

# Desk Guide

*Revised November 2015*

**Trade Adjustment Assistance Reform Act**

**And**

**Trade and Globalization Adjustment Assistance Act**

**And**

**Trade Adjustment Assistance Extension Act**

**including**

**Reversion 2014**

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## GENERAL INFORMATION

The Trade Adjustment Assistance for Workers (Trade Act) Program is a federal program that provides a path for employment growth and opportunity through aid to US workers who have lost their jobs as a result of foreign trade. The Trade Act program seeks to provide these trade-affected workers with opportunities to obtain the skills, resources, and support they need to become reemployed. The New York State Department of Labor is a cooperating state agency under an agreement with the United States Department of Labor and thereby administers the Trade Act program in New York.

**To avoid confusion, this Guide will refer to the Trade Adjustment Assistance general program as the “Trade Act” program and will not use the acronym “TAA” when referring to the general program. The acronym “TAA” will be used only in reference to the specific program which was established under the 2002 amendment.**

The Trade Adjustment Assistance (Trade Act) for Workers program was first authorized by the Trade Act of 1974 and then amended in 2002, 2009, 2011. The 2002 amendment created the Trade Adjustment Assistance Reform Act (TAA) program. The 2009 amendment created the Trade and Globalization Adjustment Assistance (TGAA) Act program as part of the American Recovery and Reinvestment Act of 2009 (also known as the Stimulus Bill or Recovery Act). The 2011 amendment created the Trade Adjustment Assistance Extension Act (TAAEA) program. Sunset Provisions within the TAAEA created the Reversion 2014 program.

Under Reversion 2014, Trade Act rules “revert” back to the amendments of 2002 (TAA), and also retain some provisions of the 2011 amendments (TAAEA). Reversion 2014 is authorized to be in effect from Jan 1, 2014 through Dec 31, 2014. (After which time, without further action from Congress, the TAA for Workers program will expire).

With Reversion 2014 workers may be certified based on increased imports or a shift in production to a foreign country. The production must shift to a country that is designated as a party to a free trade agreement with the United States. Furthermore Reversion 2014 limits petition certification to workers who engaged in the activity related to the production/manufacture of an article. Workers whose firms produce component parts may only be certified based on increased imports of the component parts themselves (not finished articles containing those component parts). Service sector firms are not eligible for Trade Act certification under Reversion 2014.

The Trade Adjustment Assistance Extension Act of 2011 (TAAEA) expired on 12/31/2013. All certifications issued on petitions filed on or after 01/01/2014 will be covered under the Reversion 2014 (2002 Amendments) benefits program, and will be assigned a petition number of TA-W-85,000 and above.

Trade Act offers a variety of benefits and services, that [vary depending on TA-W number](#) (also called petition number), to support workers in their efforts to become reemployed.

The chart below shows the program available by petition number.

Petition (TA-W) Number	Trade Act Program	Notes
Below 49999	Program regulations prior to 2002 amendment	NAFTA-Transitional Adjustment Assistance
50000 – 69999	TAA (2002 Amendments)	
70000 – 79999	TGAA (2009 Amendments)	
80000 – 80999	TAA or TAAEA	A small number of customers are eligible to choose between these two programs. Most customers will be served under TAAEA.
81000 – 84999	TAAEA (2011 Amendments)	
85000 and above	REVERSION 2014 (2002 amendments with TAAEA Sunset provisions)	

For a comparison of benefits available under the programs please click on the link:

[TAA side-by-side](#)

The primary focus of the Trade Act programs is on training. While previous versions of the Trade Act Program have allowed customers to be waived from training, Reversion 2014 has very limited options for waivers. The only focus of the Reversion 2014 program will be on training!

It is important to note that the Trade Act Participant Report (TAPR) has continuously shown that trade-affected workers who receive training have higher entered employment rates, longer employment retention rates and higher post average earnings than trade-affected workers who do not receive training.

Career Center staff should emphasize the training enrollment deadline which will potentially affect the customer's benefits.

The Alternate Trade Adjustment Assistance Program (ATAA) allows older TRADE ACT eligible workers to receive a wage subsidy to help bridge the salary gap between their old and new employment. Trade-affected workers who elect to participate in the ATAA (under the Reversion 2014) program will not be eligible for training, Trade Readjustment Allowances (TRA) or Job Search allowances. However, they may receive a relocation allowance.

The Trade and Globalization Adjustment Assistance Act of 2009 made significant changes to the ATAA program, including changing the name of the program to the Reemployment Adjustment Assistance Program (RTAA). Trade-affected workers who elect to participate in the RTAA program can participate in Trade Act approved training, can receive the RTAA wage subsidy after receipt of TRA but the weeks of TRA already paid to the trade-affected worker are subtracted, and can attend part-time training while working part-time, albeit without TRA benefits.

The Trade Adjustment Extension Act of 2011 reinstated the structure of the RTAA program under the 2009 program, but at the income eligibility limit and maximum benefit amount of the ATAA program.

Note: Earlier Trade Act programs offered eligible participants the Health Coverage Tax Credit (HCTC) which helped customers cover the cost of health insurance premiums. Legislation authorizing HCTC expired in 2013. HCTC ended for all customers (TAA, TGAA & TAAEA) on 12/31/13. There will be no HCTC coverage under Reversion 2014.

## **BENEFITS - TRADE ADJUSTMENT ASSISTANCE REFORM ACT, TRADE & GLOBALIZATION ADJUSTMENT ASSISTANCE ACT AND TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT, TRADE ADJUSTMENT ASSISTANCE REVERSION 2014**

Benefits include:

- Rapid Response
- Re-Employment Services including:
  - Counseling
  - Resume Writing and Interview Skills Workshops
  - Career Assessment
  - Job Development
  - Job Search Programs
  - Job Referrals
- Training
- TRA income support for those who meet the Trade Readjustment Allowance (TRA) eligibility requirements
- Job Search Allowances
- Relocation Allowance

## **THE PETITION & ELIGIBILITY PROCESS**

### How to File a Petition

A petition must be filed with the U.S. Department of Labor, Office of Trade Adjustment Assistance (OTAA); and if certified, trade-affected workers will be eligible to individually apply for Trade Adjustment Assistance (TAA). The petition form and filing instructions can be found on-line at:

<http://www.doleta.gov/tradeact/petitions.cfm>

A petition may be filed by: 1) a group of three co-workers from the same firm at the same job location; 2) a union official; 3) a company official; or, 4) a state or local agency representative at the local Career Center. The petitioner(s) must complete the petition form by answering all questions before submitting it to the U.S. Department of Labor. A completed petition describes a group of workers working at a specific location for a specific company producing a specific

product or group of products. If the group of workers described in the petition is certified, the certification will cover all workers in the group whether or not their names were on the petition.

Under Reversion 2014, ATAA will require a separate group certification.

Rules for petitions TA-W-85,000 and above will only allow certifications of workers engaged in the activity related to the production of an article. Under these petitions, eligibility is reserved for workers who have lost their jobs because their company's decline in production and/or sales was due to increased imports or the outsourcing of jobs to a country with which the US has a Free Trade Agreement. Workers of service-sector firms will no longer be certified.

Petitions for Trade Adjustment Assistance should be filed at any time after worker separations or a threat of separations begins, but not later than 1 year after the earliest date on which workers lost their jobs with the employer or had their hours/wages reduced.

Petitions filed by a group of adversely affected workers must be signed by at least three co-workers. Petitions filed by any other authorized representative require only one signature. Once signed, petitions must be filed with the OTAA and with the State TRADE ACT Coordinator or Dislocated Worker Unit with responsibility for the area in which the worker group works.

To be considered valid, Section 4 – Affirmation of Information must be signed and dated.

Petitions filed by or on behalf of New York State workers should be FAXed to Susan Serviss , NYS TRADE ACT Coordinator at 518-485-2577, in addition to filing with the U.S. Department of Labor.

To file with the U.S. Department of Labor, the petitioner(s) would use one of the methods below :

Electronically submit the Petition Form on-line at  
<http://www.doleta.gov/tradeact/petitions.cfm>

OR

FAX the completed Petition Form to 202-693-3584 or 202-693-3585

OR

Mail the completed Petition Form to the U.S. Department of Labor at U.S. Department of Labor, Trade Adjustment Assistance Program, 200 Constitution Ave NW, Room N-5428, Washington, DC 20210

Petitioners may request assistance in preparing the petition by contacting their local Career Center or by contacting the U.S. Department of Labor in Washington, D.C. at 1-888-DOL-OTAA (1-888-365-6822).

After the petition is filed, the Office of Trade Adjustment Assistance initiates an investigation to determine whether a group of workers meets the eligibility requirements. If the worker group meets the necessary eligibility criteria, a group eligibility certification will be issued. When a petition is approved and the workers are certified as eligible to participate in the Trade Act program, workers covered by the certification will be contacted by the state workforce agency to apply for benefits. These benefits are provided at no expense to employers.

Once a valid petition is received by the U.S. Department of Labor, a determination should be rendered within 40 days.

To check the status of a petition go to:

[http://www.doleta.gov/tradeact/taa/taa\\_search\\_form.cfm](http://www.doleta.gov/tradeact/taa/taa_search_form.cfm)

If the eligibility requirements have been met, the OTAA will issue the worker group a decision titled, "Certification Regarding Eligibility to Apply for Worker Adjustment Assistance." Generally, the certification covers all members of the worker group who are laid off or threatened with layoff. A worker group can include contract or temporary agency workers; however, the contract or temporary agency employers must be specifically named on the certification form. Each certification specifies the beginning and end dates (also referred to as the impact period).

### The Appeal Process

If the eligibility requirements are not met, the OTAA will issue the worker group a decision titled, "Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance." A negative determination denies workers certification of eligibility to apply for TRADE ACT services and benefits.

Workers who are denied certification may request administrative reconsideration from the OTAA. Requests for reconsideration must: 1) be in writing; 2) include the TRADE ACT investigation number; 3) be signed; and 4) describe the group of workers included in the petition. Requests must also cite reasons why the workers consider the denial erroneous according to the facts, the interpretation of the facts, or the law itself. Determinations on Trade Adjustment Assistance petitions are published in the Federal Register, the official daily publication for Rules, Proposed Rules, and Notices of Federal organizations. Reconsideration requests must be filed with the OTAA within 30 days of the date the determination notice is published in the Federal Register and may be mailed or faxed to:

United States Department of Labor  
Employment and Training Administration  
Trade Adjustment Assistance  
Room N-5428  
200 Constitution Avenue N.W.  
Washington DC 20210  
Phone: 202-693-3560 or 1-888-DOL-OTAA (1-888-365-6822)

Fax: 202-693-3584 or 3585

Web site: <http://www.doleta.gov/tradeact>

Workers who are denied certification may seek judicial review of the OTAA's initial petition denial or denial following administrative reconsideration. Appeals for judicial review must be filed with the **Case Management Supervisor, U.S Court of International Trade, One Federal Plaza, New York, NY 10007 at (212) 264-1611**. Appeals must be filed within 60 days of Federal Register publication of the initial denial or administrative reconsideration denial.

### The Eligibility Process

USDOL informs the State Department of Labor's TRADE ACT and TRA Coordinators when petition determinations are issued. The State TRADE ACT Coordinator forwards determinations to the appropriate local area's WIB Director, Career Center Manager, local TRADE ACT Coordinator and local Rapid Response Specialist. This process triggers rapid response activities for the affected worker group.

When a petition is certified, NYS Department of Labor TRA Unit staff contacts the employer to request a list of all trade-affected workers, including name, address, SSN, and first & last day worked, and the reason for separation. Potentially eligible workers are sent a TA720, Application for Trade Adjustment Assistance.

