the certified company and those received at new employment. ATAA is available to eligible adversely affected workers under TAA of 2002.

**Please Note:** As outlined in Section 14-8, MWAs are encouraged to create or modify local processes and policies to reflect the OSMIS requirements for recipients of RTAA and ATAA benefits.

### Section 14-1: RTAA

RTAA is available for adversely affected workers eligible for the TGAAA of 2009, TAAEA of 2011, or TAARA of 2015 benefits. RTAA provides a wage supplement benefit for adversely affected workers who are at least 50 years of age, and who obtain different, full-time or part-time employment at wages less than those earned in the adversely affected employment. While the adversely affected worker need not be 50 years of age when obtaining RTAA employment, RTAA payments would not be approved until age 50 is reached, and would only be payable during the remaining eligibility period.

RTAA allows for the adversely affected worker to receive up to half the difference between their old wage and new wage. A separate group certification is not required for eligibility for RTAA benefits.

Intake and application for the RTAA benefit are the responsibility of the MWA. Determination of eligibility and payments for the RTAA benefit are the responsibility of the UIA/TRA Unit. MWAs must assist adversely affected workers with filing the Form TAA-244: *A/RTAA Application*, gathering required information, and sending to the UIA/TRA Unit for processing.

For the purposes of the RTAA benefit, full-time employment is defined as employment that is equal to or exceeds 32 hours per week. The UIA/TRA Unit may verify that the adversely affected worker is considered a full-time employee. The UIA/TRA Unit reserves the right to waive the full-time requirement on a case-by-case basis.

Adversely affected workers collecting RTAA must be offered Case Management services. Full or part-time RTAA employment may be combined with full or part-time training. Job Search, Relocation, TRA, and the HCTC may also be used in conjunction with RTAA, where appropriate.

Requests for reconsiderations and/or judicial review of RTAA determinations will be processed in the same manner as TRA appeals.

### RTAA Eligibility Requirements

To be eligible for RTAA, an adversely affected worker must meet each of the following conditions:

- 1) Be at least age 50 at the time of RTAA payment or has turned 50 during the RTAA eligibility period. The adversely affected worker's age can be verified with a driver's license or other appropriate documentation; and
- 2) Be reemployed full-time or be reemployed at least 20 hours a week while attending full or part-time TGAAA of 2009, TAAEA of 2011, or TAARA of 2015, training; and
- 3) Must not be projected to earn more than \$50,000 (\$55,000 for TGAAA of 2009) annually

in gross wages (excluding overtime pay) from the reemployment. If a paycheck has not been issued at the time of application to RTAA, the employer must submit a supporting statement to the MWA indicating that annual wages will not exceed an annual income of \$50,000 (\$55,000 for TGAAA of 2009); and

- 4) Cannot return to work at the certified firm from which the adversely affected worker was separated.

The Form TAA-244: *A/RTAA Application*, must be filed within the adversely affected worker's RTAA eligibility period. Equitable Tolling should be considered in instances where the adversely affected worker has missed the application deadline. For purposes of this application, and to establish the RTAA payment, wages at separation are defined as, "the annualized hourly rate at the time of the most recent separation," which is set forth in Section 14-3: RTAA Wage Calculation Methodology.

For determination of RTAA benefits, MWAs must submit each of the following documents to the UIA/TRA Unit:

- 1) Completed Form TAA-244 *A/RTAA Application*; and
- 2) Copy of the adversely affected worker's check stub from the last full week of actual work at the certified company; and
- 3) Proof of a qualifying reemployment verified with a copy of the job offer letter, and/or a check stub from the first full week of actual work; and
- 4) When the last paystub is not available, all wage information relevant to the RTAA request should be submitted to the TRA Unit, to assist in making a final determination on the wage subsidy amount. This can include the calculation used to arrive at an hourly wage amount, using the W-2 or previous paystub.

The above-mentioned documents may be submitted to the UIA via fax at **517-636-0427** or via the USPS to:

**UIA - TRA Unit  
PO Box 169  
Grand Rapids, MI 49501-0169**

### **RTAA Eligibility Period**

Once approved for the RTAA benefit, adversely affected workers who continue to meet the eligibility criteria are paid RTAA benefits until a total of \$10,000 (\$12,000 for TGAAA of 2009) in benefit payments have been received, or the eligibility period has expired.

The eligibility period calculation differs depending on whether or not the participant received any TRA benefits.

The eligibility period for workers who have not received TRA is a two-year period beginning the earlier of the following:

- The date of which the worker exhausts all rights to UIA benefits, based upon the adversely affected worker's separation date from the adversely affected employment or
- The date of which the adversely affected worker has become reemployed.

## **Section 14-2: RTAA Total Dollar Amount of Payment Methodology When TRA has been Paid**

The eligibility period for an adversely affected worker who has received TRA is the two year period (generally 104-weeks), beginning with the date of reemployment, reduced by the number of weeks the adversely affected worker has received TRA.

RTAA Payment Variables:

**X= Eligibility Period**

(Eligibility Period (X): 104 Week Eligibility Period - # of weeks TRA received)

**Y= 104 Week Eligibility Period**

**Z= \$10,000 Maximum RTAA Benefit (\$12,000 for TGAAA of 2009)**

Formula:

$$(X/Y)*Z = \text{RTAA benefit}$$

Example:

26 weeks of TRA Received:

X=78 (104 Weeks – 26 Weeks)

Y=104

$$(78/104)*\$10,000 = \$7,500$$

An adversely affected worker that received 26 weeks of TRA payments may receive a maximum of \$7,500 in RTAA benefits.

## **Section 14-3: RTAA Wage Calculation Methodology**

O = Annualized Old Wages (also Annualized Separation Wages)

N = Annualized New Wages (also Annualized Reemployment Wages)

H = Variable percentage based on reduced Hours per Week (current hours per week /old hours per week)

Annualized Old Wages (O): Annualized wages are computed by multiplying the adversely affected worker's hourly rate, during the last full week of his/her employment by the number of hours the adversely affected worker worked during the last full week of employment and multiplying that number by 52:

$$(\text{Hourly Rate} * \text{Hours Worked}) * 52$$

Annualized New Wages (N): Annualized wages at reemployment 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 reemployment: (hourly rate \* hours worked) \* 52

Variable Percentage (H): This variable equals the quotient of the adversely affected worker's current hours per week divided by the worker's hours per week at the time of separation.

## Section 14-4: RTAA Wage Calculation Formulas

### Calculation for Full-Time Employment:

Annualized Separation Wages **minus** Annualized Reemployment Wages **multiplied by .50 equals** 50 percent of the difference between the two periods of wages. Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly RTAA wage subsidy.

$$\text{Monthly Benefit} = \frac{(O - N) * .50}{12}$$

### Calculation for Part-time Employment:

Annualized Separation Wages **minus** Annualized Reemployment Wages multiplied by H (the variable percentage based on reduced hours for part-time Annualized Reemployment Wages). Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly RTAA wage subsidy.

$$\text{Monthly Benefit} = \frac{[(O - N) * H * .50]}{12}$$

To determine the weekly annualized benefit amount change 12 to 52, or to determine the bi-weekly annualized benefit amount change 12 to 26.

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

RTAA payments stop in the event of any one of the following:

- The adversely affected worker's annualized wages from reemployment are projected to exceed \$50,000 (\$55,000 for TGAAA of 2009) in a year.
- The adversely affected worker no longer meets the reemployment requirement through either full-time work or a combination of TAA-approved training and at least 20 hours of work.
- The adversely affected worker has received the maximum amount of RTAA.
- The adversely affected worker's has reached the end of the RTAA eligibility period.

When applicable, MWAs will follow the interstate arrangement specified in TEGl 02-03, Change 1, Question 51, regarding the liable state/agent state relationship for the filing of RTAA claims.

The determination of "annualized wages" is made prospectively. An adversely affected worker is deemed to have met the "earns not more than \$50,000 a year in wages from reemployment" (\$55,000 for TGAAA of 2009) requirement 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 adversely affected worker 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.

### **Section 14-5: ATAA**

ATAA is available for adversely affected workers eligible for TAA of 2002 and provides a wage supplement benefit for older workers for which training may not be appropriate and who find re-employment. ATAA provides a wage subsidy to help bridge the salary gap between the adversely affected worker's old and new employment.

Intake and application for the ATAA benefit are the responsibility of the MWA. Determination of eligibility and payments for the ATAA benefit is the responsibility of the UIA/TRA Unit. MWAs must assist participants with filing the Form TAA-244: *A/RTAA Application*, gather required information and send to the UIA/TRA Unit for processing.

The UIA/TRA Unit may verify that the adversely affected worker is considered a full-time employee. The UIA/TRA unit reserves the right to waive the full-time requirement on a case-by-case basis.

