



Workforce Issuance

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☒ Policy ☐ Information

To: Chief Elected Officials
MassHire Workforce Board Chairs
MassHire Workforce Board Directors
MassHire Career Center Directors
MassHire Fiscal Officers
MDCS Operations Managers

Cc: WIOA State Partners

From: Alice Sweeney, Director
MassHire Department of Career Services

Date: July 23, 2021

Subject: **Trade Adjustment Assistance Reauthorization Act of 2015 Sunset Provisions – Reversion 2021**

Purpose: To provide updated policy guidance to MassHire Workforce Boards, MassHire Career Center Operators, and workforce partners of the implementation of the sunset provisions of the Trade Adjustment Assistance Reauthorization Act of 2015. These provisions called “Reversion 2021”, resulted in changes to benefits and services for workers under petitions filed on or after July 1, 2021.

Background: The Trade Adjustment Assistance (TAA) program provides benefits and support to U.S. workers who become unemployed due to the impact of international trade. Under the Trade Adjustment Assistance Reauthorization Act of 2015, there are specific rules and details regarding the sunset of the TAARA 2015 program services and benefits which are found in [TEGL](#) 24-20.

Policy: The sunset provisions will change the group eligibility requirements, and individual benefits and services available under the Trade Adjustment Assistance program, for some workers. The new petition series that will be utilized will start with petition numbers 98,000 and above.

Services provided under the Trade Act are administered in partnership with Massachusetts Career Centers and the MassHire Department of Career Services (MDCS) and Department of Unemployment Assistance (DUA).

Enrollment Deadlines for Trade Readjustment Allowances (TRA) Eligibility

- Workers must be approved for training or have an approved waiver from training **8 weeks after the certification date of the Petition or 16 weeks after most recent layoff, whichever is later**, in order to remain potentially eligible for Trade Readjustment Allowances (TRA).
- A 45-day extension of the 8/16 deadlines described above, due to extenuating circumstances, still applies.
- Equitable tolling of deadlines are also available under certain circumstances.

There are no state or Federal good cause extensions available.

Trade Readjustment Allowances (TRA)

- There remains, up to 130 weeks of cash payments (including any UI/EUC/EB) if the worker was also enrolled in training that results in an industry-recognized credential (and other Completion TRA requirements are met)

Reversion 2021	
UI + Basic TRA	52 weeks (Basic TRA may be payable only during the 104 week period beginning with a worker's most recent total qualifying separation).
Additional TRA	Up to 65 weeks (if in training and payable within 78 weeks)
Completion TRA	Up to 13 weeks (payable within 20 weeks - if in training)
<i>Max weeks</i>	Up to 130

Waivers from Training

- Approval of a waiver from training must be by the participant's 8/16 deadline.
- It allows collection of Basic TRA (only) **and** must be reviewed every 30 days.

Types of Waivers from Training Available

- Health** - The worker is unable to participate in training due to the health of the worker, except that this basis for a waiver does not

exempt a worker from the availability for work, active search for work, or refusal to accept work requirements under Federal or State unemployment compensation laws.

- **Enrollment is not available** - The first available enrollment date for the worker's approved training is within 60 days after the date of the training determination, or, if later, there are extenuating circumstances for the delay in enrollment, as determined under guidance issued by the Secretary.
- **Training is not available** - Training approved by the Secretary is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational schools as defined in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 USC 2302) and employers), no suitable training for the worker is available at reasonable cost, or no training funds are available.

Training Services

- Training may be approved on a full or part-time basis and remain potentially eligible for TRA cash benefits
- Training can be approved for UP TO 130 weeks
- Certified workers may not begin approved training until they have been totally separated from adversely affected employment (incumbent workers are no longer eligible to start training)
- 210 Day Rule - To be eligible for Additional TRA, a worker must make a bona fide application for training (officially submit a training application to MDCS) within 210 days of the later of the worker's most recent qualifying separation or the first certification of eligibility to apply for adjustment assistance that covers the workers.

Alternative Trade Adjustment Assistance – ATAA

- Remains available to workers 50 years of age or older
- Group eligibility will be determined at time of Petition determination
- Workers may not participate in TAA-approved training (must choose training or ATAA)
- Reemployed within 26 weeks of most recent qualifying separation
- Available only for workers earning less than \$50,000 per year in reemployment wages
- Maximum benefit of \$10,000 over a period of up to two years
- ATAA participants may not receive job search allowances

Job Search Allowances

- 90% of allowable costs, up to \$1,250

Relocation Allowances

- 90% of costs, up to the statutory limit for Federal Employees
- Provides an additional lump sum payment of up to \$1,250

Eliminations

- **Incumbent worker training** - Adversely affected incumbent workers are not eligible for TAA benefits and services (workers must be totally separated from adversely affected employment).
- **Federal Good Cause** – This provision is no longer available, but states may apply Equitable Tolling of deadlines consistent with the TEGE No. 08-11 to extend deadlines in egregious circumstances.
- **Special Rule for military** - Military Service Deadline Extension is no longer available.
- **Earnings UP TO TRA WBA – No longer allowed** (due to full time training requirement *and* no provision for part time training allowed under REVERSION 2021): hence no earnings disregard allowance (which was previously incorporated by TGAAA and TAAEA).
- **Election of TRA or UI – No option available** for filing for TRA or UI subsequent benefits. All TRA requires the exhaustion of all UI entitlement.
- **Employment and Case Management funds** - Employment and Case Management Services are no longer funded for job seekers covered under Reversion 2021. States are required to “make every reasonable effort” to provide adversely affected workers these services through other programs (Co-Enrollment is highly encouraged and WIOA Co-Enrollment is required for workers approved under the Trade Program as of September 21, 2020).
- **Health Coverage Tax Credit (HCTC)** – expires December 31, 2021.

Action

Required: Please assure that all appropriate staff and partner organizations are apprised of the contents of this issuance. MassHire Workforce Boards and MassHire Career Center Operators should ensure that appropriate staff are fully informed of the required program changes that will be in effect for petitions filed on or after July 1st 2021. Additional training sessions will be scheduled in the near future to address these changes.

MOSES and UI Online changes are also being implemented to address these changes. More information will follow in the near future.

Effective: July 1, 2021

- Inquiries:** Questions related to this policy should be directed to PolicyQA@detma.org. Please reference the correct WIOA Communication issuance number with the inquiry.
- Attachment:** Training and Employment Guidance Letter (TEGL) NO. 24-20 - Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015