

**TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011
TRADE READJUSTMENT ALLOWANCES (TRA) POLICY MANUAL**

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BACKGROUND

The Trade Adjustment Assistance for Workers Program (TAA program) was first established in the Trade Act of 1974 as a tool to retrain trade impacted workers and help them find suitable employment. The TAA program had a two-step process. First, a group of workers (or other specified entity) file a petition for certification of eligibility with the Office of Trade Adjustment Assistance (OTAA). Second, workers who are part of a group covered by a certified petition apply individually to a state for benefits and services.

Since its first enactment in 1974, the Trade Act has been amended numerous times. Likewise, TAA program rules and requirements have evolved with each new law. Three sets of laws are still in use today: the 2002, 2009, and 2011 Amendments. The 2011 Amendments changed the provisions of 2009 in some significant ways.

OVERVIEW

The Trade Adjustment Assistance Extension Act (TAAEA) of 2011 (Public Law 112-40) was signed into law on October 21, 2011 by President Obama. The TAAEA again reauthorized the TAA program, but reduced the scope and benefits added under the 2009 amendments.

The 2011 Amendments include, a reduction in number of eligible groups qualified for TAA, elimination of three training waivers, elimination the additional 26 weeks of TRA for workers participating in prerequisite or remedial training, and the addition of a new Completion TRA component.

The 2011 amendments apply to petitions filed on or after October 21, 2011 and numbered above 81,000. There is also special retroactive applicability for petitions numbered 80,000 – 80,999. Eligible workers with petitions in this range were able elect to receive benefits in accordance under either 2002 or 2011 amendments.

The 2011 Amendments will expire on December 31, 2013 and will revert to the 2002 Amendments with some exceptions.

Election Option

(Public Law 112-40 section 231, TEGL 10-11, A.2.4)

Election eligibility was based upon dates the individual worker received TAA benefits under petitions numbered 80,000 – 80,999. Workers who qualified for TAA benefits prior to December 20, 2011, received a notice advising them of a one-time opportunity to switch from benefits under the 2002 program to 2011. The one-time election had to be made between December 20, 2011 and March 19, 2012. Workers not electing 2011 benefits, continued TAA benefits under the 2002 Act.

Workers who did not receive any TAA benefits prior to December 20, 2011, were covered under the 2011 TAA program once they applied for TAA. They were NOT given an election option.

TRADE READJUSTMENT ALLOWANCES (TRA)

Trade Readjustment Allowance (TRA) provides financial support to participants while enrolled in full-time TAA approved training or conducting a work search under a waiver of training. TRA is not available until all eligibility for unemployment insurance (UI) benefits and applicable extensions are exhausted. There are three types of TRA:

- **Basic TRA** is payable if the TAA participant is enrolled or participating in TAA approved training or has obtained a waiver of training requirement. Basic TRA can also be paid to participants who are conducting a work search following training.
- **Additional TRA** is payable only if the TAA participant is actively attending TAA approved training and has exhausted all rights to Basic TRA.
- **Completion TRA** is payable only if participant is attending TAA approved training, has exhausted all rights to Additional TRA and has met the training benchmarks as described in the **TAA Classroom Training Procedures – Extension Act of 2011(XXXX)**. Assuming all other requirements are met a participant may qualify for up to 13 weeks of Completion TRA payable during the 20-week period beginning with the first week in which the worker files a claim for completion TRA..

TRA ELIGIBILITY REQUIREMENTS

(20 CFR 617.11)

To be eligible for TRA benefits, adversely affected workers must meet the following requirements:

- *Certification* - The worker must be an adversely affected worker covered by a certification. The worker must be laid off because of lack of work from adversely affected employment.
- *Separation* - The worker's first qualifying layoff must have occurred on or after the impact date of the certification and on or before the expiration date of the certification;
- *Wages and Employment* - In the 52-week period ending with the week of the worker's first qualifying separation or any subsequent qualifying layoff under the same certification, the worker must have had at least 26 weeks of employment at wages of at least \$30 or more a week with the certified employer.
- *Entitlement to UI* - At the time of the first layoff on or after the impact date, the worker must be monetarily eligible for unemployment. The TAA eligible worker does not have to file a claim, but they must have had enough hours of work and wages to establish a benefit year.
- *Exhaustion of UI* - The worker must have exhausted all rights to unemployment insurance benefits or applicable extensions.
- *Extended Benefits (EB) Work Test* –The EB work test requirement is also applicable to claimants for basic TRA, except when the individual is in and/or participating in an approved TAA training program as provided at 20 CFR 617.17 (b)(2).
- *Participation in TAA training* – The individual must be enrolled in or participating in TAA training; or have completed training following qualifying separation (only basic TRA); or have received a waiver from the TAA training (only basic TRA).

