

MASSACHUSETTS

Workforce Investment Act

STEERING COMMITTEE

WIA Communication No. 00-27

☒ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Career Center Directors
DET Regional Directors
DET Area Directors
Service Delivery Area Directors

cc: WIA State Partners
Walter Baran, Regional U.S. Department of Labor
Bill McClory, Division of Employment & Training
Barbara Bond, General Dynamics/Beloit Career Resource Center
Jake O'Hare, Framingham Employment & Training Resources

From: Jonathan Raymond, President

Date: July 21, 2000

Subject: Job Search Allowances Under the Trade Adjustment Assistance Programs
(Please note this Policy is the Final Version of CBWL's Policy #00-17 issued as Draft on 5/25/00)

Policy: Operating entities must ensure that client services are in compliance with this policy and with the Trade Adjustment Assistance Regulations, 20 CFR Part 617.

Action Required: Please distribute copies of this policy to all appropriate individuals within your organization, and take necessary action to ensure compliance with this policy.

Effective: Effective immediately.

References: Trade Adjustment Assistance Act of 1974, as amended.
Trade Regulations, 20 CFR Part 617.

Inquiries: Questions related to this policy should be directed to Beth Drummond at (617) 727-8158, extension 1336.

Filing Information This document should be filed in your notebook with previously issued WIA Communications as #00-27.

PURPOSE

To set forth guidelines for the approval and payment of Job Search Allowances provided under the Trade Programs.

POLICY

It is the intent of this policy to set forth guidelines for Job Search Allowances under the Trade Adjustment Assistance (TAA) Programs. This policy supersedes any previous policy issued by the Division of Employment and Training (DET).

INTRODUCTION

A Job Search Allowance may be granted to an adversely affected worker to assist the individual in securing a job within the United States. The following are basic points to remember:

- ♦ Job Search Allowances (estimates) must be approved before the individual begins to job search.
- ♦ A Job Search Allowance may be granted only once, for one 30-day period, under a certification. However, there may be several job searches during that 30-day period.
- ♦ Approval and/or payments of Job Search Allowance will be made based on the guidelines set forth in this policy and according to the Regulations which implement the Trade Act of 1974, as amended.

APPLICATIONS

- ♦ Applications for Job Search Allowances must be made on the *CBWL Request for Job Search Allowances* Form and in accordance with the items outlined above. Applications must be complete and have estimated figures requested. When applying for a job search allowance for air travel or other out-of-state transportation, 3 quotes must be supplied.
- ♦ An application for Job Search Allowances can be filed before an individual's eligibility has been determined.
- ♦ Applications may not be approved until after the individual's eligibility has been determined.
- ♦ Applications for Job Search Allowances may not be approved unless submitted before:
 1. the 365th day after the date of the certification of the company,
 - or**
 2. the 365th day after the date of the individual's last total separation, **whichever is later**.
 3. The 182nd day after the concluding date of training approved under Trade.

ELIGIBILITY

For Job Search Allowances, the following are required:

1.
 - ♦ A timely filed application (see Attachment A).
 - ♦ The individual must be totally separated when the job search commences.
 - ♦ No prior receipt of a Job Search Allowance under the same certification.

- ◆ Job Search within the United States and outside the individual's normal commuting area.
- ◆ Registration with a Career Center for reemployment services, as appropriate.
- ◆ Verification that the client is not receiving relocation benefits from his/her new employer.

2.

- ◆ The Career Center must also provide to CBWL a memo which states that a determination has been made that there is no reasonable expectation that the individual will secure suitable employment in the commuting area and that he/she has a reasonable expectation of obtaining suitable employment of long-term duration outside the commuting area in the area in which the job search will be conducted.

For this section:

Suitable employment refers to Section 617.3(kk)(1) and (2) of the Massachusetts Unemployment Law, under which a job is not suitable if it meets one of the following:

- i. It could endanger the health, safety, or morals of the claimant;
- ii. The claimant is not reasonably fitted for the job by training and experience;
- iii. The job is located beyond a reasonable distance from the claimant's residence or previous workplace;
- iv. The job involves substantially higher travel expenses than those in his or her former work;
- v. The work's pay, hours, or other conditions are substantially less favorable than the prevailing conditions for similar work in the locality;
- vi. The position offered is vacant due directly to a strike, lockout, or other labor dispute;
- vii. Accepting the job would require the claimant to join a company union, or limit his or her right to join or retain membership in any bona fide labor organization or workers' association.