Request for reconsiderations and/or judicial review of ATAA determinations will be processed in the same manner as TRA appeals

### **ATAA Eligibility Requirements**

To be eligible for ATAA, an adversely affected worker must meet each of the following conditions:

- 1) Be at least age 50 years old at time of re-employment. The adversely affected worker's age can be verified with a driver's license or other appropriate documentation; and
- 2) Obtain re-employment by the last day of the 26<sup>th</sup> week after the adversely affected worker's qualifying separation from the TAA/ATAA certified employment. Equitable Tolling should be considered in instances where the adversely affected worker has missed the application deadline. This re-employment may be verified with a copy of the job offer letter or a check stub; and
- 3) Must not be expected to earn more than \$50,000 annually in gross wages (excluding overtime pay) from the reemployment. If a paycheck has not been issued at the time of application to ATAA, the employer must submit a supporting statement to the MWA indicating that annual wages will not exceed an annual income of \$50,000; and
- 4) Be re-employed full-time as defined by the state law where the adversely affected worker is employed. The verification will be conducted in the same manner as is used for determining unemployment benefits; and
- 5) Cannot return to work to the certified firm from which the adversely affected worker was separated. Thus, the adversely affected worker cannot return to the same division/facility that he or she was separated from, nor can the adversely affected worker do the same or similar work for the employer that he or she was separated from in another division/facility.

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 adversely affected worker will need to consider the choice of benefits and services under one program or the other.

**Selection of the ATAA program forfeits the adversely affected worker's eligibility for TAA Training, Job Search Allowances, Relocation Allowances, and TRA benefits.**

**Additionally, selection of TAA Training forfeits the adversely affected worker's eligibility for ATAA.**

If the adversely affected worker'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.

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.

The Form TAA-244: *A/RTAA Application*, must be filed within the adversely affected worker's ATAA eligibility period. For purposes of this application, and 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 Section 14-7: ATAA Wage Calculation Methodology.

For determination of ATAA benefits, MWAs must submit each of the following documents to the UIA/TRA Unit:

- 1) Completed Form TAA-244 *A/RTAA Application*; and
- 2) Copy of the adversely affected worker's check stub from the last full week of actual work at the company; and
- 3) Proof of a qualifying reemployment verified with a copy of the job offer letter, and/or a check stub from the first full week of actual work; and
- 4) When the last paystub is not available, all wage information relevant to the ATAA request should be submitted to the TRA Unit, to assist in making a final determination on the wage subsidy amount. This can include the calculation used to arrive at an hourly wage amount, using the W-2 or previous paystub.

The above-mentioned documents may be submitted to the UIA via fax at **517-636-0427** or via the USPS to:

**UIA - TRA Unit  
PO Box 169  
Grand Rapids, MI 49501-0169**

**Please note:** MWAs should explicitly explain that the election of ATAA benefits forfeits the eligibility for future TAA training, job search allowances, relocation allowances, and TRA benefits.

### **ATAA Eligibility Period**

Once approved for the ATAA benefit, adversely affected workers who continue to meet the eligibility criteria are paid ATAA benefits until a total of \$10,000 in benefit payments have been received, or the eligibility period has expired.

The eligibility period calculation differs depending on whether or not the participant received any TRA benefits.

The eligibility period is a 104-week period beginning the earlier of the following:

- The date of which the adversely affected worker exhausts all rights to UIA benefits based upon the adversely affected worker's separation date from the adversely affected employment; or
- The date of which the adversely affected worker has become reemployed.

## Section 14-6: ATAA Wage Calculation Methodology

O = Annualized Old Wages (also Annualized Separation Wages)

N = Annualized New Wages (also Annualized Reemployment Wages)

H = Percentage based on reduced Hours per Week (current hours per week divided by old hours per week)

Annualized Old Wages (O): Annualized wages are computed by multiplying the adversely affected worker's hourly rate during the last full week of his/her employment by the number of hours the adversely affected worker worked during the last full week of employment and multiplying that number by 52:

(Hourly Rate \* Hours Worked) \* 52

Annualized New Wages (N): Annualized wages at reemployment 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 reemployment: (hourly rate \* hours worked) \* 52

Percentage (H): This variable equals the quotient of the adversely affected worker's current hours per week divided by the worker's hours per week at the time of separation.

## Section 14-7: ATAA Wage Calculation Formulas

Annualized Separation Wages **minus** Annualized Reemployment Wages **multiplied by .50 equals** 50 percent of the difference between the two periods of wages. Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly ATAA wage subsidy.

$$\text{Monthly Benefit} = \frac{(O - N) * .50}{12}$$

If, as a result of the monthly verification exercise, the adversely affected worker'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 stop in the event of any one of the following:

- The adversely affected worker's annualized wages from reemployment are projected to exceed \$50,000 in a year; or
- The adversely affected worker does not meet the reemployment requirement through to maintain full-time work; or
- The adversely affected worker has received the maximum amount of ATAA payments; or
- The adversely affected worker has reached the end of the ATAA eligibility period.

When applicable, MWAs will follow the interstate arrangement specified in TEGL 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 adversely affected worker is deemed to have met the "earns not more than \$50,000 a year in wages from reemployment" requirement 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 adversely affected worker 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.

#### **Section 14-8: A/RTAA Activities in OSMIS**

**Please Note:** To ensure proper reporting of adversely affected workers receiving ATAA or RTAA "A/RTAA" in accordance with the TAA Data Integrity Initiative, MWAs are required to capture A/RTAA activities in the OSMIS.

Adversely affected workers are required to submit a copy of the A/RTAA determination (issued by the UIA) to MWAs. MWAs enter the information from the A/RTAA determination into the OSMIS as an activity. Additionally, any change in the status of the A/RTAA benefits, such as commencement or when benefits have exhausted, must be communicated by the adversely affected worker to the MWA for appropriate reporting.

## Chapter 15 - TRA

All questions related to the adversely affected worker's TRA eligibility or payments should be directed to the TRA Unit via phone at **866-241-0152** or via fax to **517-636-0427**.

The TRA Unit cannot accept emails that contain the adversely affected worker's name and any of the following: full social security number, address, phone number, or date of birth. It is allowable to fax or mail this information to the TRA Unit.

**Note: Email requests should *only* include the adversely affected worker's name and last four digits of the social security number.**

TAA for adversely affected workers includes TRA that can be paid to qualifying individuals after 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.

MWAs must advise the adversely affected worker to apply for UI/TRA benefits at the time an application for TAA services is made as outlined in Chapter 7: TAA Deadlines. To collect TRA payments, adversely affected workers certified under TAA must be enrolled in TAA-approved training, have a written waiver of the training requirement or have completed an approved training program. The MWAs are responsible for enrolling adversely affected workers in TAA-approved training, issuing and revoking waivers of training, and the removal of adversely affected workers from TAA-approved training. The MWAs must notify the TRA Unit each time any of these actions are taken to ensure that the adversely affected workers receive TRA as appropriate. Please refer to Chapter 8: Training, for additional information.

MWAs must inform the TRA Unit of any change in status that may affect an adversely affected worker's eligibility for TRA benefits. For consistency, all MWAs shall use Form TAA-319: *TAA Participant Status Report*, rather than a form of local design. This form must be used to notify the TRA 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, adversely affected workers not in TAA-approved 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;
- Apply for any suitable work the individual is referred to by the MWA;
- Accept any offer of suitable work; and
- Actively engage in seeking work by submitting two such efforts each week via the MiWAM.

MWA staff will notify the UIA of failure or refusal to meet these requirements. An adversely affected worker may elect to receive TRA instead of UI during any week with respect to which the adversely affected worker:

- 1) Is entitled to receive UI as a result of the establishment by the adversely affected worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the adversely affected worker engaged after the most recent

total separation from adversely affected employment; and

- 2) Is otherwise entitled to a TRA.

### Section 15-1: TRA - TAA of 2002

The TAA of 2002 law allows adversely affected workers enrolled in full-time training to receive up to 104 weeks of Basic and Additional TRA and up to 26 weeks of Remedial TRA.

#### Outline of TRA Weeks: TAA of 2002

- 1) 52 weeks of Basic TRA (minus any weeks regular UI and extensions received)
- 2) 52 Weeks of Additional TRA
- 3) 26 Weeks of Remedial TRA (if remedial training has been taken as outlined in Chapter 8: Training.)

To be eligible for Additional TRA, adversely affected workers must submit a bonafide application for training approved under the TAA of 2002 law, within 210 days of their last qualifying separation during the certification period or within 210 days of the certification date, whichever is later. Form TAA-923: *Training Application*, can be used for this purpose.