If the worker does not meet the minimum 26-week employment and wage requirement, a week of employment shall be added, up to a maximum of 7 weeks, for each week that one of the following conditions exist:

- The certified employer authorized leave for vacation, sickness, injury, maternity or inactive duty or active duty military service or training;
- A worker's employment was interrupted to serve as a full-time representative of a labor organization in the affected firm or subdivision.

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The trade-affected worker shall be eligible for up to a maximum of 26 weeks for each week that one of the following conditions exists:

- The worker could not work for the adversely affected employer due to a disability compensable under state or federal worker's compensation laws;
- The worker is on call-up for active duty in reserve status in the US armed forces after August 1, 1990.

If TAA eligible workers are not eligible for TRA benefits because they did not meet the qualifying requirements, they may still be eligible to apply for training, job search allowances, relocation allowances, wage subsidy for older workers program and reemployment services.

Determining the Parent Claim

(20 CFR 617.13)

The first qualifying layoff is the first layoff of at least seven consecutive days after the impact date of the petition. The unemployment claim in effect at the time of the first qualifying layoff is the TRA parent claim. The weekly benefit amount for Basic and Additional TRA is the same as the weekly benefit amount of the TRA parent claim.

The most recent claim is not always the TRA parent claim. The Washington State TRA Coordinator will determine the TRA parent claim when determining eligibility for TRA.

TRA DEADLINES AND SPECIAL RULES

(TEGL 22-08, C.2)

To receive TRA, the TAA participant must be enrolled in TAA approved training by;

- The last day of the 26th week after the TAA participant's most recent qualifying layoff; or
- The last day of the 26th week after the week that the Department of Labor issued the certification.

EXCEPTIONS TO THE ENROLLED IN TRAINING / WAIVER FROM TRAINING DEADLINES

The TAAEA provides for additional justifiable cause exceptions for a TAA eligible worker who misses application and enrollment deadlines. The Washington State TRA Coordinator will make all determinations regarding any of the following extensions:

1. 45 Days for Extenuating Circumstances:

Circumstances beyond the control of the worker allow an extension of the deadlines up to 45 days. This includes situations where training programs are abruptly cancelled as well as when a worker suffers injury or illness preventing participation in training.

2. 60 Days after Actual Notification of the Exception to the Enrollment Deadlines:

Circumstances deemed to be beyond the worker's control, such as failure of the cooperating state agency to notify the worker, justify an extension of the eligibility periods. This is the worker centric exception. The worker must meet the enrollment deadlines by Monday of the first week occurring 60 days after the date that the worker was properly notified of both his/her eligibility to apply for TAA training and the requirement to enroll in training absent a waiver of the training requirement.

3. 30 Days after the Termination of a Waiver:

To maintain eligibility for Additional TRA, workers with a training waiver must be enrolled in training prior to the first Monday, 30 days following the termination of the waiver, either by expiration (end of Basic TRA) or revocation.

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Example 1: If the 30th day following the termination of the waiver is Sunday, the participant must be enrolled before Monday, so Friday of the previous week is the deadline.

Example 2: If the 30th day following the termination of the waiver is Wednesday, the deadline is Friday of the same week.

Example 3: If the 30th day following the termination of the waiver is Monday, the participant has until Friday of that week.

These deadlines apply for eligibility for any TRA payment, including basic TRA, additional TRA, and Completion TRA.

Participants in the TAA program must meet one of the following criteria for basic TRA:

- Be participating in approved training or be within 30 days of the start of approved training;
- Have completed an approved training plan and be actively seeking work; or
- Be on a [training waiver](#).

As with the 2009 program there is no waiting period after certification to receive TRA payments under 2011 rules. Under the 2002 Reform Act, there was a 60-day waiting period following certification. For example, if a worker is laid off applies for UI January 1, but the company does not file for TAA certification until July 1, the worker's UI benefits may be exhausted by then. The TAA participant can claim TRA benefits as soon as the certification has been made and regular benefits are exhausted.

