

# Washington State Trade Adjustment Assistance Policy

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**Policy Number:** 3000, Revision 3 (2015)

**Policy Title:** Notification of Trade Adjustment Assistance (TAA) under 2015 Amendments

**Effective Date:** December 11, 2020

## 1. **Purpose:**

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

## 2. **Background:**

The U.S. Department of Labor (DOL) published the TAA Final Rule at 20 CFR part 618 on August 21, 2020. Through this rulemaking, the Department modernized the TAA Program, provided additional flexibility to states, and consolidated all applicable program regulations into a single section of the Code of Federal Regulations and continued to align the program with WIOA.

The Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015 was signed into law on June 29, 2015. The TAARA reauthorized the TAA program through the June 30, 2021, sunset provision.

The 2015 amendments changed the group eligibility requirements and individual benefits and services available under the Trade Adjustment Assistance (TAA) program. The 2014 Reversion was also retroactively modified, providing a 90-day transition period for Reversion 2014 program participants to move to the 2015 program.

## 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. **Active Outreach**

ESD must provide information about the TAA program to every worker that files for Unemployment Insurance (UI). The information must include benefit allowances, training, and other services available.

ESD must actively work to identify groups of workers and file petitions on behalf of these groups, even if the firm, unions, or workers object or refuse to participate. These actions can be based on WorkSource staff observation, existence of certifications within the same industry, sector or supply chain, or information or statements from the firm, union, workers or media coverage.

## **b. Rapid Response for Workers**

ESD must ensure that Rapid Response and career services under WIOA are provided to workers for whom a petition has been filed. See Policy 5603, Rapid Response for the Workforce Innovation and Opportunity Act (WIOA) Title I and Trade Adjustment Assistance (TAA) programs.

## **c. Certification of Petition**

### **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 within the certification period.

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.

An administrative subpoena may be issued on ESD's own authority to compel employers to provide the required documentation. If the employer refuses to obey the subpoena, ESD can petition a superior court to enforce the administrative subpoena per 20 CFR 618.812 and RCW 50.12.130. 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.

## **d. Notification to Workers**

### **I. Written Notification**

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. Explanation of how workers apply for TAA benefits and services.
5. Whom to call to get additional information on the certification.
6. When and where the workers should apply for benefits and services.
7. Benefits and reemployment services available to eligible workers.

8. Training enrollment deadlines for TRA qualification.
9. A Babel notice.

## **II. Public Notice**

The TRA unit must work with the ESD Communications Office to publish a notice of the certification in a local newspaper whose service area includes the physical location of the affected employer. This may be a printed or online version of the newspaper. Published notices must include:

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. Explanation of how workers apply for TAA benefits and services.
5. Whom to call to get additional information on the certification.
6. When and where the workers should apply for benefits and services.
7. Benefits and reemployment services available to eligible workers.
8. Training enrollment deadlines for TRA qualification.
9. A Babel notice.

## **III. Electronic Notification**

The TRA Unit must contact workers by at least one method of modern electronic communication reasonably expected to reach the workers, such as websites and social media. 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. Explanation of how workers apply for TAA benefits and services.
5. Whom to call to get additional information on the certification.
6. When and where the workers should apply for benefits and services.
7. Benefits and reemployment services available to eligible workers.
8. Training enrollment deadlines for TRA qualification.

### **e. 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:**

Babel notice - In accordance with 29 CFR 38.9 (g)(3), Limited English Proficient (LEP) individuals will receive language assistance in all communications of vital information. Vital information is defined as information whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary for an individual to obtain any aid, benefit, service, and/or training; or required by law.

**5. References:**

- [20 CFR § 618](#)
- [Trade Adjustment Assistance Petition Search](#)

**6. Supersedes:**

TAA Policy 3000, Revision 2 (2015 Amendments) dated September 30, 2020.

**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:**

*Employment System Administration and Policy Unit  
Employment System Policy and Integrity Division  
Employment Security Department  
P.O. Box 9046  
Olympia, WA 98507-9046  
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