#### TAA of 2002: TRA - Up to 130 Payable Weeks



#### Qualifying for TRA - TAA of 2002

In addition to meeting the eligibility requirements as outlined in Chapter 5: Eligibility for TAA Services, adversely affected workers must also have had enough qualifying employment with the certified employer. The adversely affected worker must have been employed at least 26 weeks, with weekly wages of at least \$30, during the 52 weeks ending with the week of the qualifying separation. For adversely affected workers on employer-authorized leave, up to seven weeks of leave may be counted as part of the 26 qualifying weeks. Additionally, up to 26 weeks of disability benefits paid under a state or federal law can be used to qualify for TRA, as well as 26 weeks of active duty time served by a military reservist.

**Adversely affected workers must also be participating in or enrolled in TAA-approved training, or have received a waiver from the TAA of 2002 training requirement as outlined in Chapter 11- Waiver of TAA Training Requirement.**

## Basic TRA and Eligibility Period

The eligibility period for Basic TRA is 104 weeks and extends up to 130 weeks for adversely affected workers who took remedial courses as part of their training. Adversely affected workers begin with a potential of 52 weeks of Basic TRA. All of the weeks of entitlement to regular unemployment benefits from the unemployment claim already in effect, or established after their first qualifying separation, will be deducted from their total weeks of Basic TRA payable. Additionally, all weeks of entitlement to state or federal extensions based on that unemployment claim will also be deducted. For example, a person who receives 20 weeks of regular unemployment benefits would be entitled to 32 weeks of Basic TRA. If that person received 16 weeks of an extension based on that same unemployment claim, the Basic TRA entitlement is reduced by 16 weeks.

## Additional TRA and Eligibility Period

Receipt of Additional TRA requires the adversely affected worker to be participating in full-time TAA-approved training. Adversely affected workers may receive up to 52 weeks of Additional TRA during the 52 consecutive week eligibility period.

The eligibility period for Additional TRA begins whichever occurs first of either:

- 1) The adversely affected worker has exhausted Basic TRA entitlement; or
- 2) The eligibility period for Basic TRA ends.\*

\*If the adversely affected worker has not met one of the two Additional TRA eligibility period criteria, an exception may apply, and these should be considered for the adversely affected worker. Please refer to Chapter 7: TAA Deadlines, for specific information regarding exceptions to deadlines.

## Remedial TRA and Eligibility Period

Remedial TRA is payable to adversely affected workers who have taken remedial courses, have exhausted their Basic and Additional TRA and are still participating in TAA-approved classroom training. Remedial TRA payments equal to the number of remedial training weeks (up to 26). The total amount of Remedial TRA payments may not exceed 26, regardless of the amount or combination of remedial weeks obtained.

The eligibility period for Remedial TRA is 26 consecutive weeks and begins with the first week claimed after Additional TRA ends. The MWA must inform the TRA Unit that the adversely affected worker is/was enrolled in remedial coursework. The Form TAA-319: *TAA Participant Status Report*, shall be used for this purpose. Please refer to Chapter 8: Training, for specific information regarding remedial training.

## Section 15-2: TRA - TGAAA of 2009

The TGAAA of 2009 law allows adversely affected workers enrolled in full-time training to receive up to 156 weeks of TRA monetary benefits.

### Outline of TRA Weeks: TGAAA of 2009

- 1) 52 weeks of Basic TRA (Minus any weeks regular UI and extensions received)
- 2) 78 Weeks of Additional TRA
- 3) 26 Weeks of Remedial/Prerequisite TRA (if Remedial/Prerequisite training has been taken as outlined in Chapter 8: Training)

#### TGAAA of 2009: TRA- Up to 156 Payable Weeks



### Qualifying for TRA: TGAAA of 2009

In addition to meeting the eligibility requirements as outlined in Chapter 5: Eligibility for Services, adversely affected workers must also have had enough qualifying employment with the certified employer. The adversely affected worker must have been employed at least 26 weeks, with weekly wages of at least \$30, during the 52 weeks ending with the week of the qualifying separation. For adversely affected workers on employer-authorized leave, up to seven weeks of leave may be counted as part of the 26 qualifying weeks. Additionally, up to 26 weeks of disability benefits paid under a state or federal law can be used to qualify for TRA, as well as 26 weeks of active duty time served by a military reservist.

**Adversely affected workers must also be participating in or enrolled in TAA-approved training, or have received a waiver from the TGAAA of 2009 training requirement as outlined in Chapter 11- Waiver of TAA Training Requirement.**

### Basic TRA and Eligibility Period

The eligibility period for Basic TRA is 104 weeks and extends up to 130 weeks for adversely affected workers who took remedial courses as part of their training. Adversely affected workers begin with a potential of 52 weeks of Basic TRA. All of the weeks of entitlement to regular unemployment benefits from the unemployment claim already in effect, or established after their first qualifying separation, will be deducted from their total weeks of Basic TRA payable. Additionally, all weeks of entitlement to state or federal extensions based on that unemployment claim will also be deducted. For example, a person who receives 20 weeks of regular unemployment benefits would be entitled to 32 weeks of Basic TRA. And, if that person received 16 weeks of an extension based on that same unemployment claim, the Basic TRA entitlement is reduced by 16 weeks.

### **Additional TRA and Eligibility Period**

Receipt of Additional TRA requires the adversely affected worker to be participating in full-time TAA-approved training. The Additional TRA eligibility period lasts for 91 weeks or until the end of the training, whichever occurs first. Adversely affected workers may receive up to 78 weeks of Additional TRA during the 91 week eligibility period.

The eligibility period for Additional TRA begins whichever occurs first of either:

- 1) The adversely affected worker has exhausted Basic TRA entitlement; or
- 2) The eligibility period for Basic TRA ends.\*

\*If the adversely affected worker has not met one of the two Additional TRA eligibility period criteria, an exception may apply, and these should be considered for the adversely affected worker. Please refer to Chapter 7: TAA Deadlines, for specific information regarding exceptions to deadlines.

### **Remedial/Prerequisite TRA and Eligibility Period**

Remedial/Prerequisite TRA is payable to adversely affected workers who have taken remedial and/or prerequisite courses, have exhausted their Basic and Additional TRA and are still participating in TAA-approved classroom training. Remedial/Prerequisite TRA payments equal to the number of remedial and/or prerequisite training weeks (up to 26). The total amount of Remedial/Prerequisite TRA payments may not exceed 26, regardless of the amount or combination of remedial and prerequisite weeks obtained.

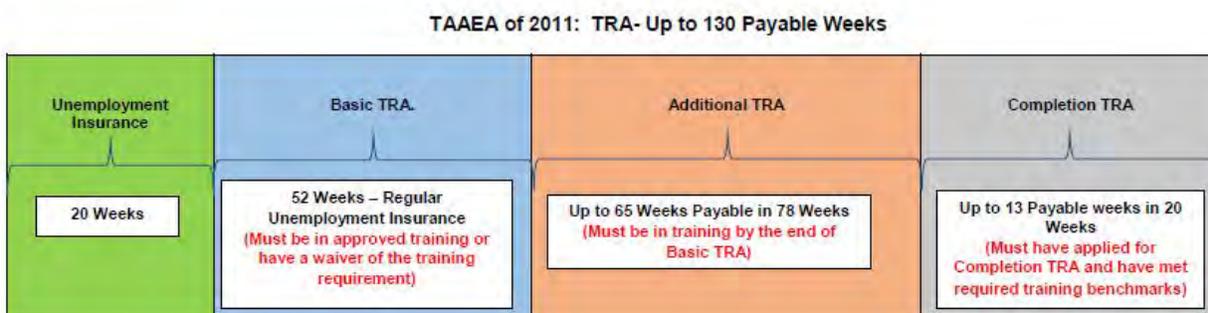
The eligibility period for Remedial/Prerequisite TRA is 26 consecutive weeks and begins with the first week claimed after Additional TRA ends. The MWA must inform the TRA Unit that the adversely affected worker is/was enrolled in Remedial/Prerequisite coursework. The Form TAA-319: *TAA Participant Status Report*, shall be used for this purpose. Please refer to Chapter 8: Training, for specific information regarding remedial and prerequisite training.

### Section 15-3: TRA - TAAEA of 2011

The TAAEA of 2011 law allows adversely affected workers enrolled in full-time training to receive up to 130 weeks of TRA monetary benefits.

#### Outline of TRA Weeks: TAAEA of 2011

- 1) 52 weeks of Basic (Minus any weeks regular UI and extensions received)
- 2) 65 Weeks of Additional TRA
- 3) 13 Weeks of Completion TRA (if training benchmarks are met and an application for Completion TRA is submitted to the TRA Unit)



#### Qualifying for TRA: TAAEA of 2011

In addition to meeting the eligibility requirements as outlined in Chapter 5: Eligibility for Services, adversely affected workers must also have had enough qualifying employment with the certified employer. The adversely affected worker must have been employed at least 26 weeks, with weekly wages of at least \$30, during the 52 weeks ending with the week of the qualifying separation. For adversely affected workers on employer-authorized leave, up to seven weeks of leave may be counted as part of the 26 qualifying weeks. Additionally, up to 26 weeks of disability benefits paid under a state or federal law can be used to qualify for TRA, as well as 26 weeks of active duty time served by a military reservist.