Special Rules

(TEGL 22-08 C.6)

The TAAEA provides for an extension on the eligibility period that TRA (basic and additional) is payable. The State TRA Coordinator will issue all determinations regarding any of the following extensions:

For Calculating Separations - Judicial or Administrative Appeal

(TEGL 22-08 C.6.1)

In the event a certification is issued as a result of an appeal of an earlier denial of certification, the 104-week eligibility period for Basic TRA will begin the week following the week the group was certified. In this case, the applicable enrollment in training deadline will be 26 weeks after the certification is issued.

For Justifiable Cause to Extend the Eligibility Periods for TRA

(TEGL 22-08 C.6.2)

A new rule allows for an extension for justifiable cause of periods that TRA (basic and additional) are payable. Justifiable cause means circumstances determined to be beyond the worker's control. Washington Unemployment Insurance laws, regulations, and policies regarding good cause apply to this determination.

For Military Service

(TEGL 22-08 C.6.3)

Veterans must be afforded priority of service. The 2011 TAAEA continues with same 2009 rules for returning service members. Members of the armed forces and National Guard who are called to active duty while a TAA participant are considered "whole," as if the period of military services had not occurred.

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The provision allows workers called up for active duty for 30 days or more to restart the TAA enrollment process after completion of military service. This includes workers who had begun, but had not completed, a training program before being called up for active duty, and those workers whose company is certified while the workers are serving on active duty.

If the participant began training prior to active duty call-up, the participant is allowed to complete that training. However, the worker need not have been enrolled in or have begun training before the period of duty for this provision to apply. When separated, these individuals are eligible to receive TRA, training and other benefits under the 2011 amendments in the same manner and extent as if the worker had not served the period of duty.

The State will toll all deadlines for all TAA, and RTAA benefits and services, as well as TRA eligibility periods, during a service member's period of duty which occurs before the individual completes TAA-approved training. The State must first consult with and receive the Department's permission, before waiving any other TAA requirement.

For the Use of Federal Good Cause Provisions (TEGL 10-11C.6)

The TAAEA establishes a new Federal Good Cause provision that allows for a waiver for good cause of deadlines relating to time limitations on filing an application for TRA or enrolling in training. This provision supersedes the state good cause provision applicable to these deadlines under the 2009 Amendments.

The TRA Coordinator must waive the time limitations with respect to an application for TRA benefits or enrollment in training at any time after making a determination that there is good cause for issuing a waiver in accordance with the Federal standard.

The federal standard requires states to consider the following factors, if relevant, before waiving these time limitations. These factors are:

1. Whether the worker acted in the manner that a reasonably prudent person would have acted under the same or similar circumstances.
2. Whether the worker received timely notice of the need to act before the deadline passed.
3. Whether there were factors outside the control of the worker that prevented the worker from taking timely action to meet the deadline.
4. Whether the worker's efforts to seek an extension of time by promptly notifying the state were sufficient.
5. Whether the worker was physically unable to take timely action to meet the deadline.
6. Whether the worker's failure to meet the deadline was because of the employer warning, instructing or coercing the worker in any way that prevented the worker's timely filing of an application for TRA or to enroll in training.
7. Whether the worker's failure to meet the deadline was because the worker reasonably relied on misleading, incomplete, or erroneous advice provided by the state.
8. Whether the worker's failure to meet the deadline was because the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the worker's entitlement to TRA.
9. Whether there were other compelling reasons or circumstances which would prevent a reasonable person under the circumstances presented from meeting a deadline for filing an application for TRA or enrolling in training including:
 - neglect, a mistake, or an administrative error by the state,
 - illness or injury of the worker or any member of the worker's immediate family

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- the unavailability of mail service for a worker in a remote area
- a natural catastrophe such as an earthquake or a fire or flood
- an employer's failure or undue delay in providing documentation, including instructions, a determination or notice or pertinent and important information
- compelling personal affairs or problems that could not reasonably be postponed such as an appearance in court or an administrative hearing or proceeding, substantial business matters, attending a funeral, or relocation to another residence or area
- the state failed to effectively communicate in the worker's native language and the worker has limited understanding of English
- loss or unavailability of records due to a fire, flood, theft or similar reason. Adequate documentation of the availability of the records includes a police, fire or insurance report, containing the date of the occurrence and the extent of the loss or damage.

