

# Washington State Trade Adjustment Assistance Policy

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**Policy Number:** 3020, Revision 1 (2015)

**Policy Title:** Trade Adjustment Assistance (TAA) Overpayments and Waivers

**Effective Date:** September 21, 2020

## 1. **Purpose:**

To communicate guidance on overpayments and waivers for workers eligible for Trade Adjustment Assistance (TAA) for petitions certified under 2015 rules.

## 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 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.

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:**

- [20 CFR Part 618](#)

#### 6. **Supersedes:**

Policy 3020 – TAA Overpayments and Waivers dated September 20, 2017.

#### 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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