

Washington State Trade Adjustment Assistance Policy

Policy Number: 3000, Revision 1 (2002)

Policy Title: Notification of Trade Adjustment Assistance (TAA)

Effective Date: January 29, 2019

1. Purpose:

To communicate the requirements for notifying both affected workers and appropriate one-stop system partners following TAA certifications.

2. 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 Trade Adjustment Assistance Reform Act of 2002 (Public Law 107-210) reauthorized and expanded the scope of the TAA program. It also repealed the North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) program, which had been added to the TAA program in 1993 to provide benefits to workers who lost their jobs because of trade with Mexico and Canada after NAFTA. The NAFTA-TAA program was no longer necessary because the 2002 amendments extended the same favorable TAA coverage to workers who lost their jobs because of shifts in production to other countries with which the United States had trade agreements, treaties or where there was also a likelihood of increased imports because of shifts in productions to Mexico and Canada.

The 2002 amendments expanded coverage to adversely impacted secondary workers, whose layoffs could be attributed to trade impacts demonstrated by TAA certifications of workers for companies considered upstream suppliers or downstream producers to the certified primary firm. The 2002 Program applies to workers covered under petition numbers TA-W 50,000 – 69,999.

3. Policy:

Under agreement with the Secretary of Labor, the Employment Security Department (ESD), a cooperating state agency, acts as the agent of the Secretary and is obligated to provide active outreach and full information to covered TAA workers about the benefit allowances, training, and other employment services available. Furthermore, information about the petition and application procedures, and appropriate filing dates for such allowances, training, and services.

a. **Worker Contact Information**

Once ESD receives notification of certification, the Trade Readjustment Assistance (TRA) Unit must obtain from the firm, or other reliable source, the names and addresses of all workers who were partially or totally separated from adversely affected employment, or were threatened to become totally or partially separated, or when the workers become partially or totally separated from the adversely affected employment.

As an agent of the U.S. Secretary of Labor, ESD has the authority to issue subpoenas when necessary to obtain from a firm the names of workers potentially covered by a certification.

A subpoena may be filed in Thurston County or in the county where the employer is located. If the employer further refuses to obey the subpoena, a petition for civil contempt for violating the subpoena may be filed. That petition must be filed with the court of the county in which the employer is located. If the Washington court declines to enforce the subpoena, the state may petition for an order requiring compliance with the subpoena to the United States Court of Appeals for the Ninth Circuit.

b. Notification of Workers

The TRA Unit must mail written notice to each such worker about the benefits, training and services available under the TAA Program. The notice must include the following information:

1. Worker group(s) covered by the certification and the article(s) produced as specified in the copy of the certification.
2. Name and address or location of workers' firm.
3. Impact, certification, and expiration dates in the certification document.
4. Benefits and reemployment services available to eligible workers.
5. Explanation of how workers apply for TAA benefits and services.
6. Whom to call to get additional information on the certification.
7. When and where the workers should come to apply for benefits and services.

c. Publication

Upon receipt of a copy of a certification affecting workers in Washington, ESD must publish a notice of the certification in a local newspaper whose service area includes the physical location of the affected employer if it (ESD) cannot document that all workers covered by the certification have received written notice. Published notices must include:

1. Worker group(s) covered by the certification and the article(s) produced or services supplied as specified in the copy of the certification.
2. Name and address or location of the workers' firm.
3. Impact, certification, and expiration dates in the certification document.
4. Benefits and reemployment services available to eligible workers.
5. Explanation of how and where workers should apply for TAA benefits and services.

d. Notification to System Partners

The TAA Program Operator must notify the following system partners of each TAA petition submission, certification (attach DOL certification letter), denial and appeal:

1. Employment Connections Division
2. ESD Special Programs, TRA Unit
3. ESD Grants Management Office
4. The applicable Local Workforce Development Board
5. Washington State Labor Council
6. State Board for Community and Technical Colleges
7. Workforce Training and Education Coordinating Board
8. Washington State Department of Commerce

4. Definitions:

None.

5. References:

- [Public Law 107-210](#), Trade Adjustment Assistance Reform Act 2002
- [Training and Employment Guidance Letter \(TEGL\) 11-02](#), Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002; [Change 1](#); [Change 2](#); [Change 3](#)

6. Supersedes:

TAA Policy 3000, (2002 Amendments)

7. Website:

[Workforce Professionals Center](#)

8. Action:

Employment Security Department Regional Directors and WorkSource Administrators must distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

9. Attachments:

None.

Direct Inquiries To:

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