In cases where the cause of the worker's failure to meet the deadline for applying for TRA or enrolling in training was the worker's own negligence, carelessness, or procrastination, a state may not find that good cause exists to allow the state to waive these time limitations.

Special Rules for TRA Payments

(TEGL 22-08 C.4 and C.4.1)

Special TRA payment rules include the following:

- **Election between TRA or UI** - If filing a subsequent UI claim would result in a lower weekly benefit amount, TAA participants may elect to receive TRA instead of UI for any week if the following two conditions are met:
 1. The participant is entitled to receive UI as a result of a new benefit year based on part-time or short-term employment in that the worker engaged after his/her most recent total separation from adversely affected employment; and
 2. The worker is otherwise entitled to TRA.

This election provision is advantageous to workers because it looks to a broader range of wages on which a new benefit year may be based. This option must be provided to the TAA participant along with an explanation of his or her benefit rights in writing, and document the participant's choice in case notes.

TAA counselors should refer potential eligible participants to the State TRA Coordinator for further clarification on the wages disregard and UI and TRA election options.

- **Earnings Disregard** - Wages less than or equal to the worker's TRA weekly benefit amount are not deductible from TRA when participating in full-time training other than OJT.

Reporting Wages during TAA-approved Training while claiming TRA (Earnings disregard)

(TEGL 22-08, C.4) (TEGL 22-08 Change 1 - E1)

Trade Act requires a reduction in the TRA amount payable for a week of unemployment insurance (UI) of all income that is deductible from UI using the applicable state law. Wages less than or equal to the TRA weekly benefit amount are not deductible from TRA when participating in full-time training. Wages greater than the TRA weekly benefit amount are deductible for TRA benefits using the standard earnings deduction chart.

Note: The computation for the earnings deduction on the Washington State standard earnings deduction chart is, gross earnings minus \$5, times 75%. All deductions are rounded up to the next higher dollar.

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Example 1: A participant attending full-time TAA training has a TRA weekly benefit amount of \$400. He works 20 hours and earns \$17.50 per hour for a total of \$350. The \$350 is less than his TRA weekly benefit amount, so nothing is deducted from his TRA benefits. He receives the full \$400 in TRA benefits.

Example 2: The same participant above works 40 hours and earns \$17.50 per hour for a total of \$700. The \$700 is greater than his TRA weekly benefit amount by \$300. Using the standard earnings deduction chart for \$300, his TRA benefits are reduced by \$222. He receives \$178 in TRA benefits.

In this example, the calculation would be 40 hours times \$17.50 per hour, totaling \$700 in gross earnings. \$700 gross earnings minus \$400 TRA weekly benefit amount, equals \$300 deductible earnings (this is the amount above the TRA earnings disregard). \$300 deductible earnings minus \$5, times 0.75, equals \$221.25, which is rounded up to the next complete dollar for a \$222 standard earnings deduction. \$400 TRA weekly benefit amount minus the \$222 standard earnings deduction equals a \$178 TRA payment after earnings disregard and standard earnings deduction.

WAIVER OF TAA TRAINING REQUIREMENTS TO RECEIVE TRA BENEFITS

(Section 212(a) of the TAAEA of 2011) (TEGL 10-11 C.5)

Waiver Conditions

Waivers from the training deadline are used to:

- Meet the 26-week after layoff or 26-week (26/26 week) after certification deadline to preserve Basic TRA benefit eligibility;

Allow TAA eligible participants who completed short term training to collect Basic TRA using the EB work search standard.

Unless enrolled in training, individuals on state extended benefits, or Basic TRA must be directed to conduct a more enhanced job search using EB work search criteria.

2011 Amendments reduced the number of training waiver conditions from six (6) to three (3). An individual must meet one of the three (3) waiver conditions before issuing a waiver of training and only check one when issuing a waiver.