TA720 used for Trade Act – 2014 Applicants - Sample below for reference:

- o [TA720 Request for Determination of Entitlement to TAA, TRA, ATAA \(2014 Reversion\)](#)

The TA720 application is used to determine the trade-affected worker's individual eligibility for TAA/TGAA/TAAEA/Reversion 2014, TRA, and ATAA/RTAA. To be determined eligible for TRA (income support payments), workers must have worked for the trade-affected employer a minimum of 26 weeks earning more than \$30 per week within the 52 week period prior to separation and must have separated under qualifying circumstances (i.e., lack of work).

Trade-affected workers are encouraged to return their completed application as soon as possible. It is *very important* that the completed TA720 application be returned promptly because the TRADE ACT programs have key deadlines that must be met for the trade-affected worker to receive TRA benefits. A delay in returning the TA720 application to the TRA Unit may jeopardize the trade-affected worker's eligibility to receive these benefits. Therefore, Career Center staff should take every opportunity possible to encourage trade-affected workers to pay close attention to all communication received from the NYS Department of Labor regarding the TRADE ACT programs and to follow all directions included in those communications.

Lists of potentially eligible workers who receive TA720 applications are sent to WIB Director(s), Career Center manager(s)/operator(s), the local TRADE ACT Coordinator(s), and the local Rapid Response Specialist(s) in accordance with the trade-affected worker's city of residence. Each local area is responsible for providing outreach to those who reside in their local area.

Outreach includes, but is not limited to, advising potentially eligible workers of the benefits of the TRADE ACT program, where and how to obtain benefits and services should the worker be determined eligible, and how to complete and return the TA720 application.

If determined eligible, the TRA Unit issues a TA722, Determination of Entitlement to Trade Adjustment Assistance.

The TA722 advises the trade-affected worker of their individual eligibility for the TAA/TGAA/TAAEA/Reversion 2014, TRA and ATAA/RTAA programs.

TA722 Includes:

- Trade-affected worker's training enrollment deadline date
- Instructions to bring their TA722 to the Career Center to meet with a Trade Act Counselor
- Advises to visit the Career Center to formulate a training plan and be enrolled in Trade Act approved training prior to their training enrollment deadline.

Samples below:

➤ [TA722A Entitlement to TAA and ATAA \(2014\)-EN\(04-14\).pdf](#)

#### **Career Center Actions – Working with the TA722**

Customers seeking services should bring their DETERMINATION OF ENTITLEMENT TO TRADE ADJUSTMENT ASSISTANCE (form TA722) to any Career Center in order to begin receiving services.

1. Closely review the trade-affected worker's TA722 to determine for which program benefits the trade-affected worker has been determined eligible.
2. Begin or continue to serve the customer (assess, create IEP, enroll in training) taking into account the benefits available under TAA/TGAA/TAAEA/Reversion 2014.
3. If the trade-affected worker has been determined entitled to TRA, but missed his or her training enrollment deadline date, Career Center staff will need to submit a completed Waiver Determination recommendation indicating the trade-affected worker missed his or her training enrollment deadline (For further details regarding the process for submitting Waiver Determinations see the "Waiver Determination, Training Determinations and Training Completed/Terminated Notice" section of this Desk Guide).

Note: Occasionally, trade-affected workers will be eligible for TAA, but not TRA. When this is the case, Career Center staff **will not** need to submit a Waiver Determination recommendation. The TA722 is the determination and the worker can use which the trade-affected worker can request a hearing.

## Career Center Actions – Working with customers without a TA722

1. If the customer does not present the TA722, any Career Center staff person can confirm eligibility by calling Trade Act Central Office at (518)457-7455. Or Career Center staff with access to the Trade Tracker can reference the Tracker for a list of eligible customers by petition number. Sign on to the Tracker > click on Reporting Menu > TAA Eligible Workers Report > enter petition number.
2. For a customer who is not listed on the Tracker's TAA Eligible Workers Report, and/or does not have a TA722, staff must ask the customer if he/she has received a REQUEST FOR DETERMINATION OF ENTITLEMENT TO TAA/TRA/RTAA (form TA720). If no, staff must contact the TRA Unit at (518)485-1597 prompt 1, and request a TA720 be sent.

### Extension to Training Enrollment Deadline

If you believe that extenuating circumstances beyond the trade-affected worker's control have led to a missed training enrollment deadline, please send a request for deadline extension consideration to the State TRADE ACT Coordinator. Please include the customer's name, NYOSOS ID#, a detailed summary of the situation, and the new deadline date that you are requesting. Your request will be reviewed, and if appropriate, forwarded to the UI Benefits TRA Unit for consideration.

## TRAINING

A trade-affected worker is eligible for one training program per certified petition. The customer's eligibility to the benefit of paid training does not expire, there is no time limit. In considering training options, the guiding principle is to return the trade-affected worker to suitable employment as quickly and as economically as possible. Approval criteria must be met.

### Approval Criteria

The six criteria for approval of training include:

1. There is no suitable employment – Suitable employment is work of a substantially equal or higher skill level than the trade-affected worker's past adversely affected employment, and at wages for such work at not less than 80% of the trade-affected worker's average weekly wage.
2. The worker would benefit from the training – The trade-affected worker must be job ready upon completion of training. It is not permissible to approve and pay tuition costs for the first two years of a four-year program because the trade-affected worker would not be job ready for employment at the end of the training period. **However, the first year of a two-year Community College degree program may be approved if it leads to an industry recognized credential such as a certificate necessary for the trade-affected worker to obtain employment.**
3. There is a reasonable expectation of employment as a result of training – Tools that can be used to show that there is a reasonable expectation of employment in the customer's labor market at the conclusion of training are: the demand occupation list, projections from the NYSDOL website, job postings from Jobs Express/NYS Job Bank, or classified ads from the paper. Additionally, a job offer

from an employer, which includes a firm start date, will meet this criterion. Your local area's NYSDOL Labor Market Analyst can assist you in determining in-demand occupations. (CFR

4. Training is reasonably available from either a governmental agency or private source and emphasis must be given to secure training within the commuting area – The training is within the trade-affected worker's commuting area at any governmental or private institution or facility, particularly on-the-job training. Training outside the normal commuting area is not precluded if none is available within the trade-affected worker's commuting area. Whether the training is within or outside the commuting area, the training must be available at a reasonable cost (See Criteria #6 below). First consideration must be given to training opportunities available within the trade-affected worker's commuting area. Training outside the commuting area should be approved only if such training is not available in the area or the training to be provided will involve less funding.
5. The trade-affected worker is qualified to undertake and complete training – The trade-affected worker's personal qualifications to undertake and complete the training must be assessed. Evaluation of the trade-affected worker's qualifications must include the worker's physical and mental capabilities, educational background, work experience, and financial resources, as adequate to undertake and complete the training program.  
Evaluation of the trade-affected worker's financial ability will include their remaining weeks of UI and TRA in relation to the duration of the training program. If the trade-affected worker's UI and TRA payments will exhaust or are not adequate, staff should ascertain that personal or family resources are available to support the worker for the duration of the training program.
6. Training is suitable for the worker and available at a reasonable cost. For TAA purposes "reasonable cost" is when all costs being considered, training of substantially similar quality, content and results can be obtained from another provider at a lower cost within a similar time frame. It also means that training may not be approved when the costs of the training are unreasonably high in comparison with the average cost of training other workers in similar occupations at other providers.

### [Approval Criteria Document](#)

#### Approval & UI/TRA Eligibility

A training program may be approved for an eligible trade-affected worker at any time regardless of their eligibility for UI/TRA. In the event the trade-affected worker has exhausted UI and is not eligible for TRA, careful consideration must be paid to the person's ability, based on financial resources, to complete the training program.

#### Calculating the Cost of Approvable Training

Training is suitable and available at a reasonable cost – Training may not be approved when, all costs being considered, training that is substantially similar in quality, content and results can be obtained from another provider at a lower cost within a similar timeframe. The total cost of a training program, in determining reasonableness, includes tuition and related expenses (books, tools, and academic fees), travel or transportation expenses, and subsistence. **NOTE:** Transportation costs are to be reimbursed at the General Services Administration (GSA) mileage rate. Mileage is payable to those who travel over 1 hour each way by personal vehicle. Transportation costs for customers using public transportation will be reimbursed for travel over 1.5 hours each way. The mileage rate is set by the U.S. General Services Administration and

changes periodically. Use the link provided to determine the current mileage rate.  
[www.gsa.gov/mileage](http://www.gsa.gov/mileage).

Suitable means that Criteria #5 is met and the training is appropriate for the trade-affected worker given the worker's capabilities, background, and experience. Training at facilities outside the trade-affected worker's commuting area that involves transportation or subsistence costs which adds substantially to the total costs should not be approved if similar training is available locally. Training cannot be approved when the cost is unreasonably high compared to the cost of training workers in similar occupations.

#### Subsistence payments while in TAA approved training

The Trade Act program provides supplemental assistance necessary to pay costs of lodging and meals when the training facility is located outside the commuting area, as long as the trainee is not going to be reimbursed for such expenses from any other source.

Trade Act subsistence reimburses the trade-affected worker 100% of the costs **allowable** for lodging and meals for an individual while in TAA approved training. Costs allowable are **the lesser of:**

- (1) The actual cost to the individual for lodging and meals while in travel status; or
- (2) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <http://www.gsa.gov/portal/category/21287>

Please see important information on the Federal website regarding meals and incidentals for the first and last day of travel, since it is calculated at a lower percent. The Federal Per Diem rate for meals and incidentals for the first and last day of travel is available on the Federal Web site by clicking on "Breakdown of M&IE" on the FY 2014 Per Diem Rates page for the location in question.

#### **Career Center Actions – Calculation for subsistence costs:**

Review:

X=Number of days customer will receive per-diem rate

Y=Per diem allowance rate authorized under Federal Travel Regulations(Note:Federal per-diem rates for meals and incidentals for the first and last day the customer is in travel status is calculated at 75% of the full per-diem rate for meals and incidentals.)

Z=Actual cost to the individual for lodging and meals while in travel status

If  $Z < (X * Y * 50\%)$  then use the actual cost to the individual for lodging and meals

If  $Z > (X * Y * 50\%)$  then use 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations.

Calculation:

Use the tool available at the link to calculate costs, and to make the comparison.  
(Only for subsistence cost while in TAA approved training)

Subsistence Cost Calculator while in TAA approved Training.

[Transportation payments while in TAA approved training](#)

The Trade Act program provides supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area (over 1 hour each way by personal vehicle or over 1.5 hours each way by public transportation). The Trade Act program will not pay for supplemental assistance if the transportation is arranged for the trainee as part of a group and paid for by the State agency or to the extent the trainee receives a payment of transportation expenses under another Federal law, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source.

A transportation allowance shall not exceed **the lesser of:**

- (1) The actual cost for travel by the least expensive means of transportation reasonably available between the trainee's home and the training facility; or
- (2) The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations ([www.gsa.gov/mileage](http://www.gsa.gov/mileage)).

Travel for which a transportation allowance shall be paid includes travel:

- 1) At the beginning and end of the training program.
- 2) For daily commuting, in lieu of subsistence, but not exceeding the amount otherwise payable as subsistence for each day of commuting.

Duration of Training

Training shall be of a suitable duration to achieve the desired skill level in the shortest possible time.

