

# Washington State Trade Adjustment Assistance Policy

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**Policy Number:** 3015, Revision 1 (2021)

**Policy Title:** Alternative Trade Adjustment Assistance

**Effective Date:** February 11, 2022

## 1. **Purpose:**

To communicate the policy on Alternative Trade Adjustment Assistance (ATAA) for petitions certified under Reversion 2021 rules.

This first 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 Program reversion provisions of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) that apply to the program benefits applicable to workers covered by petitions filed on or after July 1, 2021.

Alternative Trade Adjustment Assistance (ATAA) is a wage subsidy for workers 50 years of age or older. Workers in firms with a significant number of workers over age 50, without easily transferable skills, who find reemployment may choose, in lieu of other Trade Adjustment Assistance (TAA) benefits, to receive 50% of the difference between their new salary and old salary for two years, up to a maximum of \$10,000.

Workers must be fully informed of the benefits and services available under the TAA and ATAA programs. Workers need to consider their choice of benefits and services under one program or the other. Participants who receive ATAA may receive TAA relocation benefits. If ATAA is selected participants are not eligible for other benefits, including training, TRA payments, and job search allowance.

## 3. **Policy:**

### a. **Petition Eligibility Requirements**

Petitioners must have the opportunity to request certification under the ATAA program based on the three following criteria:

- i. A significant number of workers in the affected workforce are 50 years of age or older.

- ii. The workers possess skills that are not easily transferable.
- iii. The competitive conditions within the workers' industry are adverse.

**b. Individual Eligibility Requirements**

- i. To be eligible for ATAA, workers must be:
  - At least 50 years of age, and
  - Obtain reemployment by the last day of the 26<sup>th</sup> week after the worker's qualifying separation from the TAA/ATAA certified employment or certification date, whichever is later,
  - Reemployed with wages not to exceed \$50,000 annually, excluding overtime and bonuses, and
  - Reemployed full-time, as defined by State law
- ii. Participants must be enrolled in the TAA program to receive ATAA benefits.
- iii. Participants need not be age 50 or older at the time when obtaining ATAA 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 ATAA requirements.
- iv. 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.
- v. 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 ATAA based on a return to employment in any subdivision of that firm.
- vi. Participants do not have to apply for Unemployment Insurance (UI) to be eligible for ATAA.
- vii. If participants have a period of unemployment, new applications for ATAA must be completed upon reemployment.
- viii. ATAA 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.
- ix. Participants must verify continued employment by submitting pay stubs monthly.
- x. Participants must choose between TRA and ATAA. If they receive TRA, training, or job search, they cannot receive ATAA. If they receive ATAA, they cannot receive TRA, training, or job search.

**c. Eligibility Period**

- i. Employment must be obtained by the end of the 26<sup>th</sup> week of the later of the certification or layoff date.
- ii. ATAA payment eligibility is a period not to exceed 2 years (104 weeks) beginning the date participants obtain qualifying reemployment.
- iii. ATAA payments may be retroactive when approved if all other eligibility requirements are met.
- iv. Participants must reach age 50 during the eligibility period to be eligible for ATAA.

**d. Total Amount of Payments**

- i. Participants who qualify for ATAA may receive up to \$10,000 during the 104-week eligibility period.

**e. Continuing Eligibility**

Continuing eligibility for ATAA participants' must be assessed on at least a monthly basis.

- i. Must be verified monthly:
  - Employment and wage status
- ii. ATAA 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 meet the reemployment requirement of full-time work.
  - Participants have received the maximum amount of ATAA.
  - Participants have reached the end of their ATAA eligibility period.

**f. 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 appeal 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 ATAA; or
2. A determination notice and overpayment assessment of ATAA.

See [TAA Policy 3025 Denial of TAA and Appeals](#) for TAA Reversion 2021 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))

**5. References:**

- [TAA Final Rule 20 CFR part 618](#)
- [Training and Employment Guidance Letter \(TEGL\) 24-20](#)

**6. Supersedes:**

None.

**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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Employment System Policy and Integrity Division  
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