**Adversely affected workers must also be participating in or enrolled in TAA-approved training, or have received a waiver from the TAAEA of 2011 training requirement as outlined in Chapter 11- Waiver of TAA Training Requirement.**

#### Basic TRA and Eligibility Period

The eligibility period for Basic TRA is 104 weeks. Adversely affected workers begin with a potential of 52 weeks of Basic TRA. All of the weeks of entitlement to regular unemployment benefits from the unemployment claim already in effect, or established after their first qualifying separation, will be deducted from their total weeks of Basic TRA payable. Additionally, all weeks of entitlement to state or federal extensions based on that unemployment claim will also be deducted. For example, a person who receives 20 weeks of regular unemployment benefits would be entitled to 32 weeks of Basic TRA. And, if that person received 16 weeks of an extension based on that same unemployment claim, the Basic TRA entitlement is reduced by 16 weeks.

## **Additional TRA and Eligibility Period**

Receipt of Additional TRA requires the adversely affected worker to be participating in full-time TAA-approved training. The Additional TRA eligibility period lasts for 78 weeks or until the end of the training, whichever occurs first. Adversely affected workers may receive up to 65 weeks of Additional TRA during the 78 week eligibility period.

The eligibility period for Additional TRA begins whichever occurs first of either:

- 1) The adversely affected worker has exhausted Basic TRA entitlement; or
- 2) The eligibility period for Basic TRA ends.\*

\*If the adversely affected worker has not met one of the two Additional TRA eligibility period criteria, an exception may apply, and these should be considered for the adversely affected worker. Please refer to Chapter 7: TAA Deadlines, for specific information regarding exceptions to deadlines.

## **Completion TRA: Application Requirement**

If at the time of exhaustion of Additional TRA payments, an adversely affected worker has not yet completed TAA training, an application for Completion TRA payments is required to receive Completion TRA payments.

The TRA Unit will mail the adversely affected worker a Completion TRA Application, *Form UIA 6364: Request for Determination of Entitlement to Completion Trade Readjustment Allowances (TRA)*, within two weeks prior to the exhaustion of Additional TRA, and within 20 weeks from the end date of TAA-approved training. The adversely affected worker will be advised to bring the Completion TRA Application to the MWA for verification of training benchmarks. The Completion TRA Application should then be faxed to the UIA-TRA Unit for processing. The adversely affected worker will receive a Completion TRA Determination in the mail.

## **Completion TRA Weeks and Eligibility Period**

The eligibility period for Completion TRA is 20 weeks and begins with the first week claimed after Additional TRA ends. There is a maximum of 13 weeks payable. To be eligible for Completion TRA payments the following criteria must be met:

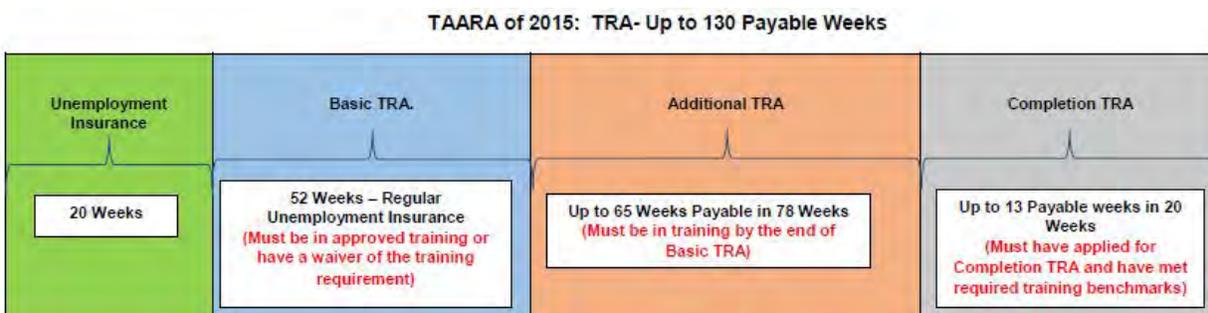
- The adversely affected worker's training must be completed by the end of the Completion TRA eligibility period; and
- The TAA-approved training must lead to completion of a degree or industry-recognized credential; and
- The adversely affected worker must have submitted an application for Completion TRA by submitting the *Form UIA 6364: Request for Determination of Entitlement to Completion TRA*, to the TRA Unit; and
- The adversely affected worker must have met the training benchmarks as outlined in Chapter 9: Establishment and Review of Training Benchmarks.

## Section 15-4: TRA - TAARA of 2015

The TAARA of 2015 law allows adversely affected workers enrolled in full-time training to receive up to 130 weeks of TRA monetary benefits.

### Outline of TRA Weeks: TAARA of 2015

- 1) 52 weeks of Basic (Minus any weeks regular UI and extensions received)
- 2) 65 Weeks of Additional TRA
- 3) 13 Weeks of Completion TRA (if training benchmarks are met and an application for Completion TRA is submitted to the TRA Unit)



### Qualifying for TRA: TAARA of 2015

In addition to meeting the eligibility requirements as outlined in Chapter 5: Eligibility for Services, adversely affected workers must also have had enough qualifying employment with the certified employer. The adversely affected worker must have been employed at least 26 weeks, with weekly wages of at least \$30, during the 52 weeks ending with the week of the qualifying separation. For adversely affected workers on employer-authorized leave, up to 7 weeks of leave may be counted as part of the 26 qualifying weeks. Additionally, up to 26 weeks of disability benefits paid under a state or federal law can be used to qualify for TRA, as well as 26 weeks of active duty time served by a military reservist.

**Adversely affected workers must also be participating in or enrolled in TAA-approved training, or have received a waiver from the TAARA of 2015 training requirement as outlined in Chapter 11- Waiver of TAA Training Requirement.**

### Basic TRA and Eligibility Period

The eligibility period for Basic TRA is 104 weeks. Adversely affected workers begin with a potential of 52 weeks of Basic TRA. All of the weeks of entitlement to regular unemployment benefits from the unemployment claim already in effect, or established after their first qualifying separation, will be deducted from their total weeks of Basic TRA payable. Additionally, all weeks of entitlement to state or federal extensions based on that unemployment claim will also be deducted. For example, a person who receives 20 weeks of regular unemployment benefits would be entitled to 32 weeks of Basic TRA. And, if that person received 16 weeks of an extension based on that same unemployment claim, the Basic TRA entitlement is reduced by 16 weeks.

## **Additional TRA and Eligibility Period**

Receipt of Additional TRA requires the adversely affected worker to be participating in full-time TAA-approved training. The Additional TRA eligibility period lasts for 78 weeks or until the end of the training, whichever occurs first. Adversely affected workers may receive up to 65 weeks of Additional TRA during the 78 week eligibility period.

The eligibility period for Additional TRA begins whichever occurs first of either:

- 1) The adversely affected worker has exhausted Basic TRA entitlement; or
- 2) The eligibility period for Basic TRA ends.\*

\*If the adversely affected worker has not met one of the two Additional TRA eligibility period criteria, an exception may apply, and these should be considered for the adversely affected worker. Please refer to Chapter 7: TAA Deadlines, for specific information regarding exceptions to deadlines.

## **Completion TRA: Application Requirement**

If at the time of exhaustion of Additional TRA payments an adversely affected worker has not yet completed the TAA program, an application for Completion TRA payments is required to receive Completion TRA payments.

The TRA Unit will mail the adversely affected worker a Completion TRA Application, *Form UIA 6364: Request for Determination of Entitlement to Completion TRA*, within two weeks prior to the exhaustion of Additional TRA, and within 20 weeks from the end-date of TAA-approved training. The adversely affected worker will be advised to bring the Completion TRA Application to the MWA for verification of training benchmarks. The Completion TRA Application should then be faxed to the UIA-TRA Unit for processing. The adversely affected worker will receive a Completion TRA Determination in the mail.

## **Completion TRA Weeks and Eligibility Period**

The eligibility period for Completion TRA is 20 weeks and begins with the first week claimed after Additional TRA ends. There is a maximum of 13 weeks payable. To be eligible for Completion TRA payments, the following criteria must be met:

- The adversely affected worker's training must be completed by the end of the Completion TRA eligibility period; and
- The TAA-approved training must lead to completion of a degree or industry-recognized credential; and
- The adversely affected worker must have submitted an application for Completion TRA by submitting the *Form UIA 6364: Request for Determination of Entitlement to Completion TRA*, to the TRA Unit; and
- The adversely affected worker must have met the training benchmarks as outlined in Chapter 9: Establishment and Review of Training Benchmarks.

