The Trade Adjustment Assistance Reauthorization Act of 2015


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Trade Adjustment Assistance (TAA) Reauthorization 2015 is available to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports or a shift in production to a foreign country.

Under the Trade act of 2015, workers whose employment is adversely affected by foreign competition may apply for TAA. TAA includes a variety of benefits and services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, job search and relocation allowances, and other reemployment services. Additionally, weekly trade readjustment allowances (TRA) may be payable to eligible workers following their exhaustion of unemployment insurance benefits.

The TAA program is administered by the Employment and Training Administration of the U.S. Department of Labor (USDOL). This agency acts as an agent of USDOL in administering the TAA program in the individual states.

Establishing group eligibility for workers whose jobs may be affected

You must first file a petition with the Division of Trade Adjustment Assistance and with the State of Tennessee to establish group eligibility to apply for TAA. Petitions may be filed by a group of three or more workers, their union, or an authorized company representative. Additionally, one-stop centers, their partners or the dislocated worker unit may assist workers by submitting petitions in their behalf. You can obtain proper forms from the nearest local office of your Labor and Workforce Development Office; or you can phone (202) 693-3560, FAX (202) 693-3585 or write to the U.S. Department of Labor, Employment and Training Administration, Office of Trade Adjustment Assistance, 200 Constitution Ave., NW, Washington, D.C. 20210. You may also access www.doleta.gov/tradeact/ where you may secure petition forms and get information about Trade Adjustment Assistance.

Upon receiving a petition, a fact finding investigation is conducted to determine whether increased imports contributed importantly to decreased sales and production and to worker separations in a particular company or subdivision or whether the company shifted its production out of the country. If either of these activities contributed importantly to job reductions in your company or subdivision, the Labor Department certifies the affected group of workers as eligible to apply for TAA. The certification will contain an “impact date” identifying when unemployed workers become eligible for benefits and services because of layoffs or reduced work schedules. The life of the certification is two years from the date of issuance unless terminated earlier.

Secondarily Affected Firms (effective for petitions filed on or after January 1, 2014)
Once the Division of Trade Adjustment Assistance has certified the primary company as having been affected by increased imports or a shift in production, a firm that supplied parts or components to the affected company may petition for eligibility. Companies that perform value-added production processes, final assembly or finishing may apply. Such downstream operations may be certified if the loss of business contributed importantly to separations at the secondary firm or if the primary company shifted its production to Canada or Mexico.

**Applying for TAA when your group has been certified**

To apply for TAA, please visit our website at [www.jobs4tn.gov](http://www.jobs4tn.gov) and log in or create an account to get started.

The Department of Labor and Workforce Development will make a determination as to whether you are eligible for TAA. To be eligible for TAA, you must have been laid off or put on a reduced work schedule (hours of work reduced to 80 percent or less of your average weekly hours and wages reduced to 80 percent or less of your average weekly wage) on or after the “impact date” and before the ending date of certification.

**Improving your job prospects through training**

There are six criteria upon which training is evaluated for approval. These are as follows:

- No suitable work is available;
- The worker would benefit from appropriate training;
- There is a reasonable expectation of employment upon completion of training;
- The training is reasonably available;
- The worker is qualified to enter and complete the training (not to exceed 104 weeks); and
- The training is suitable for the worker and available at a reasonable cost.

When all six criteria are met, you will be entitled to training if funds are available. You are encouraged to apply for training before exhausting your UI claim.

You must discuss your training needs and goals with the staff of your local Career Center. You will be advised as to the employment outlook for workers with different job skills, the kinds of work best suited to your aptitudes and interests, and the training opportunities that may be available at no cost to you. Your plans may include on-the-job, vocational, or technical training. Remedial, Pre-requisites, or academic training may be approved if all criteria apply.

In order to be assured that you may receive all available weekly benefits, **you must make application for training within twenty six weeks of your first covered certification or within twenty six weeks of your qualifying separation, whichever is later, and you must have that training approved under the Trade Act of 2015. Your Local Career Center TAA Representative can work with you on this. (effective for petitions filed on or after January 1, 2014)**

The first determination of your total separation will provide this deadline. You will receive this determination approximately three to four weeks after you file your claim. You should work closely with your agency representative if there is any extenuating circumstance in regard to meeting the deadline for training enrollment.