Trade Adjustment Assistance (TAA)	Trade & Globalization Adjustment Assistance (TGAA)	Trade Adjustment Assistance Extension Act (TAAEA)	Reversion 2014
The maximum duration for any approvable training program is 104 instructional weeks or 130 weeks if remedial education is warranted.	The maximum duration for any approvable training program is 130 instructional weeks or 156 weeks if remedial or pre-requisite education is warranted.	The maximum duration for any approvable training program is 130 instructional weeks.	The maximum duration for any approvable training program is 130 instructional weeks.
Training must be	Training may be approved on a full-time	Training may be approved on a full-time or part-time basis, although	Remedial and prerequisite training may be part of an approved training plan and included

<p>full-time. There are only two ways part-time training can be approved:</p> <ol style="list-style-type: none"> <li>1. The part-time semester is the last semester and the training facility verifies that the courses being taken are the only ones still needed for graduation.</li> <li>2. The part-time training is the next to the last semester with the same conditions as above when the final semester consists of a <b>REQUIRED</b> internship, practicum or student teaching.</li> </ol> <p>All TRADE ACT approved training plans, including remedial training, must utilize courses on the state’s Eligible Training Provider list.</p> <p>Trade-affected workers may be approved for training only if they have been determined entitled to Trade Adjustment Assistance by New York State Department of Labor.</p>	<p>or part-time basis, although participation in full-time training is required for TRA eligibility.</p> <p>Training plans, including remedial or pre-requisite training, no longer need to utilize courses on the state’s Eligible Training Provider list. However, if WIA funds are used to pay for any portion of the training cost, the facility and course must be on the State’s Eligible Training Provider List.</p> <p>Trade-affected workers may be approved for training only if they have been determined entitled to Trade Adjustment Assistance or determined to be an adversely affected incumbent worker (threatened status worker) by the New York State Department of Labor.</p>	<p>participation in full-time training is required for TRA eligibility.</p> <p>Training plans, including remedial or pre-requisite training, no longer need to utilize courses on the state’s Eligible Training Provider list. However, if WIA funds are used to pay for any portion of the training cost, the facility and course must be on the State’s Eligible Training Provider List.</p> <p>Training plans must include benchmarks, benchmarks must be included in IEP (for all but very short-term training, such as a 3 month certificate program). Check-ins with the customer at 60-day intervals is required to evaluate satisfactory progress.</p> <p>Trade-affected workers may be approved for training only if they have been determined entitled to Trade Adjustment Assistance or determined to be an adversely affected incumbent worker (threatened status worker) by the New York State Department of Labor.</p>	<p>within the 130 weeks.</p> <p>Training must be full-time. There are only two ways part-time training can be approved:</p> <ol style="list-style-type: none"> <li>1. The part-time semester is the last semester and the training facility verifies that the courses being taken are the only ones still needed for graduation.</li> <li>2. The part-time training is the next to the last semester with the same conditions as above when the final semester consists of a <b>REQUIRED</b> internship, practicum or student teaching.</li> </ol> <p>Reversion 2014 approved training plans do not require courses or provider to be on NYS Eligible Training Provider list.</p> <p>Trade-affected workers may be approved for training only if they have been determined entitled to Trade Adjustment Assistance by New York State Department of Labor.</p>
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Pre-Separation Training Benefit for Adversely Affected Incumbent Workers (Threatened Status Workers)

TGAA and TAAEA programs allow workers who have been determined by NYSDOL to be threatened with total or partial separation from their adversely affected employment to begin Trade Act approved training prior to separation. A customer who has been determined to be an adversely affected incumbent worker (‘worker in threatened status’) retains their training benefit even when they become separated from employment and do not have to wait until they are determined entitled to Trade Adjustment Assistance to use this benefit.

“Pre-Separation training” is not the same as incumbent worker training programs allowable under Section 134(a)(3) of the WIA, 29 U.S.C. 2864(a)(3). The goal of WIA incumbent worker training programs is retraining the worker with new skills to allow the worker to continue employment with an employer. Trade Act pre-separation training is intended to allow earlier intervention where layoffs are planned in advance and the employer can specifically identify which workers will be affected. Adversely affected incumbent workers may begin training prior to layoff, thereby lessening the amount of time needed to complete the training program after the separation occurs, and lessening the worker’s overall length of unemployment.

Trade Adjustment Assistance (TAA)	Trade & Globalization Adjustment Assistance (TGAA)	Trade Adjustment Assistance Extension Act (TAAEA)	Reversion 2014
Pre-separation training is not allowable	Pre-separation training for adversely affected incumbent workers is allowable. Must have ‘threatened status’ letter from NYSDOL.	Pre-separation training for adversely affected incumbent workers is allowable. Must have ‘threatened status’ letter from NYSDOL.	Pre-separation training is not allowable

Approvable Training

Trade Act will pay for courses that are required under the customer’s training program. Training at more than one training facility is approvable. However, the course work must be required to complete the training program.

Under Reversion 2014 only full-time training is approvable. (Please see exceptions previously listed.) TAAEA and TGAA programs allow part-time training.

Remedial and pre-requisite training are allowable. It is important to understand that remedial training should only be approved as a stand-alone training program when participation in remedial training will remove all barriers to re-employment.

Apprenticeship training is approvable under all Trade Act programs.

Under no circumstances will correspondence courses or self-paced training programs be approved. However, distance learning or on-line training programs may be approved when the following criteria are met:

- The degree or certificate received is **equivalent** to what would have been received if the training had been conducted on campus.
- The final degree or certificate conferred must be equivalent in content and the standard of achievement the same as programs completed on campus.
- All other criteria for TRADE ACT approval must be met.

Because self-paced training is not approvable, Career Center staff will need to work with distance learning providers to understand the specific requirements or milestones of the distance learning program and to ensure that the training provider keeps Career Center staff informed of the student's adherence to those requirements.

Trade-affected workers who obtain new employment that is not suitable (i.e., work of a substantially lower skill or income level than their former adversely affected employment) may be approved for training given that all of the other five criteria are met. While undertaking such training, the trade-affected worker may elect to continue in full- or part-time employment or to terminate the unsuitable job, if it is reasonable and necessary to do so.

The trade-affected worker should not be subject to ineligibility or disqualification for UI or TRA as a result of such termination or reduction in employment. However, it is important to understand that the trade-affected worker's decision to terminate his or her employment would be considered a voluntary quit that will need to be adjudicated.

100% of the total cost of training must be paid for by TRADE ACT funds, WIA funds or other public or private funds that do not require reimbursement. The source of funds for an approved training plan must be documented on the Request for TAA Funds for Training/Training Plan Details form. **A training plan that requires the trade-affected worker to pay any portion of the cost of training cannot be approved.** This prohibition on the use of personal funds includes, but is not limited to student loans; however, student loans can be used for living expenses. In addition, the trade-affected worker **cannot** borrow funds from a relative or friend to cover any portion of the training costs.

Funding Request forms (Request for TAA Funds for Training/Training Plan Detail) will be accepted by the NYS DEWS TAA Unit (Central Office) up to 6 months (182 days) in advance of the training start date.

TRADE ACT approved training plans can only include costs that are required of all students for the training. In other words, training facilities cannot charge trade-affected workers more for training or include fees over and above what they would charge other students.

TRADE ACT funds cannot be used to replace items already paid for.

TRADE ACT funds can be used to cover the cost to retake a failed course or exam once. If the same course or exam is failed a second time or if the customer fails multiple required

courses/exams throughout the training program, counseling staff must work with the customer to amend the program to one for which the customer is better suited. If the customer is not willing to amend the program, counseling staff may then consider terminating training based on the customer's inability to successfully complete the program.

Training cannot be approved with an occupational goal of self employment. Training for occupations where remuneration is wholly or primarily in the form of commissions or tips should not be approved unless the probability for employment upon completion is exceptionally high.

An application for training shall be denied if it is for training in an occupational area which requires an extraordinarily high skill level and for which the total cost of the training are substantially higher than the costs of other training suitable for the trade-affected worker.

As you can see, there will be occasion when a trade-affected worker's training program cannot be approved. When this is the case, Career Center staff will need to complete and submit a Training Determination recommendation to the central office. This will generate a Training Determination which will be the trade-affected worker's vehicle for requesting a fair hearing. (For further details regarding the process for submitting Training Determination recommendations see the "Waiver Determinations, Training Determinations and Training Completed/Terminated Notice" section of this Desk Guide).

#### OJT Training (preferred training option)

A Trade Act On the Job Training agreement requires the OJT be sufficient to allow the worker to become proficient in the job for which the worker is being trained. OJT may follow classroom training if the request for OJT is made to the counselor prior to the completion of classroom training.

Below are the general conditions for OJT training approval:

- An employer may be reimbursed who agrees to train, in the customary work environment, and hire a trade affected worker who does not already possess all the skills necessary to perform the job.
- Reimbursement shall not average more than 50 percent of the wages paid by the employer to such trainees during the training period.
- Reimbursement is compensation for the costs associated with training the participant and additional supervision related to training.
- Training will not be allowed for an affected worker who already possesses the specific skills necessary for the occupation as identified in the training outline of the written TRADE ACT-OJT agreement and as determined in the assessment/approval process.
- The duration of the OJT may not exceed 104 weeks of reimbursable training.
- The employer will comply with all applicable federal, state and local laws, rules and regulations.
- No currently employed worker(s) is or will be displaced, including partial displacement such as a reduction of hours of non-overtime work, wages or employment benefits.
- Training will not impair existing contracts for services or collective bargaining agreements.

- In the case of training that would be inconsistent with the terms of a collective bargaining agreement, written concurrence must be obtained from the concerned labor organizations.
- No other individual is on layoff from the same or any substantially equivalent job for which such eligible worker is being trained.
- The employer has not terminated the employment of any regular employee or otherwise reduced the workforce with the intention of filling the vacancy so created by hiring the eligible worker.
- The job for which the eligible worker is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
- The employer will maintain records sufficient to support all payments and upon request will make available.
- No person shall be hired under this contract prior to its effective date.
- An employer who fails, without good cause, to retain a trainee after the traineeship period shall have no further TRADE ACT-OJT agreements negotiated with him/her.

### Funding Caps

The funding caps on TRADE ACT approved training programs are:

- \$10,000 for training programs lasting up to 52 weeks or less
- \$20,000 for training programs lasting over 52 weeks

The above caps represent the total amount of TRADE ACT funds that can be approved. The total cost of training may exceed these caps when the additional cost, over and above the caps, will be covered by another funding source such as WIA, VESID, Veterans Grants, employer contribution, etc. or when special approval has been granted by the TAA Unit, Central Office.

### Requesting TRADE ACT Funds for Training

#### **Career Center Action - Requesting TRADE ACT Funds for Training**

1. Determine that all criteria for training approval have been met.
2. Determine the appropriate\* Request for TAA Funds for Training/Training Plan Detail form to use. The form and instructions can be found at:  
  
<http://labor.ny.gov/workforcenypartners/taaforms/taaforms.shtm>  
  
 \*There are a number of different versions of the Request for TAA Funds for Training/Training Plan Detail form. Be sure to read the form's description in the Purpose column on the web page to choose the right one.
3. Determine during which federal fiscal year/s the training expenditure/s will take place (the form will show you the dates of the federal fiscal year (October 1 – September 30)).

If expenditures will take place over more than one federal fiscal year, then multiple Request for TAA Funds for Training/Training Plan Detail forms may need to be submitted.

4. Submit initial Request for TAA Funds for Training/Training Plan Detail form no earlier than 182 days before the training start date. Subsequent Requests for TAA Funds for Training/Training Plan Detail forms are to be submitted for the federal fiscal year for which the funds will be expended.

To submit, email the completed form to the following shared mailbox:

- For those inside DOL's Network: [labor.sm.wdtd.funding](mailto:labor.sm.wdtd.funding)
- For those outside DOL's Network: [Funding.WDTD@labor.ny.gov](mailto:Funding.WDTD@labor.ny.gov)

Training requests are reviewed to determine whether or not the training program exceeds New York State's established training caps, meets all of the criteria for training approval, including the trade-affected worker's dual enrollment in TRADE ACT and WIA, and where applicable, the training facility and course are on the State's Eligible Training Provider list.

