

Mass Workforce Issuance

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☐ Policy ☒ Information

To: Chief Elected Officials
Workforce Board Chairs
Workforce Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Robert Cunningham, Director
Department of Unemployment Assistance

Date: September 24, 2015

Subject: **Operating Instructions for Implementing the Amendments to the TAA
Enacted by TAA Reauthorization Act of 2015**

Purpose: To notify local Workforce Development Boards, One-Stop Career Center Operators and other local workforce development partners of the Training and Employment Guidance Letter ([TEGL No. 5-15](#), *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAA 2015)*), released September 4, 2015. This TEGL is to assist the State Workforce Agencies designated by the Governor as “cooperating state agencies” (CSAs) in implementing the Trade Adjustment Assistance (TAA) Reauthorization Act of 2015 (TAARA 2015).

Revised policy guidance, training and changes to UI Online and MOSES will be rolled out over the coming months.

Background: The TAARA 2015 (see Attachment B) restores the worker group eligibility and benefits established by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA). The TAARA 2015 also:

- authorizes the operation of the 2015 Program and continuation of the 2002 Program, the 2009 Program, and the 2011 Program through June 30, 2021;

- provides a 90-day transition period for Reversion 2014 Program participants;
- expands coverage of certifications of petitions filed since January 1, 2014 for 90 days;
- requires reconsideration of negative determination on petitions filed since that date and before the date of enactment under 2015 Act certification requirements; and
- reauthorizes the HCTC program benefit for eligible TAA participants.

Additionally, new requirements are added by the TAARA 2015 to align performance reporting for the TAA Program with the requirements of the WIOA.

The Department has established a new petition number series beginning with TA-W-90,000, for petitions filed on or after the enactment date of the TAARA 2015. All petitions numbered TA-W-90,000 and above will be served under the 2015 Program.

Action

Required: CSAs must make every effort to notify workers that a petition should be filed as soon as possible if they believe that a worker group may be eligible for TAA certification under the 2015 Act criteria. In general, certifications cover workers separated from employment up to one year before the date of the petition. This date is known as the “impact date” of the certification. The 2015 Act provides that all certifications of petitions filed within 90 days after the date of enactment of the 2015 Amendments, which is 11:59 PM EST September 27, 2015, include workers separated on or after January 1, 2014, instead of the one-year impact date that applies to certifications of all other petitions. When a petition dated more than 90 days after the date of enactment (September 28, 2015) is certified, the one-year impact date will apply, and the certification will no longer cover workers separated more than one year before the petition date.

CSAs are required to implement the transition of workers from the Reversion 2014 Program to the 2015 Program on September 28, 2015, as set forth in these Operating Instructions (Attachment A, Section A).

CSAs are required to implement the 2015 Program, as set forth in these Operating Instructions (Attachment A), in addition to Sections H.1, H.3.2., and H.3.3, of these Operating Instructions that apply to determinations of RTAA applications.

Additionally, CSAs will continue to administer the 2002 Program, the 2009 Program, and the 2011 Program, in accordance with their associated Operating Instructions until all of those workers have exited the program, or in accordance with future guidance.

CSAs will inform all appropriate staff of the contents of these instructions.

Inquiries: Questions can be directed to Beth Goguen at bgoguen@detma.org.

Attachments: **A:** Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Preferences Extension Act of 2015
B - Trade Act of 1974, as amended
C - References