

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. The MWA is required to issue an official determination of eligibility to each adversely affected worker on 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/TAA as eligible for services.
- 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).
- 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 your TAA State Coordinator at TAA@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 WDA.

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 TAA eligibility, the MWAs must complete Form TAA-099: *Eligibility Determination*. A copy of the TAA-099: *Eligibility Determination* and a copy of, at minimum, one of the following types of qualifying separation documentation must be included in the adversely affected worker's file:

- A copy of the company layoff list, printed from the OSMIS Eligibility Table, 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 WDA 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 your TAA State Coordinator at TAA@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 acknowledgment 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.

The 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.
- **Relocation Allowances:** pays a certain expense for eligible adversely affected workers and their families to relocate within the United States.
- **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.
- **HCTC:** eligibility for HCTC includes the adversely affected worker and their family.