The requirement that the training facility and course be listed on the State's Eligible Training Provider list applies only for those covered under the Trade Adjustment Assistance Reform Act Program (2002 program). Career Center staff should develop training programs for trade-affected workers covered under the TGAA, TAAEA and Reversion 2014 programs when the training facility is listed on any of the following web sites:

- ETPL (<https://applications.labor.ny.gov/ETPL/> )
- SED list of approved degree granting institutions ([www.highered.nysed.gov/ocue](http://www.highered.nysed.gov/ocue))
- SED Bureau of Proprietary School Supervision's list of non-degree granting schools and programs ([www.acces.nysed.gov/bpss/](http://www.acces.nysed.gov/bpss/) )
- SED list of Distance Learning Providers ([www.highered.nysed.gov/ocue/ded/database.html](http://www.highered.nysed.gov/ocue/ded/database.html))
- For Out-of-State Training Providers – Use appropriate SED approved lists in the State of the provider

### Amending a TRADE ACT Approved Training Program

Occasionally, a training program will need to be amended for various reasons including, but not limited to, a delay in the start of training due to low enrollment, the trainee is not doing well in his or her classes as substantiated by a representative of the training facility, or the trainee had to postpone training due to unforeseen personal or family issues.

It is important to note that when a training program is amended, all six criteria for TRADE ACT approval must continue to be met including the timeframe for completing the program and the total cost – inclusive of both the original and the amended training programs. In addition, the change must be determined justifiable and due to no fault of the trade-affected worker. However, the length of the amended training cannot exceed the maximum duration for any approvable training program. This means that the weeks already spent in training are included in the total weeks of training.

Regarding training program changes resulting from the trainee's poor performance, it should be noted that part of the approval process under TRADE ACT is that the individual is qualified to undertake and complete the training. Therefore, appropriate assessments should be used to best match trade-affected worker with training programs; and while assessment should not be used alone to determine an individual's potential success, it is part of the equation. It is understood, however, that even with the best assessment process a trade-affected worker may not experience success in the selected training program. If the poor performance is through no fault of the trade-affected worker, a change in training program may be necessary and appropriate.

It is preferable to amend the program for an objective in the same occupational family. As an example: A comparable goal for an individual not able to complete the AAS in Accounting may be a BOCES program for Billing Clerk or Accounts Payable/Receivable. In addition, an occupational training program can be amended to include remedial training when it is determined remedial training is required due to the trainee's poor performance.

Training plans may also be amended to allow a customer a more rigorous course of study. Direction from USDOL confirms that, similar to amending a plan to a less rigorous training program when a customer encounters difficulties academically, plans can now be amended to allow a more challenging goal. The Trade Act program recognizes that occasionally an individual may embark on a program and once in training realize they are capable of more challenging work. In this instance, the employment goal may be changed and the training program amended. **The change must be requested by the customer to the counselor before the initial program has ended. The counselor should make every effort to submit the amended training plan to NYSDOL DEWS Central Office Trade Act for consideration before the initial program has ended.**

When requesting approval of the amended training plan, Career Center staff must include the rationale that the additional training would make the customer more employable based on local labor market information and must indicate that the customer is capable of completing the additional training. The rationale for the change must be included in the case record.

As an example: A comparable goal for an individual working toward completion of a BOCES program for Billing Clerk or Accounts Payable/Receivable may be to pursue an AAS in Accounting.

The plan amendment may also include changing to a different career path.

#### **Career Center Action – Amending a training program**

1. Email an amended Request for TAA Funds for Training/Training Plan Detail form, including all training program changes, to the following shared mailbox:
  - For those inside DOL's Network: [labor.sm.wdtd.funding](mailto:labor.sm.wdtd.funding)
  - For those outside DOL's Network: [Funding.WDTD@labor.ny.gov](mailto:Funding.WDTD@labor.ny.gov)

## Weekly Request for Allowances by Worker in Training (TA 923.1)

The Weekly Request for Allowances by Workers in Training form is used to certify for TRA benefits.

### Purpose

- This form is used by TRA eligible individuals to request a TRA payment while in training.
- Basic, Additional, Completion and Remedial or Pre-requisite TRA payments can be requested using this form, once the individual has started training.

### **Career Center Action** – Using the Weekly Request for Allowances by Worker in Training form

1. Career Centers may no longer print and distribute the TA-923.1
2. Advise the customer that the TA-923.1 will be mailed to them by the TRA unit. Customers must contact the TRA unit at (518)485-1597 if they have questions related to the TA-923.1

### Completing the Weekly Request

- It is the responsibility of the claimant to submit the weekly request for TRA, including information obtained from the training provider. The request is self-explanatory and does not need further instruction
- Return by faxing to the fax server of or mailing to the New York State Department of Labor, TRA Unit. Fax #518 457 9492. (Mailing address is included on form.)

### **WAIVERS FROM TRAINING**

It is important to reiterate that the primary focus of the Trade Act programs is on training.

However, under certain circumstances eligible workers may be waived from meeting their training enrollment deadline, while still retaining eligibility for Basic TRA income support. An individual may receive Basic TRA even if they are not enrolled in training if they have been issued a waiver from the “enrolled in training” requirement.

### **Career Center Action** – Issuing a Waiver From Training

Waivers from Training are entered directly into the Trade Act Tracker system.

1. Access the Trade Act Tracker at:
  - For those inside DOL’s Network: [http://intranet-home/uifield\\_data/](http://intranet-home/uifield_data/)
  - For those outside DOL’s Network: <https://ws04.nyenet.state.ny.us/>
2. Follow prompts.

There are 6 types of waivers. Under TAA & TGAA all 6 are useable. However under TAAEA & Reversion 2014 only 3 waiver types are available.

### Waiver Types Allowed, by Program

<u>Waiver Type</u>	<u>TAA</u>	<u>TGAA</u>	<u>TAAEA</u>	<u>Reversion 2014</u>
Enrollment Unavailable	✓	✓	✓	✓
Health	✓	✓	✓	✓
Marketable Skills	✓	✓		
Recall	✓	✓		
Retirement	✓	✓		
Training Unavailable	✓	✓	✓	✓

Please read on for descriptions (requirements) of each waiver type.

### Waiver Types Allowed Under All Trade Act Programs (TAA, TGAA, TAAEA & Reversion 2014):

- Enrollment Unavailable (Delay in Training) – This waiver is issued when the training program will not begin within 30 days of the training enrollment deadline date. **Effective 9/1/12:** Enrollment Unavailable waivers may not be issued without a NYS DEWS TAA Unit (Central Office) approved training plan in place. In order to issue an Enrollment Unavailable waiver the customer’s training plan must have been approved by Central Office. The necessary approval will be communicated thru the Funding Request form. Note: Central Office does not require that the customer be accepted by the training provider in order for the plan to be approved.
- Health – The trade-affected worker is unable to participate in training due to health reasons. This waiver does not exempt the worker from meeting the eligibility requirements for receipt of unemployment insurance (i.e., trade-affected worker must be ready, willing and able to seek and accept suitable employment in accordance with TRA Additional Eligibility Rules Agreement).
- Training is not available – Approved training is not reasonably available, no training suitable for the worker is available at a reasonable cost or no training funds are available. This waiver type should rarely be used if at all as there are available training facilities/programs available to trade-affected workers throughout the State and training funds are currently available.

### Additional Waiver Types Allowed Under TAA and TGAA Only

- Recall – The trade-affected worker has been notified that the firm from which the separation occurred will recall the worker. This notification from the employer must be in writing and a copy must be retained in the case record.
- Marketable Skills – The trade-affected worker possesses marketable skills for suitable employment within current labor market conditions and there is a reasonable expectation of

employment at equivalent wages in the foreseeable future. The assessment performed under core and/or intensive services should be used to determine if this condition is met.

- Retirement – The trade-affected worker is within two (2) years of meeting all requirements for eligibility to either old-age insurance benefits under Title II of the Social Security Act or a private pension sponsored by an employer or labor organization. The trade-affected worker will need to provide the following information: (1) anticipated date of retirement; (2) date of birth; (3) indicate receipt of Social Security benefits, private pension, or both; (4) name if pension company, if applicable.

**Career Center Action – Knowing when a waiver is not appropriate**

1. Evaluate. A waiver from training should not be issued to a trade-affected worker who:
  - has missed his or her training enrollment deadline
  - does not have remaining eligibility to Basic TRA  
(In almost all cases the customer's entitlement to BASIC TRA lasts for one year after the most recent qualifying separation (calculated like this: 26 weeks of UI + 26 weeks of BASIC TRA = 52 weeks or one year). If you are considering issuing a waiver near the date of one year past the most recent qualifying separation, **you must contact the TRA Unit** to determine when entitlement to BASIC TRA will expire. Waivers cannot exceed the duration of the customer's entitlement to BASIC TRA. Please note: EUC and EB benefits, in most cases, count against the customer's entitlement to BASIC TRA)
  - is not interested in training but who needs training to find work and has no reason why training would not be feasible
  - is not interested in training but who needs training to find work and fails to enroll in the approved training
  - is not interested in training but who needs training to find work and ceases to participate in approved training without justifiable cause.
  - is in Trade Act approved training, on a break from Trade Act approved training or was attending Trade Act approved training and withdrew from training, was terminated from training or ceased participating in training.
  - Is not ready, willing and able to work and/or not able to present evidence of a positive work search.
2. For the situations listed above, complete a Waiver Determination recommendation form. The resulting Waiver Determination will be the trade-affected worker's vehicle for requesting a fair hearing. (For further details regarding the process for submitting Waiver Determinations see the "Waiver Determinations, Training Determinations and Training Completed/Terminated Notice" section of this Desk Guide).

## Waiver Reviews

Waivers must be reviewed at 30-day intervals. The initial Waiver from Training for all waiver types, except Retirement, can now be issued for a 90 day period with subsequent seated waiver reviews conducted every 30 days thereafter. However, Career Center staff must contact the trade-affected worker at 30 day intervals during the initial 90-day waiver period to discuss the worker's re-employment efforts, to offer assistance with re-employment, training options, and to consider the 210-day deadline.

It is imperative that trade-affected workers who are under Reversion 2014 petitions are made aware of their 210-day deadline date, which is included on their Waiver from Training (section D). This deadline should be discussed at each waiver review appointment.

Start & End Dates: The customer must be eligible for one of the waiver types named above (see Waiver Types and Additional Waiver Types sections above) in order for a waiver to be started.

- The start date of the initial waiver must be on or before the training enrollment deadline date.
- For “enrollment unavailable” waiver: the training plan has been approved and the customer is coming in to sign the waiver. The start date of the waiver can be the date the customer signed the waiver. (If training has been approved prior to the Training Enrollment Deadline and the customer cannot come in and sign the waiver prior to the Training Enrollment Deadline you may use the date the customer's training was approved as the start date of the waiver.
- The length of the initial waiver is no more than 90 days, ending on a Sunday.
- The start date for subsequent waivers from training will be a Monday.
- Subsequent waivers can be issued for no more than 30 days ending on a Sunday.
- A customer must have entitlement to Basic TRA in order to be issued a waiver, and the end date of any waiver cannot exceed the customer's entitlement to Basic TRA.
- There is no need to hold waiver reviews with trade-affected workers who are on Retirement waivers from training. Initial retirement waivers can be issued for 26 weeks but the end date of the waiver cannot exceed the end date of the customer's entitlement to BASIC TRA. Customers who are on retirement waivers still must be ready, willing and able to work and provide evidence of a positive work search.

### TRA Additional Eligibility Rules Agreement (TA-2)

**Career Center Action** - During the first waiver review appointment, the trade-affected worker is given a TRA Additional Eligibility Rules Agreement (TA-2) for review.

