

# Washington State Trade Adjustment Assistance Policy

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**Policy Number:** 3020 (2009)

**Policy Title:** Overpayments and Waivers under the 2009 Amendments

**Effective Date:** September 20, 2017

## 1. Purpose:

To communicate guidance on overpayments and waivers for workers eligible for Trade Adjustment Assistance (TAA).

## 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.

Under Trade Act as amended, states are given latitude to determine if TAA overpayments can be waived. Trade Readjustment Allowances (TRA) overpayments and waivers are addressed separately through the Unemployment Tax and Benefits (UTAB) system.

## 3. Policy:

If the department or a court determines that any individual received any TAA program benefits to which the individual was not entitled, the individual will be notified by ESD and is liable to repay the amount of such benefits to the state agency.

Unless an overpayment is due to [fraud](#), recovery of TAA overpayments will be waived if it would cause a financial hardship for the individual or the individual's household. ESD will take into consideration the income and resources reasonably available to the individual or household and other ordinary living expenses of the individual.

The participant must request an overpayment waiver, in writing, from ESD, which will approve or deny the waiver. If the waiver is approved, the individual and TAA case manager will be notified. If the waiver is denied, ESD must recover the overpayment. All steps taken regarding approval or denial of waivers will be appropriately documented.

#### 4. **Definitions:**

##### **Fraud**

If a state agency or a court of competent jurisdiction finds that any person or individual:

- Knowingly has made, or caused another to make, a false statement or representation of a material fact
- Knowingly has failed, or caused another to fail, to disclose a material fact; and as a result of such false statement or representation, or of such nondisclosure, such individual has received any TAA payment to which the person or individual was not entitled, such person or individual shall, in addition to any other penalty provided by law, be ineligible for any further payments under TAA.

#### 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 \(TEGL\) 22-08](#), Operating Instructions for Implementing the Amendments to the Trade Act of 1974 enacted by the Trade and Globalization Adjustment Assistance Act of 2009; [Change 1](#)

#### 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.

#### 9. **Attachments:**

None.

#### **Direct Inquiries To:**

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