



Workforce Issuance

100 DCS 13.121.1

☒ 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: Diane Hurley, Acting Director

Date: February 7, 2023

Subject: **Phased Termination of the Trade Adjustment Assistance Program: Updated Operating Instructions**

Purpose: To provide updated policy guidance to the MassHire Workforce Boards, MassHire Career Center Operators and workforce partners on the phased termination of the Trade Adjustment Assistance Program (TAA), and to update the operating instructions that apply to the use of funds and on the provision of employment and case management services to adversely affected workers covered by petitions filed on and after July 1, 2021. This version of the TAA Program is described herein as "Reversion 2021."

Although Congress has introduced legislation to reauthorize TAA, as of this notice, enactment of such legislation remains pending, which requires the Department and the states, as agents of the Secretary, to carry out the reversion provisions of the TAARA 2015.

On July 1, 2022, the termination provision under Section 285(a) of the Trade Act of 1974, as amended, will take effect. However, under this provision, states must continue after June 30, 2022, to determine individual worker eligibility and provide

benefits and services for workers covered under certified petitions.

In order to be entitled to TAA benefits and services on and after July 1, 2022, a worker must:

1. be covered by a petition filed and determined to be certified on or before June 30, 2022;
2. be an “adversely affected worker”, who because of lack of work in adversely affected employment has been totally or partially separated from such employment on or before June 30, 2022; and
3. meet or continue to meet the individual eligibility requirements for TAA benefits and services in accordance with relevant operating instructions and federal regulations at 20 CFR part 618, including any applicable deadlines.

For the 2015 Program, this includes “adversely affected incumbent workers,” who were threatened with total or partial separation on or before June 30, 2022. States must continue to provide TAA benefits and services to these workers after June 30, 2022.

Adversely affected incumbent workers are not eligible for services under Reversion 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.

Policy: Workers who were included in groups certified as eligible to apply for TAA benefits, but who are not adversely affected workers or adversely affected incumbent workers on or before June 30, 2022, are not entitled to TAA benefits and services as they did not become eligible for those benefits and services prior to termination of the program.

States may issue individual determinations on eligibility (MA 1666) after June 30, 2022, **but the worker’s separation or threat of separation must be on or before June 30, 2022**, regardless of which version of the TAA Program they were certified under, and regardless of the expiration date indicated on the certification.

Utilization of TAA Program Funds on or after July 1, 2022:

Under the new interpretation of Section 235, Training and Other Activities (TaOA) funds issued in FY 2021, FY 2022, and prospectively FY 2023 may be used for expenditure under the terms and condition of their awards and subject to the regulations.

This means that states may use TAA Program TaOA funds to cover case manager salaries and expenses and the cost of providing employment and case management services to workers covered by certified petitions filed under the 2002, 2009, 2011, 2015, and Reversion 2021 programs, instead of only the 2009, 2011, and 2015 programs.

This policy change ensures all certified worker groups have equal access to TAA-funded employment and case management services regardless of the program in effect at the time the petition covering the worker group was filed.

States may use TaOA funds to cover the costs of providing the required employment and case management services described in 20 CFR § 618.300 through § 618.360. This includes outreach to members of certified worker groups and all other allowable costs described in the TAA Program regulations at 20 CFR 618. Again, these services may be provided to workers covered by certified petitions regardless of the version of the TAA Program in effect when the petition covering the workers was filed.

States must use TaOA funds to cover the costs of the set of benefits and services available to adversely affected workers in accordance with the requirements of the TAA law.

A/Reemployment Trade Adjustment Assistance Benefit Payments:

Section 246 Provision: The termination provision under Section 246(b) of the Trade Act of 1974, as amended, addresses ATAA administered under the 2002 Program, Reversion 2014, and Reversion 2021, and RTAA administered under the 2009, 2011, and 2015 programs. The termination provision, which is applicable to only ATAA and RTAA, limits the receipt of those benefits after the termination date to workers, “receiving payments under the program.” This provision provides that only workers who have already begun receiving payments under these programs as of June 30, 2022, may continue to receive payments under the respective program after that date. Therefore, workers who have met all the other eligibility requirements for ATAA or RTAA by June 30, 2022, but who have not yet been issued a determination approving an application to receive at least one ATAA or RTAA payment by June 30, 2022, will not be eligible to receive any payments under these programs. CSAs shall not approve applications for ATAA or RTAA on or after July 1, 2022, for such workers.

The termination provision, which is applicable to only ATAA and RTAA, limits the receipt of those benefits after the termination date to workers, “receiving payments under the program.” This provision provides that **only workers who have already begun receiving payments under these programs as of June 30, 2022, may continue to receive payments under the respective program after that date.**

Therefore, workers who have met all the other eligibility requirements for ATAA or RTAA by June 30, 2022, but who have not yet been issued a determination approving an application to receive at least one ATAA or RTAA payment by June 30, 2022, will not be eligible to receive any payments under these programs. MDCS cannot approve applications for ATAA or RTAA on or after July 1, 2022, for such workers.

Pending Petitions, Reconsiderations, and Amendments:

No determinations will be made for pending, uncertified petitions after 11:59 PM Eastern EDT, Thursday, June 30, 2022, by the Department of Labor (DOL).

In addition, Applications for Reconsideration (ETA-9185) filed on or before June 30, 2022, will be considered; however, determinations on these requests will cease.

Amendment petitions in relation to petitions certified on or before June 30, 2022, will continue to be processed and determinations will continue to be issued, where appropriate. Updates to amendment requests for petitions certified on or before June 30, 2022, may be provided.

No updates will be provided regarding administrative reconsiderations on pending petitions after that time unless the TAA Program is subsequently restored.

Petitions for worker group certification pending before the Court of International Trade after June 30, 2022, will be treated as pending petitions if no certification has been issued on or before that date. At that time, the statutory language contained in any reauthorizing legislation will determine the status and handling of these pending petitions and requests.

Notifications for Worker Groups and Individual Workers:

Worker group and worker notification practices will not change for petitions certified on or before June 30, 2022. After making a determination on group eligibility, the Department's Office of Trade Adjustment Assistance will notify the petitioners, the workers' firm, and the appropriate State TAA Coordinator of the determination.

In addition, the determination will be posted on the TAA website. Once a determination is made, States (MDCS) will notify individual workers of the certification, provide information about the benefits and services available under the TAA Program, assist workers in applying for and accessing those benefits and services through MassHire Career Centers, and inform them of the termination provisions described in this directive.

Reporting Requirements on and after July 1, 2022:

There are no changes to the reporting requirements under the TAA Program on or after July 1, 2022.

Action

Required: Please assure that all appropriate staff and partner organizations are apprised of the contents of this policy. MassHire Workforce Boards and Career Center Operators should ensure that appropriate staff are fully informed and share with their customers as appropriate.

Effective: Immediately

Inquiries: Questions related to this policy should be directed to PolicyQA@mass.gov. Please reference the Issuance number with the inquiry.

Attachment: [TEGL 24-20: Operating Instructions for Implementing the Reversion Provisions of the Amendments to the Trade Act of 1974 Enacted by the TAARA 2015](#)