1. Print two (2) copies of the TA-2 form, which can be found at <http://labor.ny.gov/workforcenypartners/taaforms/ta2.doc>.
2. Review the form with the trade-affected worker. If the trade-affected worker agrees to the terms outlined in the TA-2, both copies are signed.
3. Give one copy of the form to the trade-affected worker.

4. FAX second copy to the TRA Unit at 518-402-1086.
5. Retain in the trade-affected worker's case file.

### Job Search Requirement

Customers determined entitled to Trade Adjustment Assistance who are issued a waiver must be ready, willing and able to work and provide evidence of a positive job search. A customer who is on a waiver must provide evidence of at least three job search contacts per week. Cases where a customer, while on a waiver, fails to meet job search requirements should be reported to the determinations mailbox and may result of loss of TRA benefits.

### Request for Payment and Record of Job Search (TA-952.1)

The Request for Payment and Record of Job Search form is used to certify for TRA benefits. In order to be eligible for Trade Readjustment Allowances (TRA), the law requires a systematic and sustained effort to seek work. Trade-affected workers must submit a written record of their job search activities for each week claimed. Job search contacts are subject to verification.

### Purpose

- This form is used by TRA eligible individuals to request a Basic TRA payment. Basic TRA payments are requested using this form if unemployment insurance benefits have been exhausted and the individual has been waived from training.
- To record job search efforts.

### **Career Center Action - Using the Request for Payment and Record of Job Search form**

1. Career Centers may no longer print and distribute the TA-952.1
2. Advise the customer that the TA-952.1 will be mailed to them by the TRA unit. Customers must contact the TRA unit at (518)485-1597 if they have questions on the TA-952.1

### Completing the Weekly Request

- It is the responsibility of the trade-affected worker to complete and submit the weekly request for TRA. The request is self-explanatory and does not need further instruction. The data requested on the form is very similar to that needed to file for a week of unemployment insurance.
- Return by faxing to the fax server of or mailing to the New York State Department of Labor, TRA Unit. Fax #518 457 9492. (Mailing address is available on form.)

## **WAIVER DETERMINATIONS, TRAINING DETERMINATIONS, and TRAINING COMPLETED/TERMINATED NOTICE**

### Waiver Determinations

As stated earlier in this Desk Guide, there will be occasion when Career Center staff will not be able to issue a waiver from training or will need to revoke a waiver from training for various reasons. These occasions can be, but are not limited to, the customer who has been determined entitled to Trade Adjustment Assistance and who:

- has missed their training enrollment deadline and is requesting to be placed on a waiver in order to receive Trade Readjustment Allowance (TRA)
- is on a waiver and has secured full time employment
- requests a waiver but has withdrawn from the labor market
- requests a waiver in order to receive TRA but is not interested in TAA approved training --
- fails to attend regularly scheduled waiver reviews without justification -- NOTE: Follow-up to reschedule missed appointment(s) is required. If the trade-affected worker fails to respond to your follow-up attempt(s), submit a Waiver Determination to revoke the waiver. Be sure to document your follow-up attempt(s) both in OSOS and in the trade-affected worker's case file.

Note: Customers who request to be placed on a waiver when regulations will not allow this to happen must be told that their actions may result in a waiver determination denying benefits. You must submit a waiver determination recommendation to the Determinations mailbox if the customer will not or cannot comply with the requirements to be placed on waiver. See “**Career Center Action - When a waiver from training cannot be issued**” section below.

### Waiver Revocations

The only time Career Center staff can revoke a Waiver from Training is when the trade-affected worker's training program is approved. The waiver from training is revoked through the Trade Act Tracker system.

#### **Career Center Action - Revoke a waiver from training due to enrollment in TRADE ACT approved training**

1. Access the trade-affected worker's last Waiver from Training issued through the Trade Act Tracker system.
2. Click on the circular button in “Section C – Waiver Revoked”.
3. Fill in the first field with the date the last waiver was issued.
4. Fill in the second field with the training start date.

#### **Career Center Action - Revoking a trade-affected worker's waiver from training due to recall or new employment**

1. Email the Waiver Determinations mailbox (see link below).

A. When the waiver is being revoked due to **recall**, the email needs to include the trade-affected worker's name, OSOS ID, and the date the trade-affected worker returned to work for the trade-affected employer.

B. When the waiver is being revoked due to **new employment**, the email needs to include the trade-affected worker's name, OSOS ID, name of new employer, title, hourly wage and whether or not the employment is full- or part-time.

Career Center staff will not need to complete the waiver determination form; the email will suffice.

**Career Center Action** - When a waiver from training cannot be issued or needs to be revoked for all other reasons

1. Complete a Waiver Determination form. The form and instructions can be found on the New York State Department of Labor's TRADE ACT web page at <http://labor.ny.gov/workforcenypartners/taaforms/waiverdeter.doc>
2. Email completed Waiver Determination form to the following shared mailbox:
  - For those inside DOL's Network: [labor.sm.wdtd.determinations](mailto:labor.sm.wdtd.determinations)
  - For those outside DOL's Network: [Determinations.WDTD@labor.ny.gov](mailto:Determinations.WDTD@labor.ny.gov)

### Training Determinations

There will also be occasion when a training program cannot be approved or approval withdrawn for various reasons such as, but again not limited to:

- Employment opportunities exist for which the trade-affected worker is fitted by experience or prior training
- Opportunities for employment related to the occupation or skills for which the trade-affected worker is requesting training are not reasonable or are limited
- The length of training exceeds the maximum period allowed
- Appropriate training is available at another institution at a more reasonable cost
- The requested training is not in accordance with the vocational plan outlined in the trade-affected worker's TRADE ACT Employment/Training Plan
- The trade-affected worker is not qualified to undertake the training
- The trade-affected worker lacks financial resources to complete training

(In cases where the customer has ceased training for personal non-compelling reasons, but has not requested further training, a training determination recommendation will not be issued. The training determination recommendation is issued if the customer requested to pursue training under the same petition number. The customer should be advised of the potential consequences prior to withdrawing from training. If the customer withdraws from training a training completed/terminated notice is submitted.)

**Career Center Actions** - When training cannot be approved or training approval must be withdrawn

1. Complete a Training Determination form. The Training Determination form and instructions can be found on the New York State Department of Labor's TRADE ACT web page:

<http://labor.ny.gov/workforcenypartners/taaforms/trngdeter.doc>

2. Email the completed Training Determination form to the following shared mailbox:

- For those inside DOL's Network: [labor.sm.wdtd.determinations](mailto:labor.sm.wdtd.determinations) - For those outside DOL's Network: [Determinations.WDTD@labor.ny.gov](mailto:Determinations.WDTD@labor.ny.gov)

### Training Completed/Terminated Notice

A Training Completed/Terminated Notice needs to be completed when a TRADE ACT approved training program is completed or when the trade-affected worker withdraws from his or her TRADE ACT approved training program. Career Center staff should indicate on the form whether or not the training was completed or terminated and the date on which the training was completed or terminated. If the training was terminated, Career Center staff also need to indicate whether or not the termination of training was voluntary (i.e., trade-affected worker did not like the teacher or did not realize how much time would be required) or involuntary (i.e., school cancelled classes, trade-affected worker was hospitalized). When it is determined that a customer withdrew from training or failed to start training without good cause and the customer is requesting to be placed on a waiver in order to collect TRA the counselor will also need to complete and submit a Waiver Determination recommendation to the determinations mailbox.

**Career Center Actions** – Completing a training program (When a TRADE ACT approved training program is completed or when the trade-affected worker withdraws)

1. Complete a Training Completed/Terminated Notice. The form and instructions can be found on the New York State Department of Labor's TRADE ACT web page at:

<http://labor.ny.gov/workforcenypartners/taaforms/trngcompleted.doc>

2. Email the completed Training Completed/Terminated Notice to the following shared mailbox:

- For those inside DOL's Network: [labor.sm.wdtd.completed](mailto:labor.sm.wdtd.completed)

- For those outside DOL's Network: [Completed.WDTD@labor.ny.gov](mailto:Completed.WDTD@labor.ny.gov)

## De-obligation of Unexpended TRADE ACT Funds for Training

It is also important to note, all unexpended TRADE ACT funds need to be de-obligated when training is complete or terminated. If there are unexpended training funds after the training is completed or terminated, those funds need to be de-obligated so they can be reallocated in a timely manner.

### **Career Center Actions – De-obligating unexpended funds**

1. Follow local process for de-obligating unexpended funds.
2. In absence of a local process, email the following mailbox including the name of the trade-affected worker, trade-affected worker’s OSOS ID, fiscal year of de-obligation, petition number, reason for de-obligation and amount of funds to be de-obligated:
  - For those inside DOL’s Network: [labor.sm.wdtd.funding](mailto:labor.sm.wdtd.funding)
  - For those outside DOL’s Network: [Funding.WDTD@labor.ny.gov](mailto:Funding.WDTD@labor.ny.gov)

## **TRADE READJUSTMENT ALLOWANCE (TRA)**

### TRA income Support

Trade Adjustment Assistance (TAA)	Trade & Globalization Adjustment Assistance (TGAA)	Trade Adjustment Assistance Extension Act (TAAEA)	Reversion 2014
<p>Up to 104 weeks of cash payments for workers enrolled in full-time training and 130 weeks of cash payments for workers also enrolled in remedial training as follows:</p> <ul style="list-style-type: none"> <li>➤ 26 Weeks of Regular UI Benefits</li> <li>➤ 26 Weeks of Basic TRA Benefits</li> <li>➤ Up to 52 Weeks of Additional TRA Benefits while attending TRADE ACT approved training –</li> </ul>	<p>Up to 130 weeks of cash payments for workers enrolled in full-time training and 156 weeks of cash payments for workers also enrolled in remedial or pre-requisite training as follows:</p> <ul style="list-style-type: none"> <li>➤ 26 Weeks of Regular UI Benefits</li> <li>➤ 26 Weeks of Basic TRA Benefits</li> <li>➤ Up to 78 Weeks of Additional TRA Benefits while attending TRADE ACT approved training – Collectable within 91 calendar weeks</li> </ul>	<p>Up to 130 weeks of cash payments for workers enrolled in full-time training:</p> <ul style="list-style-type: none"> <li>➤ 26 Weeks of Regular UI Benefits</li> <li>➤ 26 Weeks of Basic TRA Benefits</li> <li>➤ Up to 65 Weeks of Additional TRA Benefits while attending TRADE ACT approved training – Collectable within 78</li> </ul>	<p>Up to 130 weeks of cash payments for workers enrolled in <u>full-time training</u>:</p> <ul style="list-style-type: none"> <li>➤ 26 Weeks of Regular UI Benefits</li> <li>➤ 26 Weeks of Basic TRA Benefits</li> <li>➤ Up to 65 Weeks of Additional TRA Benefits while attending TRADE ACT approved training – Collectable within 78 calendar weeks</li> <li>➤ Up to 13 Weeks</li> </ul>

<p>Collectable within 52 calendar weeks</p> <ul style="list-style-type: none"> <li>➤ Up to 26 Weeks of Remedial TRA benefits while attending TRADE ACT approved remedial training</li> </ul> <p>No UI/TRA benefits option is available to the trade-affected workers. TRA benefits are paid at the new UI benefit rate when a new claim is established.</p>	<ul style="list-style-type: none"> <li>➤ Up to 26 Weeks of Remedial TRA or Pre-requisite TRA benefits while attending TRADE ACT approved remedial or pre-requisite training</li> </ul> <p>UI/TRA benefits option available to trade-affected workers. Trade-affected workers can choose between collecting UI benefits at the new benefit rate when a new claim is established or to continue receipt of TRA benefits.</p>	<p>calendar weeks</p> <ul style="list-style-type: none"> <li>➤ Up to 13 Weeks of Completion TRA benefits if benchmarks are met, payable within a 20 week period (in order to complete training program that leads to a degree or industry-recognized credential)</li> </ul>	<p>of Completion TRA benefits if benchmarks are met, payable within a 20 week period (in order to complete training program that leads to a degree or industry-recognized credential)</p>
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Important Deadlines for TRA Eligibility