## Chapter 16 - Agent/Liable (Out-of-State Transfers)

The TAA program is a federally funded program which entitles adversely affected workers, eligible under any one of the TAA Laws, to seek TAA benefits at any location within the United States of America.

At any time the MWA is informed of an adversely affected worker relocating to another state, or when an adversely affected worker seeks TAA services from another state, the TIA must be contacted to carry out the transfer. The TAA State Coordinator, Jimelle Blakley, handles all agent/liable inquiries and can be contacted by email at [blakleyj1@michigan.gov](mailto:blakleyj1@michigan.gov) or by telephone at 517-241-8629.

The TIA identifies the Liable State and Agent State. If the State of Michigan is identified as the Liable State, the TIA will issue the Determination of TAA Eligibility, Determination of TAA Training, and also, determine the eligibility for TRA, Job Search Allowances, Relocation Allowances, and ATAA or RTAA.

### Transfer Between States

When an adversely affected worker seeks TAA benefits in a state for which their UI benefits are not paid, and/or the TAA certification did not occur, the Liable State and Agent State must be identified by the TIA.

### Liable State

The Liable State is defined as the state in which the adversely affected worker's UI claim was last established. If the adversely affected worker does not have a UI claim established in any state, the state law for which the TAA qualifying separation occurred is to be identified as the Liable State.

The Liable State is responsible for the issuance of the following:

- TAA Determinations of Eligibility; and
- TAA Training Determinations, including:
  - Modification of the training contract, and
  - Removal from training.
- Job search and Relocation Allowance determinations; and
- Waivers:
  - Issuance, and
  - Extension, and
  - Revocation.
- Determination and payment of UI benefits and TRA; and
- ATAA/ or RTAA; and
- Enforces the appeal and redetermination procedure; and
- Conducts ALJ hearings (via telephone).

The Liable State also defines the normal commuting area for travel required by the adversely affected worker.

## Agent State

The Agent State is the state where the adversely affected worker seeks TAA services. It should be noted that residency is not relevant to the agent or liable state definition.

The Agent State is responsible for cooperating fully with the Liable State and assists the Liable State in carrying out its activities and functions including, but not limited to:

- Providing information needed for a determination of eligibility; and
- Completing an ISS; and
- Providing an initial and/or comprehensive assessment (determined by applicable TAA law); and
- Assisting the adversely affected worker in completing all requirements for application for a waiver of the training requirement; and
- Conducting all 30-day waiver reviews; and
- Providing all training information for a training determination; and
- Procuring and paying all training costs approved by the liable state; and
- Reimbursing mileage, as defined by the liable state's commuting area; and
- Procuring and paying all subsistence and mileage for job search and relocation allowances; and
- Assisting in the completion of all relevant appeal and redeterminations, as necessary.

If the State of Michigan is identified as the Agent State, the MWA should contact the TIA for assistance in obtaining the case file from the Liable State. The MWA may not provide TAA services until a Determination of TAA Eligibility is received from the Liable State. As the Agent State, the MWA and the TIA will work to ensure all required processes are followed.

Activity	Liable State	Agent State
Trade Act Determinations	<ul style="list-style-type: none"> <li>Issues TAA Determination of Eligibility</li> </ul>	<ul style="list-style-type: none"> <li>Provides TAA benefits/services upon receipt of Liable State determination</li> </ul>
TRA	<ul style="list-style-type: none"> <li>Determines eligibility</li> <li>Makes payments</li> </ul>	<ul style="list-style-type: none"> <li>Provides biweekly attendance forms as required</li> <li>Transmits status updates</li> </ul>
Training Benchmarks	<ul style="list-style-type: none"> <li>Liable State TRA Unit pays Completion TRA</li> <li>As a result of a failed benchmark, the Liable State determines approval of a modification to the training plan</li> </ul>	<ul style="list-style-type: none"> <li>Reviews benchmarks for adversely affected workers enrolled in TAAEA of 2011 and TAARA of 2015 training.</li> <li>Communicates failed benchmarks to Liable State</li> </ul>
Training (Including travel and/or subsistence)	<ul style="list-style-type: none"> <li>Issues TAA Training Determination upon receipt of training plan from Agent State</li> <li>Reviews and determines approval of modification requests</li> </ul>	<ul style="list-style-type: none"> <li>Provides training plan to Liable State.</li> <li>Funds training and expenses related to training, including travel and/or subsistence, based on Liable State training determination</li> <li>Submits modification request to Liable State for a determination</li> <li>Communicates changes in training status including: successful completion, withdrawal, failure to maintain satisfactory progress and participation, etc.</li> </ul>
Waivers	<ul style="list-style-type: none"> <li>Issuances, extension, and/or revocation</li> </ul>	<ul style="list-style-type: none"> <li>Continues waiver updates and transmits information to Liable State TRA Unit as necessary</li> </ul>
Job Search Allowances	<ul style="list-style-type: none"> <li>Determines Job Search Allowance eligibility;</li> <li>Funds Job Search Allowance(s)</li> </ul>	<ul style="list-style-type: none"> <li>Processes Job Search Allowance(s) application(s) and supporting documentation and transmits to Liable State for approval.</li> </ul>
Relocation Allowances	<ul style="list-style-type: none"> <li>Determines Relocation Allowance eligibility</li> <li>Funds Relocation Allowance</li> </ul>	<ul style="list-style-type: none"> <li>Processes Relocation Allowance application and supporting documentation and transmits to Liable State for approval.</li> </ul>
A/RTAA	<ul style="list-style-type: none"> <li>Determines eligibility</li> <li>Pays the A/RTAA benefit</li> </ul>	<ul style="list-style-type: none"> <li>Processes the A/RTAA application and supporting documentation and transmits to Liable State TRA Unit</li> </ul>

## Chapter 17 - TAA Protest and Appeal Process

The TAA Protest and Appeal process applies to all TAA Laws. The following protest and appeal process shall apply to protests of a determination, requests for redeterminations, notice of redeterminations, and appeals to an ALJ. Adversely affected workers may protest and appeal TAA eligibility, training, a waiver from training, job search allowance, relocation allowance, or any other TAA eligibility decision made by the MWA, pursuant to the TAA program regulations 20 CFR 617.50 and 617.51.

**Please Note:** MWAs are required to implement a local TAA Protest and Appeal Policy. The required steps for the TAA Protest and Appeal process include the following:



### Section 17-1: Notice of Determination

A determination is a written statement issued to the adversely affected worker by the MWA regarding the decision to approve or deny one of the following TAA benefits:

- 1) TAA Eligibility
- 2) Training
- 3) Subsistence/Mileage Reimbursement
- 4) Waiver of TAA Training Requirement
- 5) Job Search Allowances
- 6) Relocation Allowances

A Notice of Determination is made official once it has been completed by the MWA and is formally issued to the adversely affected worker (mailed or personally served) on one of the following forms:

- 1) Form TAA-099: *Eligibility Determination*; or
- 2) Form TAA-501: *Notice of Determination*; or
- 3) Form TAA-802: *Waiver of TAA Training Requirement*; or
- 4) Form TAA-303: *TAA Employer-Based Training Contract*; or
- 5) Form TAA-923: *TAA Training Application*; or
- 6) Form TAA-402: *Request for Relocation Allowances*; or
- 7) Form TAA-401: *Request for Job Search Allowances*.

If a TAA benefit is denied, the adversely affected worker must be immediately informed of the local TAA Protest and Appeal process. The adversely affected worker may protest the determination to the MWA within 30 calendar days from the date it was mailed or personally served. A determination can be protested by submission of a Request for Redetermination.

### **Section 17-2: Request for Redetermination**

A *Request for Redetermination* must be filed at the MWA 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 that 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.

#### **Adversely Affected Worker**

The adversely affected worker may protest the determination within 30 calendar days from the date mailed or personally served, by submission of a Request for Redetermination to the MWA. Adversely affected workers may request the reconsideration of determination on the Form TAA-502: *Request for Redetermination*, or in writing. If the MWA receives a protest greater than 30 days from the issuance of the determination, lack of timeliness must be addressed as outlined in Section 17-3: Notice of Redetermination.

If the written request is not on the Form TAA-502: *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:

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

**Please Note:** Any adversely affected worker or MWA that wishes to bypass the Notice of Redetermination and request a hearing before an ALJ may do so on his or her own stationery. The requesting party is responsible for submitting proof that this was completed. The TIA does not have a form for this purpose.

**If the TIA chooses to bypass the Notice of Redetermination step, approval of other parties to bypass to the ALJ is not required.**

## Section 17-3: Notice of Redetermination

### MWA

If the Request for Redetermination is received *within* the 30-day time limit, a designated merit staff person of the MWA, other than the individual who initially issued the original determination, reviews, and reconsiders the entire file including the initial determination and any new additional facts. Within 30 calendar days from receipt of the Request for Redetermination, the MWA issues a Notice of Redetermination as a written statement (which includes the date of issuance to the adversely affected worker) or by using the Form TAA-503: *Notice of Redetermination*. The Notice of Redetermination will affirm, modify, or reverse the original determination. The Notice of Redetermination may be mailed, or personally served, to the adversely affected worker.