1. Health - Training can be waived if an individual is unable to participate in training due to health issues. A letter from a doctor or other appropriate medical documentation is required. While we may allow a waiver for health reasons, the participant must still be able, available and actively seeking work and on an EB work search plan, if receiving state extended benefits, or Basic TRA.
2. Enrollment unavailable – When an individual is seriously considering a specific training plan but they cannot enroll in the program right away. . If training will begin later than 60 days after the date of waiver approval, the reason for the delay in enrollment (the ‘extenuating circumstances’), must be noted.
3. Training not available – When an individual is not able to find training that is reasonably available and at a reasonable cost. Distance learning options may be available, and should be explored, but are not appropriate for all individuals or training programs.

Reasons to Deny Waiver

Waivers cannot be approved if the individual is past the 26-weeks after layoff or 26-weeks after certification deadline to request a waiver unless the 45 day extension of the training deadline for an extenuating circumstance applies.

Reviewing and Duration of Waivers

The first waiver review must be in 90 days and then every 30 days thereafter. Waivers are effective for not more than 6 months from the date issued. To preserve the worker's eligibility for TRA, the state TRA Coordinator may approve extending the waiver for another 6 months and for the time necessary to protect the worker's eligibility for basic TRA.

Revoking a Waiver

Waivers from training need to be revoked anytime the conditions of the waiver are no longer applicable. The participant must be notified of the revocation in writing. To be eligible for additional TRA the participant must be in TAA approved training by the Monday of the first week occurring 30 days after the date of the revocation.

Waiver Expiration

At the end of the 6 month waiver period, if a reassessment of the participants' case does not indicate a need to extend the waiver period, the waiver will expire.

BASIC TRA

(20 CFR 617.11)

To be eligible for Basic TRA benefits, a TAA participant must exhaust regular UI, all extensions, or have an expired claim. The eligibility period for Basic TRA is the 104-week period following the week of the participant's last total qualifying layoff from Trade impacted employment. A total qualifying layoff for TRA purposes is a layoff of 7 days or more. The eligibility period is reset following each subsequent qualified layoff, provided the TAA participant meets the criteria for a valid TRA claim. The TRA weekly benefit amount is always the same as the UI weekly benefit amount from the [parent claim](#), even if the 104-week eligibility period is reset. The Basic TRA eligibility period could end before the actual Basic TRA maximum amount is received.

The maximum Basic TRA amount payable is 52 times the TRA weekly benefit amount from the parent claim minus the total sum of unemployment insurance the TAA participant was entitled under that claim and, if applicable, any benefit extensions, regardless of whether or not the TAA participant actually received the benefits. In the case of Washington TAA participants, the regular unemployment insurance entitlement is up to a maximum of 26 weeks.

To receive Basic TRA under the 2011 TAAEA certifications, the TAA participant must:

- Be enrolled in TAA approved training by the later of:
 - The last day of the 26th week after the TAA participant's most recent qualifying layoff; or
 - The last day of the 26th week after the week the Department of Labor issued the certification.

Or

- Be participating in or within 30 days of starting TAA approved training; or
- Have completed a TAA approved training plan and be actively seeking work; or
- Be on a [training waiver](#).

If TAA participants complete approved TAA training and still have a Basic TRA balance, they may continue collecting benefits while doing an EB work search. TAA participants must be fully registered in SKIES, and TAA counselor takes an active role to help participant secure employment.

ADDITIONAL TRA

(20 CFR 617.15) (TEGL 10-11 C.2)

Additional TRA payments a TAA participant must be actually participating in an approved full-time training program, have exhausted basic TRA and meet all other requirements for TRA. Payments of Additional TRA may be made only for those weeks during the [78-week eligibility period](#) following the last week of entitlement to Basic TRA and during the weeks in which the TAA participant is actually participating in TAA approved training. These funds cannot be used for additional time to job search after completing training or during waivers of training.

The 78 Week Eligibility Period

(TEGL 10-11 C.2)

The 78-week eligibility period begins:

- The immediate week after the TAA participant exhausts Basic TRA and is participating in training; or
- The week that the TAA participant begins participating in full-time TAA approved training (this occurs when training starts after all rights to Basic TRA are exhausted under a waiver).

To accommodate breaks in training, the participant may collect 65 weeks of Additional TRA benefits during a span of 78 weeks. This rule enables workers to participate in longer training, such as a two-year Associate's degree, a nursing certification, or completion of a college degree, advanced degree or certification.