Trade Adjustment Assistance (TAA)	Trade & Globalization Adjustment Assistance (TGAA)	Trade Adjustment Assistance Extension Act (TAAEA)	Reversion 2014
<ul style="list-style-type: none"> <li>➤ Training Enrollment Deadline: Trade-affected workers must be enrolled in training or on a waiver from training 8 weeks after petition certification or 16 weeks after the most recent qualifying separation date, whichever is later, in order to receive TRA benefits.</li> <li>➤ 210-Day Rule: The 210-Day Deadline applies.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Training Enrollment Deadline: Trade-affected workers must be enrolled in training or on a waiver from training 26 weeks after petition certification or the most recent qualifying separation date, whichever is later, in order to receive TRA benefits.</li> <li>➤ 210-Day Rule – No longer applicable.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Training Enrollment Deadline: Trade-affected workers must be enrolled in training or on a waiver from training 26 weeks after petition certification or the most recent qualifying separation date, whichever is later, in order to receive TRA benefits.</li> <li>➤ 210-Day Rule – No longer applicable.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Training Enrollment Deadline: Trade-affected workers must be enrolled in training or on a waiver from training 8 weeks after petition certification or 16 weeks after the most recent qualifying separation date, whichever is later, in order to receive TRA benefits.</li> <li>➤ 210-Day Rule: The 210-Day Deadline applies.</li> <li>➤</li> </ul>

## Enrollment in Training

A trade-affected worker may be determined eligible for TRADE ACT and TRA, but if they do not enroll in training in a timely manner, may forfeit their eligibility for Basic TRA, Additional TRA or both. Enrollment in training means that the trade affected worker's application for training has been approved by NYSDOL DEWS Central Office Trade Act Unit, the training institution has furnished written notice that the customer has been accepted and the training is to begin within 30 days of the approval.

## Most Recent Qualifying Separation Date

Occasionally, trade-affected workers are recalled back to work for their trade-affected employer. These individuals may be able to establish a more recent qualifying separation date if they work 26 weeks or more within the 52 week period as of their most recent layoff date. For those who are able to establish a more recent qualifying separation date, a new training enrollment and 210-day deadline date (when applicable) are established. It is important to note that there is no guarantee the trade-affected worker will be able to establish a more recent qualifying separation date; therefore, every effort should be made to issue waivers from training, where appropriate, at the time of the initial layoff and determination of entitlement is made.

## Completion TRA (Applicable to TAAEA & Reversion 2014 Programs Only )

The TAAEA established a new category of TRA, named Completion TRA, which is available only to those workers covered under TAAEA and Reversion 2014 certified petitions. Completion TRA provides up to 13 more weeks of income support for a worker who has exhausted the maximum 65 weeks of Additional TRA and requires a longer period of income support to complete an approved training program. To be eligible for Completion TRA, workers must meet benchmarks described in the **CASE MANAGEMENT, TRADE ACT EMPLOYMENT PLAN/TRAINING PLAN AND OSOS DATA RECORDING** section of this guide.

Eligibility for Completion TRA: Assuming a worker meets the other TRA eligibility requirements, the worker qualifies for up to 13 more weeks of TRA when the following five criteria are met:

- The requested weeks are necessary for the worker to complete a training program that leads to completion of a degree or industry-recognized credential
- The worker is participating in training in each such week
- The worker has substantially met the performance benchmarks established in the approved training plan
- The worker is expected to continue to make progress toward the completion of the approved training
- The worker will be able to complete the training during the period authorized for receipt for Completion TRA

These requirements are applied at the time that the TRA Unit approves payment for a week of Completion TRA.

### 210-Day Rule (Applicable to TAA & Reversion 2014) Program Only

The 210-day rule means that, to be eligible to receive Additional TRA benefits while attending a TRADE ACT approved training program, the trade-affected worker must have filed a bona fide application for training within 210 days of the petition certification date or layoff, whichever is later. Section 1.1 of the employment plan contains the date in which the “trainee” signed the employment plan. This date will act as the customer’s Bona Fide Application Date for Training and is used to determine whether or not the 210-day deadline was met. If the date of signature in Section 1.1 pre-dates the 210-day deadline date, the trade-affected worker is eligible to receive Additional TRA benefits while attending TRADE ACT approved training. If the date of signature is after the trade-affected worker’s 210-day deadline, the individual is not eligible to receive any Additional TRA benefits. Therefore, it is imperative that trade-affected workers are made aware of their 210-day deadline date, which is included on their Waiver from Training and should be discussed at each waiver review appointment.

### Scheduled Breaks in Training Greater than 30 Days

A customer on a break in training of more than 30 days is not eligible for TRA benefit payments.

TRA may be paid to an individual during a scheduled break in training when the break in training is **not** longer than 30 days and the following additional conditions are met:

- The individual was participating in TRADE ACT approved training approved immediately before the beginning of the break; and
- The break is provided for in the published schedule or the previously established schedule of training issued by the training provider or is indicated in the training program approved for the worker; and, further
- The individual resumes participation in the training immediately after the break ends.

The days within a break in a training program that shall be counted include all calendar days beginning with the first day of the break and ending with the last day of the break, as detailed in the training provider’s schedule. Except that any Saturday, Sunday, or official State or National holiday occurring during the scheduled break in training, on which training would not normally be scheduled in the training program if there were no break in training, shall not be counted in determining the number of days of the break .

This means that the days that are counted to determine if the break is greater than 30 days are only those days the training provider would normally schedule training, Monday through Friday. (This does not mean that if a claimant is only scheduled 3 days per week that only 3 days will be counted. It is based on a normal training week of Monday through Friday.) In the instance that a State or National Holiday occurs during the scheduled break and if there were no break, school would be cancelled, this day is not counted in the 30 day count. For example, if Christmas Day is celebrated on Thursday the 25th, 2014, training would not normally be

scheduled for this day if there was no break in training so this day is not counted toward the 30 day total.

## JOB SEARCH ALLOWANCES AND DETERMINATIONS

Job search allowances can be paid to individuals to attend verifiable job interviews within the United States. Eligibility criteria require the applicant to:

- Be totally separated from the certified employer at the time of the job search
- Be registered with and seeking employment through the Career Center system
- Have no reasonable expectation of securing suitable employment within the normal commuting distance (generally regarded as one hour or more travel by private transportation or one and one-half hours or more by public transportation)
- Verify the travel is for an available job for which an interview is scheduled
- Complete the job search within a reasonable period established at the time of the request – not to exceed 30 days.
- Request the Job Search Allowance prior to the interview.

Trade-affected workers may request multiple job search allowances; however, the total benefit may not exceed the following maximum reimbursement amounts:

Trade Adjustment Assistance (TAA)	Trade & Globalization Adjustment Assistance (TGAA)	Trade Adjustment Assistance Extension Act (TAAEA)	Reversion 2014
<ul style="list-style-type: none"> <li>➤ 90% of the necessary covered expenses may be reimbursed up to a maximum of \$1,250 when it is demonstrated that the interview(s) were held</li> <li>➤ Covered expenses may include: transportation and subsistence items.</li> <li>➤ Transportation: most cost effective mode of travel reasonably</li> </ul>	<ul style="list-style-type: none"> <li>➤ 100% of the necessary covered expenses may be reimbursed up to a maximum of \$1,500 when it is demonstrated that the interview(s) were held</li> <li>➤ Covered expenses may include: transportation and subsistence items.</li> <li>➤ Transportation: most cost effective mode of travel reasonably available using public transportation or cost per mile at Federal mileage rate. Mileage rate found here: <a href="http://www.gsa.gov/portal/content/100715">http://www.gsa.gov/portal/content/100715</a></li> <li>➤ Subsistence: Reimburses the trade-affected worker 100% of the</li> </ul>	<ul style="list-style-type: none"> <li>➤ 90% of the necessary covered expenses may be reimbursed up to a maximum of \$1,250 when it is demonstrated that the interview(s) were held</li> <li>➤ Covered expenses may include: transportation and subsistence items.</li> <li>➤ Transportation: most cost effective mode of travel reasonably</li> </ul>	<ul style="list-style-type: none"> <li>➤ 90% of the necessary covered expenses may be reimbursed up to a maximum of \$1,250 when it is demonstrated that the interview(s) were held</li> <li>➤ Covered expenses may include: transportation and subsistence items.</li> <li>➤ Transportation: most cost effective mode of travel reasonably</li> </ul>

<p>available using public transportation or cost per mile at Federal mileage rate. Mileage rate found here: <a href="http://www.gsa.gov/portal/content/100715">http://www.gsa.gov/portal/content/100715</a></p> <p>➤ Subsistence: Reimburses the trade-affected worker 90% of the costs allowable for lodging and meals for an individual. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b>(ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a></p>	<p>costs allowable for lodging and meals for an individual. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b>(ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a></p>	<p>available using public transportation or cost per mile at Federal mileage rate. Mileage rate found here: <a href="http://www.gsa.gov/portal/content/100715">http://www.gsa.gov/portal/content/100715</a></p> <p>➤ Subsistence: Reimburses the trade-affected worker 90% of the costs allowable for lodging and meals for an individual. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b> (ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a></p>	<p>available using public transportation or cost per mile at Federal mileage rate. Mileage rate found here: <a href="http://www.gsa.gov/portal/content/100715">http://www.gsa.gov/portal/content/100715</a></p> <p>➤ Subsistence: Reimburses the trade-affected worker 90% of the costs allowable for lodging and meals for an individual. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b>(ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a></p>
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Application must be made before the 365<sup>th</sup> day of petition certification or the trade-affected worker’s last total separation from the certified employer (whichever is the later date) or the 182<sup>nd</sup> day after the trade-affected worker completed his or her TRADE ACT approved training program.

For federal mileage rates associated with job search allowances use:  
<http://www.gsa.gov/portal/content/100715>

### Career Center Actions – Requesting a Job Search Allowance

1. Complete a Request for TAA Funds for Job Search/Relocation form. Form and instructions can be found on the New York State Department of Labor’s TRADE ACT web page:  
  
<http://labor.ny.gov/workforcenypartners/taaforms/taaforms.shtm>
2. Email completed form to the following shared mailbox:
  - For those inside DOL’s Network: [labor.sm.wdtd.funding](mailto:labor.sm.wdtd.funding)
  - For those outside DOL’s Network: [Funding.WDTD@labor.ny.gov](mailto:Funding.WDTD@labor.ny.gov)
3. When the request for job search allowance does not meet the approval criteria previously described, Career Center staff will need to submit a Determination recommendation on a “Job Search/Relocation Allowance Determination” form to the [Determinations.WDTD@labor.ny.gov](mailto:Determinations.WDTD@labor.ny.gov) mailbox.

### RELOCATION ALLOWANCE AND DETERMINATIONS

A relocation allowance can be paid to trade-affected workers who secure new employment within the United States. Eligibility criteria require the applicant to:

- Be totally separated from the adversely affected employment at the time of the relocation
- Be registered with and seeking employment through the Career Center system
- Have no reasonable expectation of securing suitable employment within a reasonable commuting distance; which is, as a general rule, travel one hour or more each way by private transportation or one and a half hours or more each way by public transportation
- Have not already received a relocation allowance under the same certification
- Relocate outside the normal commuting distance, but within the United States
- Have obtained suitable employment of a long-term duration or have a bona fide offer of suitable employment
- Provide written verification of suitable employment obtained from the new employer
- Request the Relocation Allowance prior to relocating.

