

MassWorkforce Issuance

Workforce Issuance No. 09-77

☒ **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 Regional Managers

cc: WIA State Partners

From: Michael Taylor, Director
Department of Workforce Development

Date: November 16, 2009

Subject: **Waivers from Training under the Trade Adjustment Assistance Programs**

Purpose: To notify Local Workforce Investment Boards, One-Stop Career Center Operators and local workforce investment partners of changes resulting from enactment of The Trade and Globalization Adjustment Assistance Act of 2009 for approval of waiving the requirement that a TAA eligible person participate in training under the Trade Adjustment Assistance Program (TAA) in order to receive basic Trade Readjustment Assistance (TRA) benefits..

Background: On February 17, 2009 the American Recovery and Reinvestment Act (ARRA) of 2009 was signed into law. The Trade and Globalization Adjustment Assistance Act of 2009, part of the ARRA, amended several elements of the TAA program. One of the changes includes new deadline dates for TRA eligibility, thus a new set of dates in which a waiver from training must be approved. This policy provides notice of the revised deadlines for TRA eligibility and also provides procedural guidance with respect to applying for waivers from training.

The six specific criteria for approval of a waiver of the training requirement for eligibility for basic TRA are described in ATTACHMENT A.

Policy: A waiver from training may be granted to an adversely affected worker if it is determined that it is not feasible or appropriate for the worker to attend training.

**Petitions Filed on or after May 18, 2009
(Identified by petitions numbered “70,000” and higher)**

In order for individuals to be determined to be TAA eligible for the Trade Adjustment Allowance under a petition filed *on or after* May 18, 2009, these individuals must be enrolled in training, participating in training, have completed training or *be approved to be “waived” from training* no later than **26 weeks** from the date of the petition certification or **26 weeks** from the worker’s most recent total separation from adversely affected employment.

All waivers must be initially reviewed after 90 days, and reviewed every 30 days thereafter. A summary of the individual’s job search information must be submitted with each request to extend a previously approved waiver.

Additionally, in some instances, a **45 day** “extenuating circumstance” extension may be approved. If the deadlines described above are missed, an extension under the **Good Cause Provision** can be requested (§1825 of the Trade and Globalization Adjustment Assistance Act) (see ATTACHMENT A).

**Petitions Filed before May 18, 2009
(Identified by petition numbered “69,999” and lower)**

In order for eligible individuals covered under a petition filed *before* May 18, 2009 to be entitled to Trade Readjustment Allowances, these individuals must be enrolled in training, participating in training, have completed training or *be approved to be “waived” from training* no later than **8 weeks** from the date of the petition certification or **16 weeks** from the worker’s most recent total separation from adversely affected employment.

Additionally, in some instances, a **45 day** “extenuating circumstance” extension may be approved (see ATTACHMENT A).

For all individuals covered under petitions filed before May 18, 2009, all waivers must be reviewed at the end of the thirty day period. A summary of the individual’s job search information must be submitted **every 30 days** with a request to extend the waiver.

Action

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

Effective: May 18, 2009

References: Trade Adjustment Assistance Act of 1974, as amended
Trade Reform Act of 2002
The Trade and Globalization Adjustment Assistance Act of 2009
Trade Regulations, 20 CFR Part 617

TEGL 11-02, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002, issued October 10, 2002 and subsequent changes

TEGL 22-08, Operating Instructions For Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009, issued on May 15, 2009

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.