Normal commuting area means the area in which an individual would be expected to travel to and from work on a daily basis as determined under the applicable state law. Please refer to CBWL's Trade programs Travel Policy #00-02, dated August 25, 1999.

3.

- ◆ Job Search must be completed within a reasonable period not to exceed 30 days after which the job search began.
- ◆ A job search shall be deemed completed when the individual either secures employment or has contacted each employer to whom referred by the Career Center in connection with a job search.

ITEMS ALLOWABLE

The amount of a Job Search Allowance may be:

90% of the total costs for each of the following allowable transportation and subsistence items:

- ◆ **TRANSPORTATION:** the more cost effective mode of transportation shall be approved by using:

- A. The actual cost of round trip travel by the most economical means of transportation an individual can reasonably be expected to utilize from the individual's place of residence to the area of job search.

or

- B. The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations for round trip travel by the usually traveled route from the client's old residence to the area of job search.

- ♦ **LODGING AND MEALS:** costs allowable for lodging and meals must be the lesser of the following:
 - i. the actual cost to the client while engaged in job search **OR**
 - ii. 50% of the prevailing per diem allowance rate authorized under the Federal travel Regulations for the locality to which the client is job searching.
- ♦ **Limits: Total job Search Allowances paid to an individual under a certification may not exceed \$800.00, regardless of the number of job searches completed by the individual.**

PAYMENT(S):

CBWL shall promptly make and record determinations regarding an individual's entitlement to Job Search Allowance(s). Payment(s) shall also be made promptly as soon as an individual is eligible.

- ♦ No Job Search Allowance can be paid or advanced to an individual until the Division of Employment & Training determines that the individual is eligible and covered under a certification (1666 approved).
- ♦ An individual must submit the *Interview Verification* Form (see Attachment B) before any job search allowance is reimbursed. Original receipts are required for CBWL to make any payments. Adjustments will be made if any amount was advanced.

*****Please note that neither the United States nor CBWL shall be or become liable to any party for personal injury, property loss, damage, etc. under any circumstances.**

Advances:

CBWL may advance an eligible individual 60% of the estimated amount of the job search allowance payable on completion of the job search, but not exceeding \$360.00, within 5 days prior to the commencement of a job search. Any advance will be deducted from the final amount incurred.

SUMMARY

Job Search is completed when the state agency contacts the potential employers to verify interview(s) certified by the client.

APPLICABLE REGULATIONS

Subpart D - Job Search Allowances

617.30 - General.

A Job Search Allowance shall be granted an adversely affected worker to assist the individual in securing a job within the United States as provided in this subpart D.

617.31 - Applications.

(a) Forms. Applications for job search allowances shall be filed in accordance with this subpart D and on forms which shall be furnished to individuals by the State agency.

(b) Submittal. An application may be submitted to a State agency at any time by an individual who has been totally or partially separated whether or not a certification covering the individual has been made. However, an application must be submitted to a State agency before the job search begins for the job search allowance to be granted, and the job search may not be approved until after the individual is covered under a certification.

(c) Time limits. Notwithstanding paragraph (b) of this section, a job search allowance application may be approved only if submitted before:

- (1) The 365th day after the date of the certification under which the individual is covered, or the 365th day after the date of the individual's last total separation, whichever is later; or
- (2) The 182d day after the concluding date of training approved under subpart C of this part 617, or approved under the regulations superseded by this part 617.

617.32 - Eligibility.

(a) Conditions. Job search allowance eligibility requires:

- (1) A timely filed application;
- (2) Total separation from adversely affected employment at the time the job search commences;
- (3) Registration with the State agency which shall furnish the individual such reemployment services as are appropriate under subpart C of this part 617.
- (4) A determination by the State agency that the individual has no reasonable expectation of securing suitable employment in the commuting area, and has a reasonable expectation of obtaining suitable employment of long-term duration outside the commuting area and in the area where the job search will be conducted.