When a hiring employer pays for the customer to relocate for employment, TAA Relocation Allowance will only pay the difference between employer contribution and necessary expenses.

Trade Adjustment Assistance (TAA)	Trade & Globalization Adjustment Assistance (TGAA)	Trade Adjustment Assistance Extension Act (TAAEA)	Reversion 2014
➤ Reimburses the trade-affected worker 90% of	➤ Reimburses the trade-affected worker 100%	➤ Reimburses the trade-affected worker 90% of	➤ Reimburses the trade-affected worker 90% of the

<p>the reasonable and necessary expenses incurred in transporting the worker, the worker's family and household effects for no more than 18,000 pounds, up to the statutory limit for Federal employees</p> <ul style="list-style-type: none"> <li>➤ *Reimburses the trade-affected worker 90% of the costs allowable for lodging and meals for an individual and each member of the individual's family. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b> (ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a></li> <li>➤ Provides an additional lump sum payment equivalent to 3 times the trade-affected worker's average weekly wage, up to a</li> </ul>	<p>of the reasonable and necessary expenses incurred in transporting the worker, the worker's family and household effects for no more than 18,000 pounds, up to the statutory limit for Federal employees</p> <ul style="list-style-type: none"> <li>➤ *Reimburses the trade-affected worker 100% of the costs allowable for lodging and meals for an individual and each member of the individual's family. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b> (ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/cat">http://www.gsa.gov/portal/cat</a></li> </ul>	<p>the reasonable and necessary expenses incurred in transporting the worker, the worker's family and household effects for no more than 18,000 pounds, up to the statutory limit for Federal employees.</p> <ul style="list-style-type: none"> <li>➤ *Reimburses the trade-affected worker 90% of the costs allowable for lodging and meals for an individual and each member of the individual's family. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b> (ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a></li> <li>➤ Provides an additional lump sum payment equivalent to 3 times the trade-affected worker's average weekly</li> </ul>	<p>reasonable and necessary expenses incurred in transporting the worker, the worker's family and household effects for no more than 18,000 pounds, up to the statutory limit for Federal employees</p> <ul style="list-style-type: none"> <li>➤ *Reimburses the trade-affected worker 90% of the costs allowable for lodging and meals for an individual and each member of the individual's family. Costs allowable are the lesser of: (i) The actual cost to the individual for lodging and meals while in travel status; <b>or</b> (ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations found at: <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a></li> <li>➤ Provides an additional lump sum payment equivalent to 3 times the trade-affected worker's average weekly wage, up to a maximum payment of \$1,250 to help defray the costs of</li> </ul>
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<p>maximum payment of \$1,250 to help defray the costs of relocation</p>	<p><a href="#">egory/21287</a></p> <ul style="list-style-type: none"> <li>➤ Provides an additional lump sum payment equivalent to 3 times the trade-affected worker's average weekly wage, up to a maximum payment of \$1,500 to help defray the costs of relocation</li> </ul>	<p>wage, up to a maximum payment of \$1,250 to help defray the costs of relocation</p> <ul style="list-style-type: none"> <li>➤ Available at states' discretion</li> </ul>	<p>relocation</p>
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An application for relocation allowance must be made before the later of the 425<sup>th</sup> day after the date of the certification or the 425<sup>th</sup> day after the date of the worker's last total separation or the date that is the 182<sup>nd</sup> day after the date on which the trade-affected worker completed his or her TRADE ACT approved training program.

For federal mileage rates associated with relocation use:

<http://www.gsa.gov/portal/content/105054>

\*Important information regarding Relocation Allowance:

- The customer will only be eligible for per diem expense when travel status exceeds 12 hours. (301-11.1c)
- The customer is required to drive a minimum, average distance of 300 miles per day during travel status (302-4.400)
- Spouse or domestic partner will receive 75% of the allowable per diem rate for meals and incidentals.(302-4-204)
- However if the spouse or domestic partner travels unaccompanied at a different time they receive the same per diem rate as the customer. (302-4-205)
- Immediate family members age 12 or older receive 75% of the customer's per diem, where as children under the age of 12 receive 50% of the customer's per diem. (302-4-206)
- On the first and last travel day, customers in travel status are only eligible for 75 percent of the allowable M&IE rate.

#### Career Center Actions – Requesting a Relocation Allowance

1. Complete a Request for TAA Funds for Job Search/Relocation form. Form and instructions can be found on the New York State Department of Labor's TRADE ACT web page: <http://labor.ny.gov/workforcenypartners/taaforms/taaforms.shtm>

2. Email completed form to the following shared mailbox:
  - For those inside DOL's Network: [labor.sm.wdtd.funding](mailto:labor.sm.wdtd.funding)
  - For those outside DOL's Network: [Funding.WDTD@labor.ny.gov](mailto:Funding.WDTD@labor.ny.gov)
3. When the request for job search allowance does not meet the approval criteria previously described, Career Center staff will need to submit a Determination Recommendation on a "Job Search/Relocation Allowance Determination" form to the [Determinations.WDTD@labor.ny.gov](mailto:Determinations.WDTD@labor.ny.gov) mailbox

## ALTERNATE TRADE ADJUSTMENT ASSISTANCE (ATAA) and REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)

The Alternate Trade Adjustment Assistance (ATAA) and the Reemployment Trade Adjustment Assistance (RTAA) programs allow older TRADE ACT eligible workers to receive a wage subsidy to help bridge the salary gap between their old and new employment. The wage subsidy is up to half the difference between the trade-affected worker's old and new wage. Eligibility criteria require the trade-affected worker to be at least 50 years of age.

Trade Adjustment Assistance (TAA)	Trade & Globalization Adjustment Assistance (TGAA)	Trade Adjustment Assistance Extension Act (TAAEA)	Reversion 2014
<ul style="list-style-type: none"> <li>➤ The program is known as the Alternate Trade Adjustment Assistance Program (ATAA)</li> <li>➤ Requires a separate certification of group eligibility</li> <li>➤ Requires full-time re-employment within first 26 weeks of separation</li> <li>➤ Worker may not participate in TRADE ACT-approved training</li> <li>➤ Available only for workers</li> </ul>	<ul style="list-style-type: none"> <li>➤ The program is known as the Re-employment Adjustment Assistance Program (RTAA)</li> <li>➤ Separate certification of group eligibility is not required</li> <li>➤ Does not require re-employment within first 26 weeks of separation</li> <li>➤ Worker can participate in TRADE ACT-approved training</li> <li>➤ Requires full-time employment, unless the worker is also enrolled in TRADE ACT-approved training. If enrolled in TRADE ACT-approved training,</li> </ul>	<ul style="list-style-type: none"> <li>➤ The program is known as the Re-employment Adjustment Assistance Program (RTAA)</li> <li>➤ Separate certification of group eligibility is not required</li> <li>➤ Does not require re-employment within first 26 weeks of separation</li> <li>➤ Worker can participate in TRADE ACT-approved training</li> <li>➤ Requires full-time employment, unless the worker is also enrolled in TRADE ACT-approved training. If enrolled in TRADE ACT-approved training,</li> </ul>	<ul style="list-style-type: none"> <li>➤ The program reverts back to the Alternate Trade Adjustment Assistance Program (ATAA)</li> <li>➤ Requires a separate certification of group eligibility</li> <li>➤ Requires full-time re-employment within first 26 weeks of separation</li> <li>➤ Worker may not participate in TRADE ACT-approved training</li> <li>➤ Available only for workers earning less</li> </ul>

<p>earning less than \$50,000 per year in re-employment</p> <ul style="list-style-type: none"> <li>➤ Maximum benefit of \$10,000 over a period of up to two years</li> </ul>	<p>part-time employment must be at least 20 hours per week.</p> <ul style="list-style-type: none"> <li>➤ OJT followed by RTAA is approvable as long as the RTAA eligibility requirements are met</li> <li>➤ Available only for workers earning less than \$55,000 per year in re-employment</li> <li>➤ Maximum benefit of \$12,000 over a period of up to two years</li> </ul>	<p>part-time employment must be at least 20 hours per week.</p> <ul style="list-style-type: none"> <li>➤ OJT followed by RTAA is approvable as long as the RTAA eligibility requirements are met</li> <li>➤ Available only for workers earning less than \$50,000 per year in re-employment</li> <li>➤ Maximum benefit of \$10,000 over a period of up to two years</li> </ul>	<p>than \$50,000 per year in re-employment</p> <ul style="list-style-type: none"> <li>➤ Maximum benefit of \$10,000 over a period of up to two years</li> </ul>
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Under Reversion 2014, a Trade Act customer cannot receive TRA prior to ATAA. Once the customer chooses a program TRA/ATAA they forfeit their right to participation in the other income support programs. (Example: once the customer elects ATAA they will surrender all further TRA participation.) Conversely, once a worker has enrolled in training, he/she forfeits their right to ATAA participation.

## HEALTH COVERAGE TAX CREDIT (HCTC)

HCTC expired effective December 31, 2013 for all programs.

For info on the Health Coverage Tax Credit, visit the 'Latest News' page at: [www.irs.gov/hctc](http://www.irs.gov/hctc)

## AGENT/LIABLE STATE

There will be occasion when a trade-affected worker decides to either relocate to or from New York State. When this occurs, the first step is to determine which state is the "liable" state and which state is the "agent" state.

### Applicable State Law

The applicable state law governs which is the Liable State. The applicable state law is the state in which the customer has been determined entitled to Unemployment Insurance immediately following the first separation or the state in which the first separation occurred if not entitled to UI. The applicable state law may change if the customer becomes entitled to UI under another state's state law. In most, but not all cases the applicable state law is the State that determined the customer entitled to Trade Adjustment Assistance.

## Agent vs. Liable State Duties

The liable state determines TRADE ACT/TRA eligibility and is responsible for paying the UI and TRADE ACT/TRA benefits. The liable state continues to be the paying state even though a trade-affected worker may move to another state after becoming eligible for TRADE ACT/TRA.

The liable state is responsible for issuing waivers from training, issuing waiver determinations denying waivers, approving training and issuing training determinations denying training.

In other words, the liable state must review all Waivers from Training and Training Programs developed on behalf of the trade-affected worker by the agent state representative and, if approved, issuing final documents to the trade-affected worker.

The agent state is the trade-affected worker's new state of residence and is responsible for providing TRADE ACT/TRA services to the trade-affected worker in the same manner as you would serve a New York State TRADE ACT/TRA entitled customer. The agent state is not responsible for determining TRADE ACT/TRA eligibility nor does the agent state become responsible for paying the UI and TRADE ACT/TRA benefits. However, the agent state is responsible for picking up the cost of training because the trade-affected worker's new labor market would be in the area in which the customer resides.

### **Career Center Actions - Your Responsibility as the Liable State Representative**

1. When one of your trade-affected workers from New York State decides to relocate to another state, you should advise the worker to immediately schedule an appointment with a Career Center staff person in their new state of residence as soon as they relocate in order to continue to receive TRADE ACT/TRA benefits and services.
2. Provide the trade-affected worker with the name of the TRADE ACT Coordinator in their new state of residence. The TRADE ACT Coordinator will be able to direct the worker to the most convenient Career Center where he or she can receive continued TRADE ACT/TRA services. Alternately, you may provide the following link where a search by zip code can be performed: [Welcome to American Job Center | American Job Center](#)
3. Instruct the worker to bring all TRADE ACT-related documents issued by New York State with them to the scheduled appointment.
4. Give the trade-affected worker the contact information for the New York State TRADE ACT Coordinator should there be any questions that need to be resolved between the state representatives. Included below is a link to the State TRADE ACT and TRA Coordinators List. <http://www.doleta.gov/tradeact/contacts.cfm>

## Career Center Actions - Your Responsibility as the Agent State Representative

When a trade-affected worker from another state decides to relocate to New York State, you are responsible for serving the trade-affected worker as the agent state representative. Trade-affected workers who relocate to New York State will not have a Trade Act Tracker record nor an OSOS ID in our system.