Additionally, the MWA must include the Form TAA-504: *Appeal to ALJ*, with the Notice of Redetermination to allow the adversely affected worker the right to appeal to an ALJ within 30 calendar days of the issuance of the Notice of Redetermination, by requesting a hearing before an ALJ.

### Lack of Timeliness

**Please Note:** 'Good Cause' includes circumstances that reasonably prevent an adversely affected worker from complying with a requirement or deadline.

If the Request for Redetermination is received *after* the expiration of the 30-day time limit, a designated merit staff person of the MWA, other than the individual who initially issued the original determination, will consider the reason for the lack of timeliness. The MWA will communicate with the adversely affected worker to determine if Good Cause is applicable.

Whether or not Good Cause is applicable to the *Request for Redetermination*, the lack of timeliness will be addressed at the ALJ hearing.

### Application of Good Cause

For a Request for Redetermination that allows the application of Good Cause, the MWA must acknowledge the reasons for application of Good Cause on the Notice of Redetermination.

### Denial of Good Cause

If the reason for lack of timeliness provided by the adversely affected worker does not meet the definition of Good Cause, the MWA issues the Form TAA-503: *Notice of Redetermination*. Without application of Good Cause, the Form TAA-503: *Notice of Redetermination*, denies the Request for Redetermination. However, upon issuance of the Notice of Redetermination, the Form TAA-504: *TAA Appeal to ALJ*, is provided. The adversely affected worker may proceed to request a hearing before the ALJ within 30 calendar days of issuance of the Notice of Redetermination.

Although, it was determined that Good Cause is not applicable, and the Request for Redetermination is denied; the Appeal to an ALJ hearing may occur. However, the lack of timeliness is addressed by the ALJ prior to the discussion of the original determination.

## Section 17-4: Appeal to an ALJ

A *TAA Appeal to an ALJ* must be filed within 30 calendar days after the date the Notice of Redetermination 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.

### Adversely Affected Worker

If the adversely affected worker disagrees with the Notice of Redetermination, an appeal to an ALJ may be submitted on the provided Form TAA-504: *TAA Appeal to ALJ*. The adversely affected worker is required to complete Section A of Form TAA-504: *TAA Appeal to ALJ*, and submit it to the MWA within 30 calendar days after the mailing date, or personally served date, of the Notice of Redetermination.

If the written appeal is not on Form TAA-504: *TAA Appeal to ALJ*, 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 a request for an ALJ hearing if it accomplishes *either* of the following:

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

### MWA

Upon receipt of the timely submissions of Form TAA-504: *TAA Appeal to ALJ*, the MWA will complete Section B of the form, or if the appeal is requested in writing, it must include the following information:

- 1) MWA location where appeal was filed;
- 2) Date appeal was filed (date MWA received appeal to ALJ);
- 3) MWA staff person receiving appeal;
- 4) Applicant is appealing:
  - Redetermination, or
  - Denial of Request for Redetermination (select *only* if deadline exception could not be applied to the Notice of Redetermination);
- 5) Date mailed or personally served to the applicant/participant;
- 6) Mailed by (MWA representative name); and
- 7) MWA Signature: Signature of MWA Representative.

### Lack of Timeliness

If the Appeal to an ALJ is received *after* expiration of the 30-day period, the MWA must consider the reason for the lack of timeliness. A designated merit-staff person of the MWA will communicate with the adversely affected worker to consider if Good Cause is applicable for the reason for the lack of timeliness.

The MWA is then required to issue a second Form TAA-503: *Notice of Redetermination*, to address the sole concern of lack of timeliness, it and includes the application, or lack thereof, of Good Cause. Upon submission of the second Form TAA-503: *Notice of Redetermination*, the MWA must include a **new** Form TAA-504: *TAA Appeal to ALJ* form. The adversely affected worker is then held to the 30-day period to appeal to the ALJ.

If the adversely affected worker does not respond to the Notice of Redetermination timely, the steps are repeated until a timely appeal to an ALJ is received. Subsequently, once a timely appeal to an ALJ is received, all previous Notice of Redeterminations and all appeals to the ALJ are sent forward for scheduling.

**Please Note:** At the ALJ hearing the lack of timeliness will be addressed, and it will then be determined if the ALJ will hear the facts related to the original determination.

### Submission of ALJ Hearing Request

Subsequent to completion of Section B of Form TAA-504: *TAA ALJ*, MWAs must forward requests for appeal and all related documentation, within seven days, to:

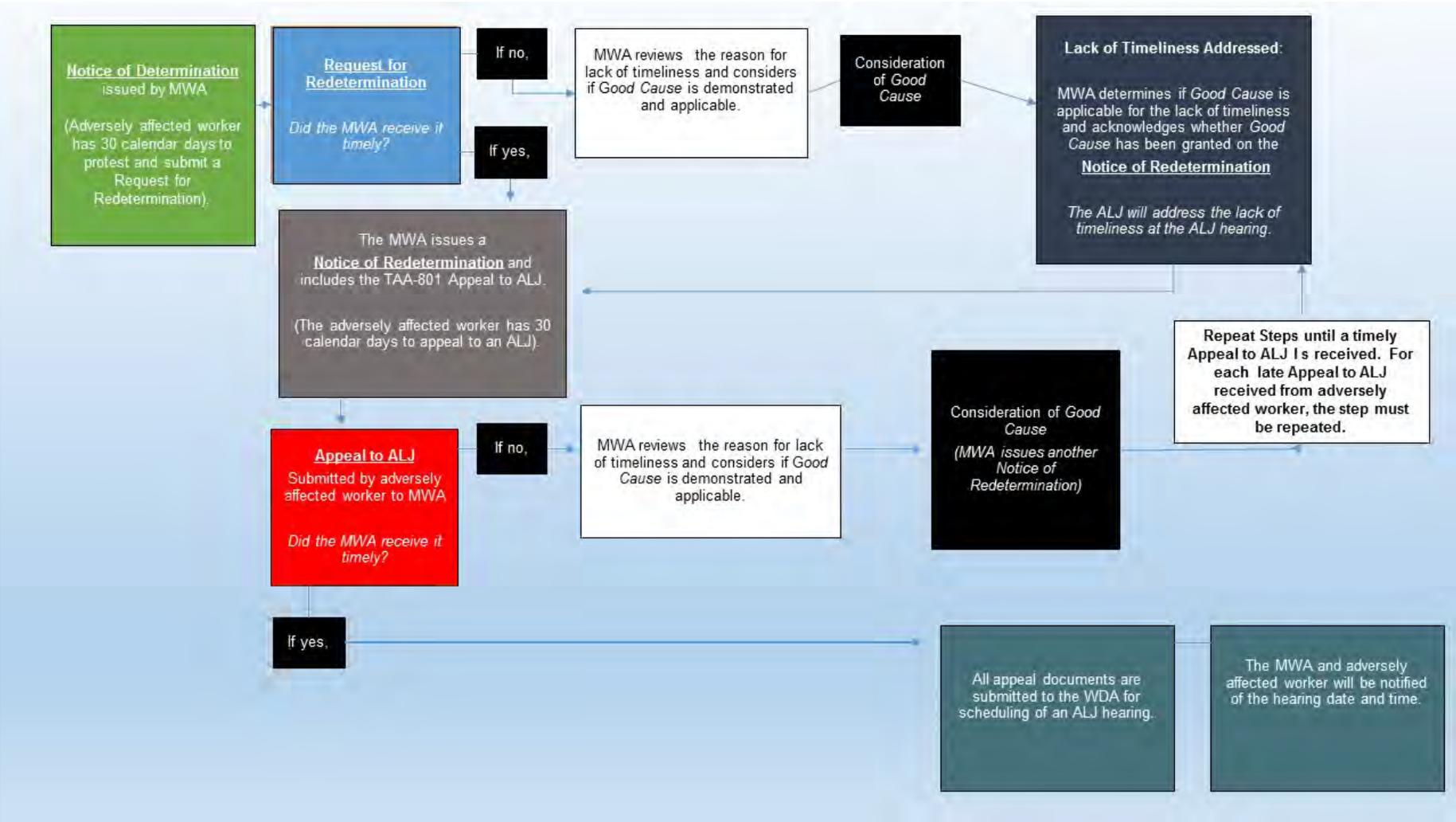
Jimelle Blakley, TAA State Coordinator  
Michigan Talent Investment Agency  
201 North Washington Square, 5th Floor  
Lansing, MI 48913  
Email: [blakleyj1@michigan.gov](mailto:blakleyj1@michigan.gov)  
Fax: 517-373-7794  
Phone: 517-241-8629

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 WBO sign-in sheets, Notice of Certification letters, records of services provided, or contact with applicants, letters to applicants or other applicable documents.