You may receive Trade Readjustment Allowances (TRA) while you train if you continue to attend and make satisfactory progress. While participating in training, the training facility will certify as to your progress. If you are otherwise eligible, you can be paid for any weeks of UI for which you are eligible;

- Up to 26 weeks of basic TRA; and
- Up to 65 weeks of additional TRA (including scheduled breaks of 30 days or less). *(effective for petitions filed on or after January 1, 2014)*

- Up to 13 weeks of Completion TRA may be granted to an adversely affected worker to assist him/her in completing training that leads to a degree or industry related credential, if requirements are met each week. *(effective for petitions filed on or after January 1, 2014)*

A certification of attendance signed by the training facility will be required for each week including weeks of scheduled breaks. If there are extended breaks for which certifications are not processed, you would need to go online in order to commence with your certifications and payments if otherwise eligible.

If the training facility you attend is beyond the normal commuting distance from your home, you may be paid for some of your transportation costs and living expenses.

**Obtaining a Job Search Allowance**

A job search allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area of 51 miles or more. You may be paid 90 percent of necessary transportation and living expenses (up to a maximum of $1,250) *(effective for petitions filed on or after January 1, 2014)* while searching for such employment.

There are time limits for filing applications for job search allowances. You must file for job search allowances within 365 days after the date of certification or within 365 days after the date of your last total separation (whichever is later), or within 182 days after completion of training. Therefore, it is important that you visit your local Career Center and file an application before beginning your search for work outside your normal commuting area. Only travel within the United States is authorized, and amounts paid are based on federal travel regulations.

**Obtaining a Relocation Allowance**

If you are successful in obtaining employment outside your normal commuting area, the TAA program offers financial assistance for you to relocate to your new area of employment. A relocation allowance pays 90 percent of the reasonable and necessary expenses of moving you, your family, and your household goods (not to exceed the weight limit authorized in federal travel regulations) to the new location. Additionally, you will receive a lump sum payment equal to three times your former average weekly wage (up to a maximum of $1,250) *(effective for petitions filed on or after January 1, 2014)* to help you get settled.

To apply for a relocation allowance, go to your local Career Center. Your application must be filed and approved if it is determined that no suitable work is available in your home area and that you

- Have obtained suitable work of long-term duration or a bona fide offer of such work in the area within the United States to which you will move;
- Have not previously received a relocation allowance under the same certification; and
- Are totally separated from employment at the time of relocation. Partially separated workers may apply in anticipation of total layoff.

There are time limits for filing an application for a relocation allowance. You must file for a relocation allowance within 425 days after the date of certification or 425 days after your last total separation (whichever is later), or within 182 days after completion of training.

Also, you must relocate within 182 days after you apply for a relocation allowance or 182 days after you complete training.

**Qualifying for Trade Readjustment Allowances (TRA)**

To qualify for TRA you must
Be covered by a certification;
Be laid off due to lack of work in adversely affected employment;
Be laid off on or after the impact date and before the ending date of the certification;
Have worked at least 26 weeks at wages of $30 or more a week in adversely affected employment with a single
firm or subdivision in the 52-week period ending with the week of separation (up to 7 weeks of non-work for
specified reasons and up to 26 weeks of military leave or workers’ compensation may be counted);
Have been entitled to and have exhausted all rights to unemployment insurance benefits;
Be enrolled in and participate in approved training if retraining is necessary for you to re-enter the labor market and
If training enrollment is waived, meet the same weekly work test applicable to claimants for extended
unemployment insurance benefits, including actively seeking, applying for, and accepting work within your
capabilities.
The first week for which a TRA payment can be made is immediately upon certification of a petition if your
Unemployment Insurance entitlement has been exhausted.
If you do not qualify for TRA weekly benefit payments, you may still be eligible for re-employment services, training,
and job search and relocation allowances.

Amount of your TRA

If you qualify for TRA, the weekly amount of your TRA will be the same as the amount of the state unemployment
insurance benefits you were eligible to receive upon the impact of foreign imports adversely affecting your
employment. Your TRA will be reduced by any earnings or other income you receive the same as such earnings and
income would have reduced your weekly unemployment insurance benefits.

Your TRA eligibility period

If you qualify for TRA, you will have a 104-week eligibility period in which you can be paid TRA. This period will
begin with the first week after your most recent total layoff from the adversely affected employment. The 104-week
period may be extended by subsequent layoffs from the same adversely affected employment if you have worked 26
more weeks.
The maximum amount of TRA you may receive during this period is limited to 52 times your TRA weekly amount
minus all unemployment insurance benefits which you were entitled to receive for the corresponding benefit period.