1. Determine the liable state representative with whom you will be working by contacting the TRADE ACT Coordinator from the liable state using the following link to the State TRADE ACT and TRA Coordinators List. <http://www.doleta.gov/tradeact/contacts.cfm>
2. Find out from liable state representative what the liable state's training caps are and what the liable state's waiver process is. Because you are an agent working on behalf of the liable state, you will forward Training Programs to the liable state's representative for approval and will transmit Waivers from Training to this representative as well.
3. Create an OSOS record for the customer so that you will be able to record all TRADE ACT-related services and activities provided to the trade-affected worker. NOTE: Trade Act Tracker records are only created for TRADE ACT/TRA entitled customers from New York State.

### Waivers from Training

Because the trade-affected worker will not have a Trade Act Tracker record, you will need to complete a paper Waiver from Training, have the trade-affected worker review and sign the document and then transmit the Waiver from Training to the identified liable state representative by FAX, email or regular mail (whichever method has been determined most convenient). A blank Waiver from Training can be found on the New York State Department of Labor's TRADE ACT web page at:

<http://labor.ny.gov/workforcenypartners/taaforms/taaforms.shtm>

### Developing a Training Program

When it has been determined that training is needed and a training program has been developed with the trade-affected worker, you will need to submit a Request for TAA Funds for Training/Training Plan Detail form in the same manner you would for a New York State trade-affected worker. As soon as TRADE ACT funds are approved by the New York TAA Unit (Central Office), you would then transmit the training plan details to the identified liable state representative by FAX, email or regular mail (whichever method has been determined most convenient). Once you receive confirmation that the liable state has approved the trade-affected worker's training program, you will need to record the training service in OSOS.

Job Search and Relocation Allowances Payment of Job Search and Relocation allowances is also the responsibility of the agent state. You will need to follow the same procedure for securing TRADE ACT funds for these allowances outlined in the Job Search Allowances and Relocation Allowance sections of this Desk Guide.

## CASE MANAGEMENT, TRADE ACT EMPLOYMENT PLAN/TRAINING PLAN AND OSOS DATA RECORDING

### Case Management

Case management is a requirement that will be used to assist trade-affected workers in making solid life-altering decisions. Case management includes: (1) comprehensive and specialized assessments; (2) development of an Individual Employment Plan; (3) provision of information on the types of training to assist trade-affected workers make informed choices; (4) information on financial assistance (i.e., Pell Grants); (5) pre-vocational services such as resume-writing, interviewing skills development, profiling; (6) individual career counseling; (7) provision of labor market information; and, (8) information regarding supportive services. To be considered case management at least 1 of the 8 specific services must be provided to the trade-affected worker. CMS is required to be available to the "adversely affected incumbent worker" as well as the laid-off participant.

### TRADE ACT Employment Plan/Training Plan

All trade-affected workers, by statute, are afforded the opportunity for the development and periodic review and update of an Employment Plan. An early and detailed assessment, identification of marketable skills, and the provision of job search assistance and other reemployment services will assist trade-affected workers in obtaining suitable reemployment. The TRADE ACT Employment Plan serves to provide a structure to capture such marketable skills and detail a strategy for reemployment. It will also serve as a means to determine if training is necessary for reemployment. If training is warranted, Section I will serve to document the selected training and justification as well as the bona fide training application date for trade-affected workers covered by petitions certified prior to May 18, 2009, or after January 1, 2014. Therefore, an Employment Plan/Training Plan is required for each trade-affected worker.

#### **Career Center Action - The TRADE ACT Employment Plan**

1. Complete the TRADE ACT Employment Plan. The employment plan template and instructions can be found at: [TAA-IEP](#), [TAA-IEP Instructions](#)

### Benchmarks and 60-day Check Ins

The Trade Adjustment Extension Act of 2011 established a new requirement of TAAEA participants. Career Centers must evaluate satisfactory progress against the following two benchmarks at intervals of no more than 60 days, beginning with the start of the training plan, to determine whether the worker is:

1. Maintaining satisfactory academic standing and

2. On schedule to complete training within the timeframe identified in the approved training plan

Under the TAAEA & Reversion 2014, Career Center staff must monitor a worker's progress toward completing the approved training within the 130-week maximum duration of training. The worker must substantially meet benchmarks to receive Completion TRA. For an explanation of how Completion TRA fits into the income support structure for TAAEA & Reversion 2014 participants, see the **TRADE READJUSTMENT ALLOWANCE (TRA)** section of this Desk Guide.

Although meeting benchmarks and interval check-ins are required by law for **TAAEA & Reversion 2014 participants only**, NYSDOL suggests use of the practices for all Trade Act participants.

#### **Career Center Actions – Benchmarks and 60-Day Check-Ins**

1. Use date calculator at <http://www.timeanddate.com/date/dateadd.html> to create a schedule for customers which includes a check- in evaluation deadline at intervals of every 60 days, beginning with the classroom training start date.
2. Advise customer that he/she must provide by each deadline evidence of satisfactory academic standing (for example: not on academic probation or determined to be “at risk” by the instructor or training institution) and on schedule to complete training within the time frame identified in the training plan.
3. For customers participating under TAAEA & Reversion 2014 rules, advise that in order for them to be eligible for Completion TRA, meeting the benchmarks is a requirement. At the first instance of unmet benchmarks, a warning will be given. The second instance of unmet benchmarks requires amending the training plan.
4. Advise customer that the evidence must come from the training institution.
5. Evaluate. The Career Center may receive the evidence in the form of hard copies of reports, OR a telephone call from the training institution, OR via email.  
  
-For telephone calls: write up a note detailing date of call and with whom you spoke and place the note in the case file.  
-For emails: you may suggest that the customer email a request to his/her academic advisor and copy you on the email reply. Place printed copy of email reply in the case file.
6. For customers participating under TAAEA & Reversion 2014 rules, update services in OSOS every 60 days to show benchmarks are met/not met.

## OSOS Data Recording

TAAEA & Reversion 2014 both require benchmarks to employment plans for workers certified under these petitions. Benchmarks must be recorded on the TRA Benchmarks tab, in the Services window. The Using the TRA Benchmarks Tab Guide includes instructions on entering benchmarks into OSOS.

Career Center staff must follow procedures outlined in the current OSOS Trade Act Guide. For those determined eligible for TRADE ACT (ALL petition #s/programs), the work history on OSOS must indicate that they were “dislocated due to foreign trade” and the relevant information included on the TA722 entered. Trade-affected workers must also be dual enrolled in WIA and TRADE ACT.

The OSOS Trade Act Guide provides instructions for recording TRADE ACT-related OSOS services and activities.

### **Career Center Action – OSOS Data Entry**

To read the OSOS Trade Act Guide, please visit

<http://labor.ny.gov/workforcenypartners/osos/osos-guide-trade-act.pdf>

To read the Using the TRA Benchmarks Tab Guide, please visit

<http://labor.ny.gov/workforcenypartners/osos/tra-benchmarks.pdf>

Career Center staff may contact the OSOS Help Desk at:

email - [help.osos@labor.ny.gov](mailto:help.osos@labor.ny.gov)

phone - 518-457-6586

## **AVAILABLE RESOURCES and USEFUL TOOLS**

Local TRADE ACT Coordinators: In addition to disseminating TRADE ACT program-related information, policy changes, etc. to Career Center staff, the local TRADE ACT Coordinator is the TRADE ACT program expert for your area. If you have any questions or concern regarding the TRADE ACT programs, you should direct your question to your local TRADE ACT Coordinator.

List of Local TRADE ACT Coordinators:

[TAA Coordinators](#)

USDOL ETA TAA Web Page: <http://www.doleta.gov/tradeact/>

NYS Department of Labor TRADE ACT Web Page:

<http://labor.ny.gov/workforcenypartners/tools.shtm>

## Trade Act Tracker:

For those inside DOL's Network - [http://intranet-home/uifield\\_data](http://intranet-home/uifield_data)

For those outside DOL's Network – <https://ws04.nyenet.ny.gov>

## OSOS Help:

OSOS Central Support Unit: [help.osos@labor.ny.gov](mailto:help.osos@labor.ny.gov)

OSOS & REOS Resources and Guides: <http://labor.ny.gov/workforcenypartners/osos.shtm>

The path to the Trade Act OSOS Data Entry Guide is:

<http://labor.ny.gov/workforcenypartners/tools.shtm> > TAA > Guides > Trade Act OSOS Guide.

A demonstration of Trade Act OSOS data entry was recorded and is available on the NYSDOL WebEx site at <https://dews.webex.com> . Click on Recorded Sessions and search for the session named Entering Trade Act Information into OSOS.

Date Calculator: <http://www.timeanddate.com/date/dateadd.html>

## Training Provider Listings

- ETPL (<https://applications.labor.ny.gov/ETPL/>)
- SED list of approved degree granting institutions ([www.highered.nysed.gov/ocue](http://www.highered.nysed.gov/ocue))
- SED Bureau of Proprietary School Supervision's list of non-degree granting schools and programs ([www.highered.nysed.gov/bpps/home.html](http://www.highered.nysed.gov/bpps/home.html))
- SED list of Distance Learning Providers ([www.highered.nysed.gov/ocue/ded/database.html](http://www.highered.nysed.gov/ocue/ded/database.html))
- For Out-of-State Training Providers – Use appropriate SED approved lists in the State of the provider

## TRADE ACT Central Support Unit Contact:

- Susan Serviss
  - Telephone: (518) 457-7455
  - Email: [uscshs@labor.ny.gov](mailto:uscshs@labor.ny.gov)
- TRADE ACT Central Support Unit FAX Number: (518) 485-2577
- Email: [laborWDTDTAA@labor.ny.gov](mailto:laborWDTDTAA@labor.ny.gov) [TAA.WDTD@labor.ny.gov](mailto:TAA.WDTD@labor.ny.gov)

## UI Benefit Unit Telephone Numbers:

- Telephone: (518) 485-1597, prompt 1.
- FAX: (518) 402-1086

## GLOSSARY OF TERMS

ATRA	Additional Trade Readjustment Allowance
ATAA	Alternate Trade Adjustment Assistance
BTRA	Basic Trade Readjustment Allowance
BYB	Benefit Year Begins
BYE	Benefit Year Ends
CSA	Cooperating State Agency
CIT	Court of International Trade
DW	Dislocated Worker
EUC	Emergency Unemployment Compensation
EB	Extended Benefits
HCTC	Health Coverage Tax Credit
IVR	Interactive Voice Response
ITC	International Trade Commission
ICON	Interstate Connection
MIS	Management Information System
NEG	National Emergency Grant
NRP	Needs-Related Payment
QS	Qualifying Separation
RR	Rapid Response
RTAA	Re-employment Trade Adjustment Assistance
RTRA	Remedial Trade Readjustment Allowance
SWA	State Workforce Agency
SAVE	Systematic Alien Verification for Entitlement

TA	Technical Advisory (State Issued)
TAA	Trade Adjustment Assistance
TAAEA	Trade Adjustment Assistance Extension Act
TAPR	Trade Act Participant Report
TGAA	Trade & Globalization Adjustment Assistance Act
TRA	Trade Readjustment Allowance
TEGL	Training and Employment Guidance Letter
TEN	Training and Employment Notice
UIPL	Unemployment Insurance Program Letter
WIA	Workforce Investment Act