

Washington State Trade Adjustment Assistance Policy

Policy Number: 3015, Revision 1 (2009)

Policy Title: Reemployment Trade Adjustment Assistance under 2009 Amendments

Effective Date: February 11, 2022

1. Purpose:

To communicate to the state the policy on Reemployment Trade Adjustment Assistance (RTAA) of 2009.

This first revision removes references to Health Coverage Tax Credit (HCTC) benefits. HCTC expired 12/31/2021.

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 and Globalization Adjustment Assistance Act (TGAAA) of 2009 (Public Law 111-5) was enacted on February 17, 2009, and extended the TGAAA program through December 31, 2010. It expanded TAA benefits for workers, firms, and Farmers, including workers and firms in the service sector. It also improves workers' opportunities for reemployment services, training, and income support. The 2009 Program applies to workers covered under petition numbers TA-W 70,000 – 79,999.

3. Policy:

The TGAAA 2009 provides that workers in a group certified as eligible to apply for TAA are eligible to apply for Reemployment Trade Adjustment Assistance (RTAA). RTAA is wage subsidy for older workers. Participants receiving RTAA are entitled to receive employment and case management services and apply and receive training benefits if all therequirements for approval are met. RTAA payments are up to 50% of the difference between the new salary and old salary for a two-year eligibility period and up to a maximum of \$12,000. Overtime or bonus earnings are not considered when computing RTAAwage subsidy.

Workers applying for RTAA must visit a one-stop career center in person to provide information and establish individual eligibility for RTAA.

To be eligible for RTAA a participant must be:

- At least 50 years of age at the time of reemployment, and
- Reemployed with wages not to exceed \$55,000 annually, excluding

overtime and bonuses, and

• Reemployed:

- on a full-time basis, and can be enrolled in TAA approved training, or
- at least 20 hours per week, and must be enrolled in TAA approved training
 - TAA approved training also includes: On-the-Job Training (OJT) and registered apprenticeship training
- The worker need not be age 50 or older at the time when obtaining RTAA qualifying reemployment but must reach the age of 50 within the eligibility period. Wage subsidy payments may only be made for periods after the worker has reached age 50 and meets all RTAA requirements.
- Full-time employment is defined by the occupation and the local labor market standard, in which the worker is employed and may include multiple employers adding up to full-time employment, self-employment, if such employment meets the definition of full-time employment, and work involving wages plus commission or piecework.
- The worker 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. If, however, the certification is issued for a group of workers composed of all workers in the entire firm, or does not identify a subdivision, the worker may not be eligible for RTAA based on a return to employment in any subdivision of that firm.
- If the participant has a period of unemployment, a new application for RTAA must be completed upon reemployment.
- RTAA is not payable during periods of unemployment; however, payments are 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.
- Participants employed part-time (at least 20 hours per week), and receiving TRA while in TAA-approved training, must verify participation in training monthly.
- Participants may choose between receiving TRA or RTAA, even if they have received some TRA payments; however, they cannot receive both payments concurrently or receive TRA after receiving RTAA wage supplement.

a. **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. Within the following timeframes, worker must reach age 50 to be eligible for RTAA:

- i. 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 most recent separation from the adversely affected employment; or
 - The date that participant obtains reemployment.
- ii. Participants who **have** received TRA payments may receive RTAA benefits for a period of 104 weeks beginning with the date of reemployment but reduced by

the number of weeks they received TRA.

b. Total Amount of Payments

Participants who have not received TRA may receive up to \$12,000 during the 104-week eligibility period.

Participants who have received TRA payments may receive an amount equal to the product of \$12,000 and the ratio of the number of weeks in the eligibility period and 104. The number of weeks in the eligibility period is determined by reducing the number of weeks the participant received TRA from the two-year period (generally 104 weeks).

Example:

A participant receives 26 weeks out of the maximum 104 weeks of TRA. The participant's eligibility period would be 104 total weeks minus 26 weeks received = 78-week eligibility period.

Determining the eligibility period

104-week maximum		Weeks of TRA received		Eligibility period
104	-	26	=	78

The RTAA benefits this participant can receive is the 78-week eligibility period divided by the 104 maximum weeks of TRA times the \$12,000 maximum RTAA benefits = \$7,500 RTAA benefits.

Determining the maximum RTAA benefit

Eligibility period	104-week maximum		Maximum RTAA		RTAA benefit
78	/ 104	x	\$12,000	=	\$9,000

The claimant would be eligible for up to \$9,000 in RTAA over a 78-week eligibility period.

Note: RTAA is only reduced by the number of weeks the participant received in TRA. Receipt of unemployment, state or federal extensions are not considered in determining the amount of RTAA.

c. Continuing Eligibility

Each RTAA participant's continuing eligibility for RTAA must be assessed on at least a monthly basis.

Must be verified monthly:

- Employment and wage status
- Participation in training for RTAA participants employed part-time (at least 20 hours per week)

RTAA payments stop in the event of any one of the following:

- The participant's annualized wages from reemployment exceed \$55,000 in a year. (Annual wage calculations include all jobs in which the participant is employed.)
- The participant no longer meets the reemployment requirement through either full-time work or a combination of TAA-approved training and at least 20 hours of work.
- The participant has received the maximum amount of RTAA.
- The participant has reached the end of the RTAA eligibility period.

A worker who is working part-time and is enrolled in TAA-approved training will be excused from the training requirement for any week for which she or he has "justifiable cause" for failing to begin or ceasing participation in training. If the worker has justifiable cause for failing to participate in training for a week, but is working at least 20 hours per week, RTAA is payable for that week if the worker is otherwise eligible. If the worker fails to participate in training for a week without justifiable cause, the worker is ineligible for RTAA for that week.

d. Appeals

Participants who receive a written determination denying benefits and disagree with the decision have the right to file an appeal. To be timely, participants must file their appeals within 30 days of the date of notification or mailing of one of the following decisions:

1. A determination or redetermination of an Entitlement to RTAA; or
2. A determination notice and overpayment assessment of RTAA.

See TAA Policy 3025 Denial of TAA and Appeals 2009 for further detail on how appeals are filed.

4. Definitions:

- The term '*firm*' means a firm, including an agricultural firm or service sector firm; or an appropriate subdivision thereof from which the worker was separated and that is identified in the certification. (20 CFR 618.505 (b)(1))
- **Justifiable Cause** - *Justifiable cause* means such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to participate in or complete an approved training program. [20 CFR 617.18(b)2ii(C)]

5. References:

- [Public Law 111-5](#), Trade and Globalization Adjustment Assistance Act of 2009
- [20 CFR Part 618](#), TAA Final Rule
- [Training and Employment Guidance Letter \(TEGL\) No. 22-08, Change 1](#) - Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009.

6. Supersedes:

Policy 3015 – RTAA (2009 Amendments) dated October 5, 2017.

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.

Direct Inquiries To:

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