The TIA staff will review the document(s) for accuracy and completeness, and forward the appeal to the MAHS for scheduling. If there is a need for revision to the document(s), the TIA 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 the TIA.

The adversely affected worker and the 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 to the case. The parties will be notified of 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, MWA, or the TIA disagrees with the decision of the ALJ, either may request an appeal to the MCAC, in accordance with the instructions provided with the decision within 30 days of issuance. An appeal to the MCAC is governed by Sections 34 and 35 of the Michigan Employment Security Act, MCL 421.1 et seq., and corresponding administrative rules.

# TAA Protest and Appeal Flowchart



## Chapter 18 - HCTC

The TAARA of 2015 retroactively extends the 72.5 percent HCTC through December 31, 2019, for eligible TRA and A/RTAA recipients of the TAA program (all laws). The IRS is currently reviewing the recently passed legislation and expects to provide guidance in the near future. Once updated HCTC guidance is received, a revision to this chapter will be issued. For the most recent HCTC updates and correspondence, please monitor the [IRS website](#). At this time, an HCTC customer service number has not been provided. Therefore, all information should be directed to the above-mentioned website.

The HCTC is a tax credit that pays 72.5 percent of qualified health insurance premiums for adversely affected workers and their families. The HCTC is available to adversely affected workers deemed eligible under all TAA laws, including TAA of 2002, TGAAA of 2009, TAAEA of 2011, and TAARA of 2015.

### HCTC Eligibility

The HCTC is administered by the IRS and is available during each month the adversely affected worker is receiving A/RTAA or TRA benefits, or meets all requirements for TRA, but is not yet receiving TRA because UI or extended benefits have not yet been exhausted. An adversely affected worker need not meet the enrollment in training or waiver deadline to be considered eligible for HCTC while collecting regular unemployment.

Once an adversely affected worker's monetary eligibility for TRA is established, the UIA/TRA Special Programs Unit transmits the name of the eligible worker to the IRS.

### Qualified Health Insurance

Eligible health insurance plans for the HCTC include:

- 1) \*COBRA continuation provision as elected during the initial general election period; or
- 2) A spouse's group health plan for which the employer pays less than 50 percent of the cost; or
- 3) Coverage obtained in the non-group health insurance market (state) other than coverage offered through the Health Insurance Marketplace (federal); or
- 4) A health plan purchased through a VEBA that was established through the bankruptcy of a former employer or was offered in lieu of COBRA.

\*A second opportunity to elect COBRA continuation coverage may be available if one of the following applies to the adversely affected worker:

- Is eligible for, or is currently receiving, TRA; or
- Is eligible to receive TRA, but has not yet exhausted their UI benefits; or
- Is currently receiving benefits under the ATAA or RTAA.

Dental or vision benefits purchased separately do not qualify for the HCTC. However, premiums paid for a qualifying comprehensive package that includes dental or vision benefits may be eligible for the HCTC if the dental or vision benefits do not represent substantially all of its coverage.

## **MWA Requirements**

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 [IRS Website](#).

MWAs must ensure that TAA staff is appropriately trained to handle basic inquiries relating to the HCTC program. The MWAs are also responsible for:

- 1) Notifying TAA certified individuals of the HCTC either individually and/or through group orientation sessions;
- 2) Making available sufficient copies of the HCTC Fact Sheet; and
- 3) 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 TRA Unit and the UIA to determine TRA and/or ATAA/RTAA eligibility. This includes:

- 1) Form TRA-920: *Request for Determination of Entitlement to TAA/TRA*, required for all adversely, affected workers.
- 2) Form TAA-244: *A/RTAA Application*, required for adversely affected workers who are eligible for, and wish to receive, A/RTAA benefits (if applicable).

In addition, adversely affected workers must apply for, and be eligible for, regular unemployment benefits.

The above-mentioned documents may be submitted to the UIA via fax at **517-636-0427** or via the USPS to:

**UIA - TRA Unit  
PO Box 169  
Grand Rapids, MI 49501-0169**

The TRA Unit's toll-free number is **1-866-241-0152**.

## Chapter 19 – File Requirements

### General

- TAA-099: *Eligibility Determination*
- TAA-100: *TAA Registration*
- TAA-920: Request for Determination of Entitlement to TAA/TRA
- TAA-923: *Training Application* (TAA of 2002)
- Proof of Qualifying Separation
- Proof of identification (State Driver's License, State ID Card, Permanent Residence Card, US Passport, School ID Card)
- Alien verification (if applicable)
- Petition certification
- Proof of veteran status (if applicable)
- Proof of Selective Service registration (if applicable)
- Profile on Pure Michigan Talent Connect
- Proof that EO information was provided
- Acknowledgement of Eight Case Management Services offered (TGAAA of 2009, TAAEA of 2011 & TAARA of 2015)
- Acknowledgement of training/training waiver deadline
- Exit documentation (if applicable) (OSMIS entry sufficient)
- Outcome documentation (if applicable) (OSMIS entry sufficient)

### Waiver of TAA Training Requirement

- Comprehensive assessment
- ISS (OSMIS entry sufficient)
- TAA-802: *Waiver of TAA Training Requirement* (Specific to applicable TAA law)
- Verification that waiver reason applies to adversely affected worker (OSMIS entry sufficient)
- Documentation of 30-day waiver reviews
- Documentation of waiver extension (if applicable) (OSMIS entry sufficient)
- Documentation of waiver expiration/revocation (OSMIS entry sufficient)

### Training (Classroom and EBT)

- Comprehensive assessment
- ISS (OSMIS entry sufficient)
- TAA-308: *Program Planning Worksheet* (optional, or other document detailing costs)
- TAA-604: *Employability Plan* (optional)

- TAA-312: *Training Approval Standards*
  - #1 - No suitable employment available
    - Profile on Pure Michigan Talent Connect
    - Local LMI for TAA-certified employment OR job search history
  - #2 - The worker would benefit from appropriate training
    - Comprehensive assessment
    - Local LMI for post-training employment
    - Narrative on TAA-312: *Training Approval Standards* stating benefit to adversely affected worker
  - #3 - There is reasonable expectation of employment following completion of training
    - Local LMI for post-training employment OR intent to hire letter
  - #4 - Training approved is reasonably available to the worker
    - Narrative on TAA-312: *Training Approval Standards* stating justification of training location chosen
    - TAA-605 *Travel and Subsistence Eligibility Determination* (if applicable)
  - #5 - The participant is qualified to undertake and complete the training program
    - Comprehensive assessment
    - Narrative on TAA-312: *Training Approval Standards* stating justification for training program chosen
    - Narrative on TAA-312: *Training Approval Standards* stating the adversely affected worker's financial ability to remain in training in the absence of UIA/TRA
  - #6 - Such training is suitable for the participant and available at a reasonable cost
    - Training contract with detailed costs
    - Training institution/program comparisons
    - Narrative on TAA-312: *Training Approval Standards* stating the justification for the training program (including costs) chosen
    - Narrative on TAA-312: *Training Approval Standards* stating the justification for higher cost training chosen (if applicable)
- Justification for part-time training (if applicable) (OSMIS entry sufficient)
- Verification that qualifying layoff occurred (pre-separation training)
- Financial tracking of all training expenses
  - Tracking log or record of training costs (including tuition, fees, books, supplies and travel)
- Verification of satisfactory progress (from training institution)
- Verification of satisfactory participation (from training institution)
- TAA-306: *Benchmark Report* (TAAEA of 2011, TAARA of 2015)
  - Documentation of 60-day Benchmark Reviews
- TAA-304: *Training Contract Modification* (if applicable)

- UIA-6364: *Request for Determination of Entitlement to Completion Trade Readjustment Allowances* (if applicable)
- TAA-605: *Travel and Subsistence Eligibility Determination* (if applicable)
  - Comparisons/quotes for costs related to travel and/or subsistence
- Documentation of completion or withdrawal of training program (if applicable)
- TAA-319: *Participant Status Report*

### **Classroom Training (in addition to Training requirements)**

- TAA-923: *Training Application*
- Training Contract (TAA-301: *Classroom Training Contract* [extended version] or TAA-302: *Classroom Training Contract* [abridged version] may be used) (must include three required signatures)

### **EBT (in addition to Training requirements)**

- Training Contract (TAA-303: *Employer-Based Training Contract* may be used) (must include three required signatures)
- Verification that all provisions of the OJT contract have been met. (TAA-303: *Employer-Based Training Contract* includes these provisions.)

