

Trade Adjustment Assistance Q&A

For Program Navigators

This document was prepared by the Washington State Labor Council as a desk aid for TAA grant Program Navigators. For the legal definitions or policy guidelines pertaining to the TAA program, please visit the U.S. Department of Labor Website at: <http://www.doleta.gov/tradeact/>. Benefit amounts differ slightly based on program regulations associated with the year of certification.

Please direct participants to WorkSource and/or the WA State TAA Unit for specific questions pertaining to individual claims or training plans.

What is TAA?

Trade Adjustment Assistance (TAA or “Trade Act”) is a federal program that provides support to laid-off workers and downsizing businesses impacted by jobs leaving the USA or foreign products ~~or services~~ making it hard to compete. The program was created in the 1960’s to provide support to workers laid off due to the adverse effects of U.S. trade agreements.

What benefits do TAA participants receive?

The package of benefits TAA eligible workers may access is extensive compared to other displaced worker programs. Unlike others that are on a “first come, first served” basis, TAA is an *entitlement* program. All affected workers from a certified company may enroll with a TAA counselor. The following benefits are available to assist with reemployment support based on the workers’ individual needs:

- ~~Health Coverage Tax Credit: 72.5% subsidy of healthcare premiums (HTC ended October 31 with the implementation of the Affordable Care Act.)~~
- Occupational Training: Up to two years of fully funded training (tuition, books, fees, remedial)
- Income Support: An extension of weekly benefit checks while in approved training
- Job Search Allowance: Fuel and other expenses paid for out of area job search
- Relocation Assistance: Moving expenses and a lump sum payment to move for suitable employment
- Older Worker Wage Subsidy: 50% wage replacement for workers over 50 who become reemployed at a lower wage than their TAA certified employer.

As with other dislocated worker programs, the intent is to get TAA eligible workers back to “suitable” employment as quickly as possible. Training is available when the worker’s existing skills are unlikely to, or have proven unable to, lead to suitable employment without an upgrade in skills or new certification.

How do workers become eligible?

A petition must be filed to the U.S. Department of Labor. For businesses affected by foreign competition, the petition may be filed within one year following a layoff event. Various entities may file on behalf of the company- 3 workers, unions, employers, WorkSource or Employment Security Department. The Washington State Labor Council assists with the petition process and in conjunction with the Employment Security Department files most petitions in our state.

After a petition is filed, the U.S. DOL completes an investigation into the circumstances of the layoff and makes a determination to certify or deny the petition. The petitioner, company and state are notified of the decision.

Once the company is certified, each individual worker must file a Request for Determination form in order to receive confirmation of their individual eligibility. A certified petition covers all affected workers laid off between 1 year prior and 2 years past the certification date.

Legislative Changes

Since we last spoke, legislative changes have impacted TAA program parameters, some of which directly affect workers and service providers. The 2011 TAA package was set to expire at the end of 2013, unless congress acted to

reauthorize it. The expiration caused the program to “revert” back to partial 2002 regulations, with the following significant implications:

- **Company eligibility:**
 - Service sector workers are no longer eligible, petitions must be tied to a product.
 - Foreign competition is no longer determined worldwide, but must be tied to a specific trade agreement.
- **Service Delivery:**
 - Workers no longer have 26 weeks for enrollment in training (or arranging a waiver), but must do so in 8 weeks from the date of layoff or 16 weeks from the date of certification, whichever is greater.
 - Waiver options remain at the limited 2011 list of “training not available,” “enrollment not available,” or “health”.

Want to know more about these changes? Contact us, we are happy to provide additional resources.

What should I consider when meeting with TAA eligible workers?

If a prospective student is eligible for TAA, first make sure they have enrolled with a TAA counselor at WorkSource. For those who are enrolled and pursuing training, a training research packet will be required for approval of the proposed training plan. The students will be asked to identify job prospects of the field, demonstrate industry demand and provide detailed information from the training institution about the program requirements and timeline. Program Navigators can assist TAA participants by familiarizing themselves with labor market statistics related to the Health IT field to help guide workers through completing their packets. The school will also be required to sign research packets in the initial stage and progress reports throughout the duration of the training plan.

What about workers who were affected by trade but are not yet certified?

When speaking to displaced workers, your initial interview can help identify whether they may be covered under an existing TAA petition, worked for a “secondarily affected” business*, or were potentially impacted by trade, justifying the filing of a petition. Therefore, it is helpful to incorporate some of the following questions into conversation:

Is the reason for your layoff related to...

- Jobs leaving the USA? (**Manufacturing**)
- A customer purchasing products from another country?
- Your company importing from foreign suppliers?
- General competition from foreign companies?

If the answer is yes, Navigators should consider...

- Is the company already covered by a current petition? (see link below)
- Did the layoff occur within the last year?
- Could the company be tied to an existing TAA petition?*

* Companies directly associated with one or more TAA certified companies may be eligible as “secondary” petitions. Examples include: on-site contract/leased workers, upstream suppliers of product or services, downstream recipients of product or services, etc.

If pursuing TAA appears to be warranted, follow-up immediately. Many potential companies fall through the cracks because we never hear about them. The petition process can be lengthy, so developing a plan “A” and “B” for training dollars is advisable. The WSLC completes the majority of petitions in Washington State and are happy to assist workers who believe they may be eligible.

How can I reach TAA eligible workers?

When a company becomes certified for TAA benefits, the company, union or workers compile a list of affected workers from which the state mails notification and plans an information session (if over 30 are affected). These meetings are your best opportunity to reach affected workers. If you plan ahead, you can secure a slot on the agenda

to promote your program. A strong relationship with the local WorkSource allows the counselors to share your program with participants as well.

Are there resources available for more info?

Washington State Labor Council:

Through a U.S. Department of Labor grant, the WSLC developed outreach materials to assist workers in accessing TAA benefits and provide assistance with the filing of TAA petitions. Our website, a result of this grant, offers an overview of the TAA program and includes links to the appropriate resources throughout.

- Website: www.TAA-Washington.org
- Contacts: Bill Messenger (360)357-8736 / bmessenger@wslc.org
Caitlyn Jekel (360)705-9469 / cjekel@wslc.org

U.S. Department of Labor:

The TAA program is administered by the U.S. DOL. Their website provides the full legal parameters of the program. For you, their resources will be most useful for checking existing petitions.

- Petition status: http://www.doleta.gov/tradeact/taa/taa_search_form.cfm

Washington State Employment Security TAA Unit:

Your best resource will be the participants' TAA counselor, but general information on WA State resources can be found on their website.

- ESD TAA: <http://www.esd.wa.gov/hireanemployee/layoffs/tradeact/taa-faq.php>
- WS Directory: http://www.wa.gov/esd/wsdirectory_local.htm
- Contacts: Rob Mills (360)407-1324 / rmills@esd.wa.gov
Bob Hughes (360)725-9518 / bhughes@esd.wa.gov