Benefits paid to training participants who have exhausted 26 weeks of UI include

- Up to 26 weeks of basic TRA; and
- Up to 65 weeks of additional TRA (including scheduled breaks of 30 days or less). (effective for petitions filed
  on or after January 1, 2014)
- Up to 13 weeks of Completion TRA may be granted to an adversely affected worker to assist him/her in
  completing training that leads to a degree or industry related credential, if requirements are met each week.
  (effective for petitions filed on or after January 1, 2014)

Weekly work search when training is waived

If approved training is waived, you must meet the following requirements of the EB Work Test:
You must make a systematic and sustained effort to obtain work each week. This means that you must actively seek work by contacting employers and making application for employment and keeping close contact with the local employment and training office;

You must submit tangible evidence of your work search which must include a list of employers contacted, kind of work applied for, and results of your contact. You will be asked to provide this when you certify each week at www.jobs4tn.gov.

Your efforts to secure work must demonstrate a substantially more intense effort than was shown under regular benefit programs;

If prospects for obtaining work in your usual occupation are not good, you will be expected to accept any offer of suitable work. Any work will be considered suitable if it is within your capabilities to perform the job. To be suitable, gross pay of any work offered must exceed your weekly benefit amount or be no less than federal minimum wage; and

You must be able to work each week that you file a claim for TRA benefits.

The law provides for disqualification for payment of TRA if you are not enrolled in training and do not observe the above requirements. If during any week you are unable to observe any of the above requirements, do not file a claim for that week. If you do file a claim and fail to observe the above requirements, your claim will be terminated and this disqualification will continue until you have worked in at least four separate weeks and earned a total of at least four times your weekly benefit amount.

Additional requirements which must be met while training status is waived are as follows:

You must contact the local office at least every four weeks for a review of your need for or the availability of suitable training; and

Your training enrollment waiver may be revoked if training is found to be feasible and appropriate or if you fail to pursue approvable training.

Your appeal rights

Worker petition for group eligibility

Under the Trade Act, workers whose petition for TAA has been denied by the U. S. Department of Labor may request administrative reconsideration within 30 days after publication of the determination in the Federal Register. Such requests must be in writing to the U. S. Department of Labor and must provide specific information or reasons why the workers consider the decision made by the U. S. Department of Labor to be in error either as to facts not considered or as to the interpretation of the facts or the law. Workers may also file an appeal seeking judicial review of the Labor Department’s negative determination within 60 days of publication of the denial in the Federal Register.

Pursuant to the Customs Court Act of 1980 (P.L. 96-417) appeals for judicial review must be filed with the U.S. Court of International Trade, Office of the Clerk, 1 Federal Plaza, New York, N.Y. 10007. If administrative reconsideration has been applied for, workers may file a petition for judicial review within 60 days of notice of disposition regarding their application.

Individual applications for allowances and training

If you are not satisfied with the determination of your individual application for benefits, training, or other allowances, you have the same appeal rights as are provided under your state unemployment insurance law. The determination notice which you receive after filing your application will explain your appeal rights.
If you disagree with a determination, you may file an appeal by letter. The address will be provided on your determination letter. Appeal rights expire 15 days after the date a determination is delivered or mailed.

**Health Coverage Tax Credit (HCTC)**

The Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) reinstated the HCTC program through January 1, 2020 and reaches back to January 1, 2014. HCTC provides TAA eligible individuals to claim 72.5% of the monthly health care insurance the individual pays to a qualified insurance provider as a federal income tax credit. To qualify, an individual must be enrolled in a qualified insurance plan for the month and receive a RTAA, ATAA or TRA payment during the month, or would have received a TRA payment except for not having exhausted regular unemployment insurance or extended benefits. Please visit [www.irs.gov/HCTC](http://www.irs.gov/HCTC) for further information on how to apply for this credit. (*effective for petitions filed on or after January 1, 2014*)

**Reemployment Trade Adjustment Assistance (RTAA)**

Petitioners filing a petition for Trade Adjustment Assistance may also request consideration for the Reemployment Trade Adjustment Assistance (RTAA) program for older workers. RTAA is a program that provides eligible individuals age 50 and over who obtain new employment within 104 weeks of their separation with a wage subsidy to help bridge the salary gap between their old and new employment. Individuals meeting the qualifications may receive up to 50% of the difference between their former annualized wage and the new wage. The program is designed to provide assistance to workers for whom the retraining offered under the regular TAA program might not be appropriate. In order for any of the workers in the petitioning worker group to be eligible for RTAA, a request for RTAA consideration must be filed at the same time as the TAA petition is filed. If the worker group is certified as eligible to apply for TAA and RTAA, individuals will have the option of applying for benefits under the TAA program or the RTAA program.

State of Tennessee  
Department of Labor and Workforce Development  
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*The Tennessee Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities.*