For the purposes of this section, the term "suitable employment" means suitable work as defined in 617.3(kk) (1) or (2), whichever is applicable to the individual; and

(5) Completion of the job search within a reasonable period not exceeding 30 days after the day on which the job search began.

(b) Completion of job search. A job search is deemed completed when the individual either secures employment or has contacted each employer to whom referred by the State agency in connection with a job search.

(c) Verification of employer contacts. The State agency shall verify contacts with employers certified by the individual.

[51 FR 45848, Dec. 22, 1986, as amended at 59 FR 938, Jan. 6, 1994]

617.33 - Findings required.

(a) Findings by liable State. Before final payment of a job search allowance may be approved, the following findings shall be made by the liable State:

- (1) The individual meets the eligibility requirements for a job search allowance specified in 617.32(a)(1) through (4);
- (2) The application for a job search allowance was submitted by the individual within the time

limits specified in 617.31(c); and

- (3) The individual completed the job search within the time limits stated in 617.32(a)(5), and the requirements of paragraphs (b) and (c) of 617.32 have been met.

(b) Agent State. (1) When an individual files an application for a job search allowance with respect to a job search conducted in a State other than the liable State, the State agency of the State in which the individual conducts the job search shall serve as the agent State and be responsible for assisting the individual in conducting the job search and in filing an application for a job search allowance with the liable State, and for assisting the liable State by furnishing to it any information required for the liable State's determination of the claim.

- (2) The agent State shall cooperate fully with the liable State in carrying out its activities and functions with regard to such applications.

[59 FR 938, Jan. 6, 1994]

617.34 - Amount.

(a) Computation. The amount of a job search allowance shall be 90 percent of the total costs of each of the following allowable transportation and subsistence items:

- (1) Travel. The more cost effective mode of travel reasonably available shall be approved by using:

- (i) The actual cost of round trip travel by the most economical public transportation the individual reasonably can be expected to take from the individual's residence to the area of job search; or
- (ii) The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations (see 41 CFR part 101-7) for such roundtrip travel by the usual route from the individual's residence to the area of job search.

(2) Lodging and meals. The cost allowable for lodging and meals shall not exceed the lesser of:

- (i) The actual cost to the individual of lodging and meals while engaged in the job search; or (ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations (see 41 CFR part 101-7) for the locality where the job search is conducted. (b) Limit. The total job search allowances paid to an individual under a certification may not exceed \$800, regardless of the number of job searches undertaken by the individual. The amounts otherwise payable under paragraph (a) of this section shall be reduced by any amounts the individual is entitled to be paid or reimbursed for such expenses from any other source.

[51 FR 45848, Dec. 22, 1986, as amended at 51 FR 45869, Dec. 22, 1986; 53 FR 32351, Aug. 24, 1988; 59 FR 939, Jan. 6, 1994]

617.35 - Time and method of payment.

- (a) Determinations. A State agency shall promptly make and record determinations necessary

to assure entitlement of an individual to a job search allowance at any time, before or after a certification covering the individual is made. No job search allowance may be paid or advanced to an individual until the State agency determines that the individual is covered under a certification. A State agency shall make payment as promptly as possible upon determining that the individual is covered under a certification and is otherwise eligible.

(b) Payment. Unless paragraph (a) of this section applies, a job search allowance shall be paid promptly after an individual completes a job search and complies with paragraph (d) of this section.

(c) Advances. A State agency may advance an individual (except an individual not yet covered under a certification) 60 percent of the estimated amount of the job search allowance payable on completion of the job search, but not exceeding \$360, within 5 days prior to commencement of a job search. Such advance shall be deducted from any payment under paragraph (b) of this section.

(d) Worker evidence. On completion of a job search, the individual shall certify on forms furnished by the State agency as to employer contacts made and amounts expended daily for lodging and meals. Receipts shall be required for all lodging and purchased transportation expenses incurred by the individual pursuant to the job search. An adjustment shall be made if the amount of an advance is less or more than the amount to which the individual is entitled under 617.34.