

Washington State Trade Adjustment Assistance Policy

Policy Number: 3015, Revision 2 (2011)

Policy Title: Reemployment Trade Adjustment Assistance

Effective Date: February 11, 2022

1. Purpose:

To communicate the policy on Reemployment Trade Adjustment Assistance (RTAA) for petitions certified under 2011 rules.

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

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 flexibilities 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 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 Extension Act (TAAEA) of 2011 (Public Law 112-40) was enacted on October 21, 2011. The TAAEA again reauthorized the TAA program with changes to benefits. The 2011 Amendments include a reduction in number of eligible groups qualified for TAA, elimination of three training waivers, and elimination of the additional 26 weeks of TRA for workers participating in prerequisite or remedial training, with the addition of a new Completion TRA component.

The 2011 amendments apply to petitions filed on or after October 21, 2011, and numbered TA-W 81,000 – 89,999. There is a 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 with either 2002 or 2011 amendments.

Reemployment Trade Adjustment Assistance (RTAA) is a wage subsidy for older workers. Workers in a group certified as eligible to apply for TAA are also eligible to apply for RTAA.

3. Policy:

a. Eligibility Requirements

- i. Participants receiving RTAA are entitled to receive reemployment and case management services and apply to receive job search and relocation allowances, and TAA approved training if all the requirements for approval are met.
- ii. RTAA payments are 50 percent of the difference between the new salary and old salary for a two-year eligibility period and up to a maximum of \$10,000. Overtime or bonus earnings are not considered when computing the RTAA wage subsidy.
- iii. To be eligible for RTAA participants must be:
 - At least 50 years of age, may obtain reemployment prior to turning 50, and
 - Reemployed with wages not to exceed \$50,000 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, which includes occupational skills training, On-the-Job Training (OJT) and registered apprenticeship training
- iv. Participants must be enrolled in the TAA program to receive RTAA benefits.
- v. Participants 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 participants reach age 50 and meet all RTAA requirements.
- vi. Full-time employment is defined by the occupation in which participants are employed and the local labor market standard where participants are 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.
- vii. Participants can return to the trade-affected firm but cannot return to the same division/facility performing the same job duties from which they were 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, participants may not be eligible for RTAA based on a return to employment in any subdivision of that firm.
- viii. Participants do not have to apply for Unemployment Insurance (UI) to be eligible for RTAA.
- ix. If participants have a period of unemployment, new applications for RTAA must be completed upon reemployment.
- x. RTAA is not payable during periods of unemployment; however, payments are allowable when participants are on employer allowed release time, such as sick leave or unpaid holidays.
- xi. Participants must verify continued employment by submitting pay stubs monthly.

- xii. Participants employed part-time (at least 20 hours per week), and receiving TRA while in TAA-approved training, must verify participation in training monthly.
- xiii. 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.

b. Eligibility Period

- i. Participants can receive TRA and then apply and receive RTAA. They cannot apply for and receive RTAA and then go back to TRA. RTAA payments may be retroactive when approved. Within the following timeframes, participants must reach age 50 to be eligible for RTAA:
 - 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 participants exhaust all rights to unemployment insurance based on the most recent separation from the adversely affected employment; or
 - The date participants obtain reemployment
 - Participants who **have** received TRA payments may receive RTAA benefits for a period of 104 weeks, beginning with the date of reemployment, reduced by the number of weeks they received TRA.

c. Total Amount of Payments

- i. Participants who have not received TRA may receive up to \$10,000 during the 104-week eligibility period.
- ii. Participants who have received TRA payments may receive an amount equal to the product of \$10,000 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 they received TRA from the two-year period (generally 104 weeks).

Examples:

Jane receives 26 weeks out of the maximum 104 weeks of TRA. Jane’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 Jane can receive is the 78-week eligibility period divided by the 104 maximum weeks of TRA times the \$10,000 maximum RTAA benefits = \$7,500 RTAA benefits.

Determining the maximum RTAA benefit

Eligibility period	104 week maximum	Maximum RTAA	RTAA benefit
78	104	x \$10,000	= \$7,500

Jane would be eligible for up to \$7,500 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

d. Continuing Eligibility

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

- i. Must be verified monthly:
 - Employment and wage status
 - Participation in training for RTAA participants employed part-time (at least 20 hours per week)
- ii. RTAA payments stop in the event of any one of the following:
 - Participants’ annualized wages from reemployment exceed \$50,000 in a year. (Annual wage calculations include all jobs in which the participant is employed.)
 - Participants 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.
 - Participants have received the maximum amount of RTAA.
 - Participants have reached the end of their RTAA eligibility period.

Participants who are working part-time and enrolled in TAA-approved training will be excused from the training requirement for any week there is “justifiable cause” for failing to begin or ceasing participation in training. If participants have justifiable cause for failing to participate in training for a week, but are working at least 20 hours per week, RTAA is payable for that week if they are otherwise eligible. If the participants fail to participate in training for a week without justifiable cause, they are ineligible for RTAA for that week.

e. 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 2015 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* 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, and attendance policies of training providers [20 CFR 618.780 (b)(3)(iii)].

5. References:

- [TAA Final Rule 20 CFR part 618.](#)

6. Supersedes:

Policy 3015 – RTAA (2011 Amendments) dated December 11, 2020

7. Website:

[Workforce Professionals Center](#)

8. Action:

Employment Security 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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