### **A/RTAA**

- TAA-244: *A/RTAA Application*
- OSMIS entry for A/RTAA activity
- Determination of RTAA (TGAAA of 2009, TAAEA of 2011, TAARA of 2015) (Issued by UIA/TRA)
- Last pay stub at certified company
- Verification of new employment
  - Paying less than \$50,000/year (TAA of 2002, TAAEA of 2011, TAARA of 2015)
  - Paying less than \$55,000/year (TGAAA of 2009)
- Verification of full-time employment (TAA of 2002)
- Verification of reemployment within 26 weeks of last qualifying separation (TAA of 2002)
- Verification of age
  - 50 years or older at time of reemployment (TAA of 2002)
  - 50 years or older at time of application/RTAA payment (TGAAA of 2009, TAAEA of 2011, TAARA of 2015)

### **Job Search Allowances**

- TAA-401: *Request for Job Search Allowance* (filed timely)
- Verification that suitable work is not available in the commuting area

- Verification of interview
- Verification that interview is related to suitable work
- Comparisons/quotes for costs related to Job Search (transportation and lodging, including per diem calculations)
- Receipts for transportation, lodging, and meals
- Financial tracking of expenses
  - Tracking log or record of Job Search costs

### **Relocation Allowances**

- TAA-402: *Request for Relocation Allowances* (filed timely)
- Verification that suitable work is not available in the commuting area
- Verification of obtained suitable work outside of the commuting area
- Comparisons/quotes for costs related to Relocation (moving, transportation and lodging, including per diem calculations)
- Receipts for transportation, lodging, meals, and moving expenses
- Verification of average weekly wage at adversely affected employment (for lump sum payment)
- Financial tracking of expenses
  - Tracking log or record of Relocation costs

## TAA Glossary of Definitions

**Administratively Responsible Michigan Works! Agency** – The Michigan Works! Agency whose service delivery area includes the location of the employer from which a worker group was certified.

**Adversely Affected Employment** - A situation that exists in a firm or an appropriate subdivision of a firm, if individuals of such firm or appropriate subdivision, are certified as eligible for Trade Adjustment Assistance (TAA) as being adversely affected.

**Adversely Affected Worker** - is one who has been totally or partially separated from employment in a firm or subdivision of a firm that has been certified under TAA.

**Agent State** – is any state other than the *liable State*, or the state where the participant seeks services. It should be noted that residency is not relevant to the agent or liable state definition. The agent state is responsible for cooperating fully with the liable state. The agent state assists the liable state in carrying out its activities and functions including, but not limited to providing information needed for determinations, redeterminations/appeals, as well as procuring and paying the training costs approved by the liable state (including related training expenses, transportation, and subsistence). Documents relating to training enrollment and waivers must be provided by the agent state to the liable state.

**Alien** –is a person who is not a citizen or national of the United States.

**Alien Verification** –is the process in which the MWA is required to validate satisfactory immigration status for receipt of TAA benefits.

**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. ATAA is only available through the Trade Act of 2002.

**Appropriate Week** - The week in which the adversely affected worker's first separation occurred.

**Average Weekly Wage** - means one-thirteenth of the total wages paid to an individual in the individual's high quarter. The high quarter for an individual is the quarter in which the total wages paid to the individual were highest among the first four of the last five completed calendar quarters preceding the individual's appropriate week.

**Bona Fide Application for Training** - An individual's signed and dated application (TAA-923: *TAA Training Application*), containing the adversely affected worker's name, petition number, and specific occupational training filed with the Michigan Works! Agency administering the TAA training program.

**Certification** – An authorization 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** - 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** or '*normal 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 15 miles one-way from the adversely affected worker's home.

**Date of Separation** - for an *employed* individual, is the last day worked for a total separation. 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.

**Enrolled in Training** - is defined as an approved training contract signed by all 3 signatories (training provider representative, MWA representative, and the adversely affected worker) for which trainee will begin training within 30 days.

**Equitable Tolling** – An exception to a TAA deadline that applies in situations where it would be manifestly unfair to deny an adversely affected worker TRA eligibility or to deny other TAA benefits such as Additional TRA, Job Search Allowances, Relocation Allowances, or the issuance of a Waiver of the TAA Training Requirement, based on the adversely affected worker's failure to meet the statutory deadline for enrolling in training, or to deny, based on a missed deadline. To apply this exception, the MWA must determine whether the adversely affected worker exercised due diligence in meeting the TAA benefit eligibility deadline.

**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. Same-sex marriages are recognized and apply to the definition of family in the TAA program.

**Financial Hardship** - According to the CFR (C)(1) For the purpose of paragraph (a)(2)(ii) of this section, an extraordinary financial hardship shall exist if recovery of the overpayment would result directly in the person's or individual's loss of or inability to obtain minimal necessities of food, medicine, and shelter for a substantial period of time; and an extraordinary and lasting financial hardship shall be extraordinary as described above and may be expected to endure for the foreseeable future.

**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)** - is 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 72.5 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 (IRS).

**Impact Date** - is the date stated in a certification issued under TAA on which total or partial separations began, or threatened to begin, in a firm or a subdivision of a firm. The impact date can be up to one year prior to the date of the petition.

**Increased Imports** - Imports that increased either absolutely or relatively to domestic production, compared to a representative base period. 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** - is a suspension of, or separation from, adversely affected employment by a firm for lack of work initiated by the employer that is expected to last 7 days.

**Liabile State** - is the state in which the worker's Unemployment Insurance claim is established. The liable state is responsible for payment of Trade Readjustment Allowances (TRA), issues determinations for the following: eligibility, waivers, training, job search allowances, relocation allowances, TRA and RTAA. It is the responsibility of the liable state to pay UI, TRA, RTAA, and Job Search and Relocation Allowances.

**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.

**Prerequisite Training** – is a required course or coursework that must be completed before commencement of study for a particular program.

**Reemployment Trade Adjustment Assistance (RTAA)** –is a wage subsidy benefit to workers age 50 and older. The RTAA 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. RTAA is available through the Trade and Globalization Adjustment Assistance Act of 2009, the Trade Adjustment Assistance Extension Act of 2011, and the Trade Adjustment Assistance Reauthorization Act of 2015.

**Remedial Training** - refers to 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.

**Systematic Alien Verification for Entitlement (SAVE) Program** –is the mechanism used by the UIA and TIA for alien verification.

**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** - 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** - 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** – "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," according to Subsection 29 (6) of the Michigan Employment Security Act. The 20 CFR.3 (kk) states, "suitable work is defined by the local state law." 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.

**Total Separation** - is a layoff of an individual from a firm, or a subdivision of a firm, in which adversely affected employment exists.

# TAA Forms

## **Eligibility**

[TAA-099](#) [Eligibility Determination\\*](#)

## **Registration**

[TAA-100](#) [TAA Registration\\*\\*](#)

## **Alternative/Reemployment Trade Adjustment Assistance**

[TAA-244](#) [A/RTAA Application\\*](#)

## **Training**

[TAA-301](#) [Classroom Training Contract \(extended version\)](#)

[TAA-302](#) [Classroom Training Contract \(abridged version\)](#)

[TAA-303](#) [Employer-Based Training Contract](#)

[TAA-304](#) [Training Contract Modification\\*](#)

[TAA-305](#) [Certification for Training-Related Equipment](#)

[TAA-306](#) [Benchmark Report\\*](#)

[TAA-307](#) [Training Attendance Report](#)

[TAA-308](#) [Program Planning Worksheet](#)

[TAA-312](#) [Training Approval Standards\\*](#)

[TAA-319](#) [Participant Status Report\\*](#)

[TAA-321](#) [Special Component Training](#)

[TAA-923](#) [Training Application\\*](#)

## **Job Search and Relocation**

[TAA-401](#) [Request for Job Search Allowance](#)

[TAA-402](#) [Request for Relocation Allowance](#)

## **Determinations and Appeals**

[TAA-501](#) [Notice of Determination](#)

[TAA-502](#) [Request for Redetermination](#)

[TAA-503](#) [Notice of Redetermination](#)

[TAA-504](#) [Appeal to ALJ](#)

## **Training Waiver**

[TAA-802 \(2002\)](#) [Waiver of TAA Training Requirement\\*](#)

[TAA-802 \(2009\)](#) [Waiver of TAA Training Requirement\\*](#)

[TAA-802 \(2011\)](#) [Waiver of TAA Training Requirement\\*](#)

[TAA-802 \(2015\)](#) [Waiver of TAA Training Requirement\\*](#)

## **Trade Readjustment Allowance**

[TRA-920](#) [Request for Determination of Entitlement to TAA/TRA\\*](#)

[UIA 6364](#) [Request for Determination of Entitlement to Completion Trade Readjustment](#)

[All Allowances \(TRA\)](#)

## **Other**

[TAA-602](#) [Notice of Certification](#)

[TAA-603](#) [Request for TRA Representation](#)

[TAA-604](#) [Employability Plan](#)

[TAA-605](#) [Travel and Subsistence Eligibility Determination](#)

*\*Required*

*\*\*Required but can be modified*