Participants who are not eligible for Basic TRA or Additional TRA benefits because they did not meet the qualifying requirements are still eligible to apply for training, job search allowances, relocation allowances, Reemployment Trade Adjustment Assistance (RTAA) wage subsidy for older workers program and reemployment services.

COMPLETION TRA

(Public Law 112-40)

Completion TRA (additional period of up to 13 weeks of income support) is payable only if participant is attending TAA approved training and has exhausted all rights to Additional TRA. Assuming other TRA eligibility requirements are met (has met the training benchmarks as described in the [TAA Classroom Training Procedures – Extension Act of 2011\(XXXX\)](#)) participant may qualify for up to 13 weeks of Completion TRA, that can be paid over a 20 week period, when all of the following five additional criteria are met:

1. The requested weeks are necessary for participant to complete a training program that leads to completion of a degree or industry recognized credential; and
2. The participant is attending training in each week; and
3. *The participant has substantially met the performance benchmarks established* in the approved training plan (must have maintained satisfactory academic standing and be scheduled to complete training within training plan specified timeframe); and
4. The participant is expected to continue to make progress toward completion of approved training; and
5. The participant will be able to complete training during the period authorized to receive Completion TRA.

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BREAKS IN TRAINING

(20 CFR 617.15, TEGL 22-02 D.4 (f))

Eligibility for Basic, Additional TRA and Completion TRA continues during scheduled breaks in training, but only if a scheduled break is no longer than 30 days (not counting weekends and holidays) and all of the following additional conditions are met:

- The TAA participant was participating in TAA approved training immediately before the beginning of the break,
- The break is preapproved in the published academic schedule, or the previously established schedule of training issued by the training provider, or is indicated in the training program approved for the TAA participant; and
- The TAA participant resumes participation in training immediately after break.

Payment During A Break

(20 CFR 617.15)

The following formulas are used to determine a TAA participant's eligibility for payment during a break.

- The break begins on the day following the last day of scheduled training and up to the last day of the break preceding the next scheduled day of training. Weekend days are not counted unless they are normally scheduled for training. Official state and federal holidays are not counted.
- If the number of days is 30 days or less, the TAA participant can be paid during the entire break.
- If the number of days is more than 30 days, the TAA participant cannot be paid Basic or Additional weeks of TRA during the full weeks of the break. This includes summer breaks. However, a TAA participant can be paid for any week during which at least one day of training is scheduled and attended.
- If a training facility closes before a scheduled break because of an emergency situation, any days of closure due to the emergency are not be counted as part of the break.
- If a TAA participant attends classes only two or three days in a week, the break is counted in the same manner outlined above. The counting of break days is dependent on the schedule of the training facility and not the schedule of the participant in training.

EXTENDED BENEFITS WORK TEST

(20 CFR 617.11)

Participants, who have not exhausted Basic TRA benefits and have completed training, must meet the requirements of the Extended Benefits Work Test, as follows:

- Be able to work;
- Be available for work;
- Register for work and be available for referral or accept referral to suitable work by the TAA counselor;
- Apply for any suitable work the TAA participant is referred to by the TAA counselor;
- Accept any offer of suitable work; and
- Actively engage in seeking work and furnish the TRA unit with tangible evidence of four such efforts each week.

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OVERPAYMENTS

(TEGL 22-08, C.8)

If the State agency or a court of competent jurisdiction determines that any individual has received any TAA program benefits, including TRA benefits to which such individual was not entitled, such individual shall be liable to repay such amount to the State agency.

TRA overpayments may be recovered by deduction from any sums payable under TRA, Federal unemployment compensation, or other Federal benefits paid with respect to unemployment under a program administered by the State agency, and, if appropriate, State UI.

WAIVER OF RECOVERY OF TRA OVERPAYMENTS

(TEGL 22-08, C.8)

Recovery of overpayments of TRA must be waived if it would cause a financial hardship for the individual or the individual's household, when taking into consideration the income and resources reasonably available to the individual or household and other ordinary living expenses of the individual. The intent of Congress is that overpaid individuals who are without fault and unable to repay their TRA overpayments must be granted a reasonable opportunity for waivers of overpayments.

REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)
(TEGL 22-08 H)

Reemployment Trade Adjustment Assistance (RTAA) is a wage subsidy for workers 50 years of age or older which replaces the Alternative Trade Adjustment Assistance (ATAA) program. RTAA payments are 50% of the difference between the new salary and old salary for a two year eligibility period and up to a maximum of \$10,000. Participants receiving RTAA are entitled to receive employment and case management services, the Health Care Tax Credit (HCTC), and may be eligible to enroll in TAA approved training. Workers must be working in full time employment and not be in TAA funded training. Further, they may qualify for RTAA when working part-time, employed at least 20 hours a week, and participating in a full time TAA-approved training program. Participants may choose between receiving TRA or RTAA (even if they have received some TRA payments), but they may not receive both payments concurrently or receive TRA after receiving RTAA wage supplement.

- Be at least 50 years of age at the time of reemployment.
- Reemployment wages must not exceed \$50,000 annually.
- Be employed on a full-time basis as defined by Washington state law (can be multiple employers; must apply separately for each employer) and not enrolled in TAA approved training; or
- Employed at least 20 hours per week but less than full time and is enrolled in TAA approved training.
- Can return to the trade affected firm but cannot return to the same division/facility performing the same job duties from which the worker was separated.
- Overtime/bonus earnings are not considered when computing RTAA wage subsidy.
- Self-employment or work involving wages plus commission or piecework can be considered full-time if it meets the definition of full-time employment under applicable state law.
- Can reapply for RTAA if subsequent employment is obtained within two years from the date of original reemployment.
- RTAA is not payable during periods of unemployment but payment is allowable when the worker is on employer allowed release time, such as sick leave or unpaid holidays.
- Participants must verify continued employment by submitting pay stubs monthly.

Eligibility period

For participants who have not received TRA, RTAA eligibility is a period not to exceed 2 years (104 weeks) beginning the earlier of;

- The date on which the participant exhausts all rights to unemployment insurance based on the separation from the adversely affected employment; or
- The date that participant obtains reemployment.

Participants who have received TRA payments

- Participants may receive RTAA benefits for a period of 104 weeks beginning the date of reemployment reduced by the number of weeks they received TRA.

Participants who exhaust Unemployment Insurance

- Participants who exhaust UI on the parent claim have 2 years (104 weeks) from the date of exhaustion to find subsequent employment and apply for RTAA. In this case, the 2 year RTAA eligibility date is the day after the UI claim is exhausted and ends 104 weeks later.
- RTAA applications must be filed within the applicable eligibility period.

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Total Amount of Payments

Participants who have not received TRA

- Up to \$10,000 during the 104 week eligibility period.

Participants who have received TRA payments

- Reduced by a percentage of TRA benefits received during the remaining eligibility period.

Participants can receive TRA and then apply and receive RTAA. A participant cannot apply for and receive RTAA and then go back to TRA. RTAA payments may be retroactive when approved.

Individual workers must also satisfy the following:

- Be at least 50 years of age at the time of reemployment.
- Reemployment wages must not exceed \$50,000 annually.
- Be employed on a full-time basis as defined by Washington state law (can be multiple employers; must apply separately for each employer) and not enrolled in TAA approved training; or
- Employed at least 20 hours per week but less than full time and is enrolled in TAA approved training.
- Can return to the trade affected firm but cannot return to the same division/facility performing the same job duties from which the worker was separated.
- Overtime/bonus earnings are not considered when computing RTAA wage subsidy.
- Self-employment or work involving wages plus commission or piecework can be considered full-time if it meets the definition of full-time employment under applicable state law.
- Must reapply for RTAA if subsequent employment is obtained within two years from the date of original reemployment.
- RTAA is not payable during periods of unemployment but payment is allowable when the worker is on employer allowed release time, such as sick leave or unpaid holidays.
- Participants must verify continued employment by submitting pay stubs monthly.

SUPERSEDES

This policy supersedes Trade and Globalization Adjustment Assistance Act of 2009 – Trade Readjustment Allowances (TRA) Policy Manual

REFERENCES

- The Trade Act of 1974, as amended
- The Trade Act of 2002 (P. L. 107-210); 20 C.F.R. Part 617
- TEGL 22-08, Issued on May 15, 2009 and entitled “Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009”
- TEGL 22-08, Change 1, Issued on May 15, 2009 and entitled “Change 1 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009”
- TEGL 10-11
- TEGL 10-11 Change 1