

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 16th week of the adversely affected worker's last qualifying separation, or the last day of the 8th 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 26th week of the adversely affected worker's last qualifying separation or the last day of the 26th 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 by the Monday of the first week occurring 30 days after the date on which the waiver terminated, whether by revocation or expiration. The waiver naturally expires when Basic TRA eligibility ends. 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 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*.

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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 26th week of the adversely affected worker's last qualifying separation or the last day of the 26th 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 by the Monday of the first week occurring 30 days after the date on which the waiver terminated, whether by revocation or expiration. The waiver naturally expires when Basic TRA eligibility ends. 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 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 26th week of the adversely affected worker's last qualifying separation or the last day of the 26th 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 by the Monday of the first week occurring 30 days after the date on which the waiver terminated, whether by revocation or expiration. The waiver naturally expires when Basic TRA eligibility ends. 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 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 16th week of the adversely affected worker's last qualifying separation, or the last day of the 8th 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 26th week of the adversely affected worker's last qualifying separation or the last day of the 26th 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 Allowances* 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: Alternative/Reemployment Adjustment Assistance.

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 – Alternative/Reemployment Adjustment Assistance.

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, the 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.
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- 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 a limited understanding of English.
 - 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