

Mass Workforce Issuance

Workforce Issuance No. 14-18

☒ **Policy** ☐ **Information**

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

cc: WIA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: March 6, 2014

Subject: **TAA Program Changes Resulting from Enactment of the
Trade and Globalization Adjustment Assistance Act of 2011– Reversion 2014**

Purpose: To notify Local Workforce Investment Boards, One-Stop Career Center Operators and local workforce investment partners of the implementation of the sunset provisions of the Trade and Globalization Adjustment Assistance Act of 2011 (TAAEA or the 2011 Amendments). These provisions, called "Reversion 2014", resulted in changes to benefits and services for workers under Petitions certified on or after January 1st 2014.

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. Enactment of the Trade and Globalization Adjustment Assistance Act of 2011 modified the parameters of the TAA Program in a number of ways. Specific rules and details regarding the sunset of these expanded TAA Program services and benefits are found in [\(TEGL\) No. 07-13](#).

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 85,000 and above.

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

Enrollment Deadlines

- Workers must be approved for training or on an approved waiver from training 8 weeks after certification or 16 weeks after layoff, whichever is later, in order to potentially be eligible for Trade Readjustment Allowances (TRA).
- A 45 day extension due to extenuating circumstances can be applied for.
- Equitable tolling of deadlines are also available under certain circumstances.

Trade Readjustment Allowances (TRA)

- 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 2014	
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 must be done within the 8/16 deadline. It allows collection of Basic TRA (only) **and** must be reviewed every 30 days.

Other 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 only be approved on a full-time basis
- 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
- 210 Day Rule - To be eligible for Additional TRA, a worker must make a bona fide application for training 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

- Available to workers 50 years of age or older
- Requires a separate certification of group eligibility
- Workers may not participate in TAA-approved training
- Reemployed within 26 weeks of most recent qualifying separation - ***not certification***
- Available only for workers earning less than \$50,000 per year in reemployment
- 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 separated from adversely affected employment)
- **State and Federal Good Cause** – These provisions are no longer available, but states may apply Equitable Tolling of deadlines consistent with the TEGL No. 08-11 to extend deadlines in egregious circumstances.
- **Judicial or Administrative Appeal** - Judicial or Administrative Review Extensions are no longer available
- **Justifiable Cause – Not allowed** (for extension of Basic and Additional TRA per TEGL No. 22-08, Section C.6.2)
- **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)

2014); 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 under Reversion 2014. States are required to “make every reasonable effort” to provide adversely affected workers these services through other programs (Costs will need to be covered under ES, WIA, NEG or other American Job Center partner programs)
- **Health Coverage Tax Credit (HCTC)** - No longer available as of January 1st 2014. Beginning January 1, 2014, every eligible TAA recipient will be responsible for paying their full health coverage premiums.

Action

Required: Please assure that all appropriate staff and partner organizations are apprised of the contents of this issuance. Local WIBs and One-Stop Career Center Operators should ensure that appropriate staff is fully informed of the required program changes that will be in effect for petitions filed on or after January 1st 2014. Additional training sessions will be scheduled in the near future.

Effective: January 1, 2014.

Inquiries: Please direct all inquiries to Beth Goguen at bgoguen@detma.org or 617-626-6053.

Attachment: (A) [Petition Form](#): *Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) - to be utilized effective January 1, 2014, Petition 2014R*