

Washington State Trade Adjustment Assistance Policy

Policy Number: 3040 (2011)

Policy Title: Fundamentals of Trade Readjustment Allowances (TRA)

Effective Date: October 1, 2021

1. **Purpose:**

To communicate a basic understanding of TRA benefits that Trade Adjustment Assistance (TAA) participants may be eligible for with petitions certified under 2011 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 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.

3. **Policy:**

a. **General TRA Information**

This TRA information is to provide basic guidance to case managers who must inform TAA participants of their TRA benefit deadlines and requirements to receive benefits. Full information on TRA can be found in the [Workforce Professionals Center](#) under [TRA policies](#) and on the [TRA SharePoint site](#).

TRA provides financial support to eligible participants while enrolled in or participating in training or conducting work search. TRA is not available until all eligibility for unemployment insurance (UI) benefits and applicable extensions are exhausted.

The TRA weekly benefit amount will be the same as the UI weekly benefit amount of the claim established by the first layoff following a company's impact date (usually one year prior to the date a petition is filed).

TRA benefits are taxable income.

Earnings Disregard: Wages less than or equal to the participant's TRA weekly benefit amount are not deductible from TRA when participating in full-time TAA training other than OJT. Only the wages above and beyond the TRA weekly benefit amount are deductible from TRA benefits using the standard UI [earnings deduction chart](#).

Election between TRA and UI: Participants who qualify for a subsequent UI claim may elect to receive TRA instead of the new UI claim as long as the following two conditions are met:

- i. They are entitled to receive UI as a result of a new benefit year based on part-time or short-term employment after their most recent total separation from the trade affected employment; and
- ii. They are otherwise entitled to TRA.

This option must be provided to participants along with a full explanation of their TRA and UI benefit rights, in writing, and their choice must be documented in case notes. Case Managers must refer eligible participants to the TRA unit for specific details on their claim.

b. TRA Qualifying Requirements

Case managers must inform participants covered under a certification that while unemployed, they may receive weekly benefits in the form of TRA provided they meet all the following requirements:

- i. Be covered by a certification;
- ii. Be laid off due to lack of work during the certification period of a petition (dates are determined by Department of Labor (DOL) and will be listed on the certification);
- iii. At the time of first qualifying layoff, have worked for the adversely affected employer at least 26 weeks during the 52 consecutive weeks prior to layoff and have earned more than \$30 in each of those weeks; and
- iv. Be entitled to and have exhausted all rights to regular and extended UI benefits.

c. Eligibility Deadlines for TRA

Case managers must inform participants of their eligibility deadlines and the consequences if the deadlines are not met.

Eligibility deadlines for TRA benefits:

- i. Enrollment in training deadline:

- The enrollment in training deadline is the end of the 26th week after the certification date or the end of the 26th week following their separation date, whichever is later.
- Prior to the enrollment in training deadline, participants may request to have the deadline extended up to 45 days for extenuating circumstances.
- Participants must be enrolled in training, have the training requirement waived, or have the deadline extended due to extenuating circumstances by the enrollment in training deadline.
- If participants do not meet the enrollment in training deadline, they are not eligible for **any** further TRA benefits under the relevant certification. This includes eligibility for Basic, Additional, and Completion TRA.

d. **Types of TRA benefits**

There are three types of TRA benefits that could be available to participants. Case managers must explain the eligibility criteria and length participants may receive each benefit.

i. **Basic TRA**

Amount of Basic TRA: The maximum payable amount of Basic TRA is 52 times the UI weekly benefit amount, minus all regular and extended UI benefits from the Trade qualifying claim.

If participants are entitled to a maximum UI claim they will be eligible to receive up to 26 weeks of regular UI and up to 26 weeks of Basic TRA.

Duration of Basic TRA: Participants may use Basic TRA during the 104-week eligibility period following layoff from adversely affected employment. If participants return to the Trade-affected employer and are subsequently laid off, their 104-week eligibility period starts over.

After the 104-week Basic Eligibility period, participants are no longer able to receive any remaining Basic TRA.

Eligibility for Basic TRA: For participants to be eligible to receive Basic TRA payments they must have exhausted all eligibility to UI benefits and at least one of the following must be true for the applicable period:

- For eligibility during the period before the enrollment in training deadline:
 - Issued a work search directive to conduct an extensive job search (the same number required during extended UI benefits) and actively seeking work;
 - Enrolled in an approved training program (participants can consider themselves enrolled in training after a case manager approves the training request and the start date of training is within 30 calendar days);
 - Participating in and making satisfactory progress in approved training; or

- Completed approved training program and still have entitlement to the Basic TRA remaining.
- For eligibility during the period after the enrollment in training deadline:
 - Issued a waiver of training, issued a work search directive and actively seeking work;
 - Enrolled in an approved training program by the enrollment in training deadline;
 - Participating in and making satisfactory progress in approved training; or
 - Completed approved training program and still have entitlement to the Basic TRA remaining.

ii. **Additional TRA**

Duration of Additional TRA: Additional TRA is payable for up to 65 weeks during the 78 consecutive week period beginning with the exhaustion of Basic TRA eligibility or enrollment in approved training, whichever is later.

Eligibility for Additional TRA: For participants to be eligible to receive Additional TRA payments they must:

- Have exhausted all rights to UI and Basic TRA,
- Have applied for training before the application for training deadline,
- Be attending TAA approved training, and
- Be making satisfactory progress while in approved training.

iii. **Completion TRA**

Duration of Completion TRA: Completion TRA is payable for up to 13 weeks to assist participants in completing training after exhaustion of Additional TRA. Completion TRA is payable during the 20 consecutive week eligibility period once the first claim for Completion TRA is paid.

Eligibility for Completion TRA: For participants to be eligible to receive Completion TRA payments they must:

- Have exhausted all rights to UI, Basic TRA and Additional TRA,
- Be participating in TAA approved training each week,
- Be making satisfactory progress while in approved training,
- Need payment of Completion TRA to complete the approved training,
- Have substantially met the performance benchmarks established as part of the approved training,
- Be expected to continue to make progress toward the completion of training, and
- Be able to complete the training during that period of eligibility (20 weeks).

e. **Waivers**

Prior to the enrollment in training deadline, participants may receive Basic TRA while looking for work. After the enrollment in training deadline, to be eligible for Basic TRA

the participant must be enrolled in TAA approved training or have a waiver of the training requirements and be looking for work.

- i. **Eligibility for a waiver:** Case managers must conduct the initial and waiver assessment and inform the participant of the enrollment in training deadline.
- ii. **Issue a waiver:** Case managers may issue a waiver, waiving the requirement to be enrolled in training if one of the three waiver reasons are met.
 - Enrollment unavailable:
 - When the first available enrollment date for the approved training is within 60 days after the waiver approval date, or, if later, there are extenuating circumstances for the delay in enrollment and must be noted in the case file.
 - Health:
 - Training requirement may be waived under Health if a participant is unable to attend training due to health issues. A letter from a doctor or other appropriate medical documentation is required and must be in a confidential file.
 - Training not available:
 - When an individual is not able to find training at a reasonable cost or there is no suitable training available, or no training funds are available. The circumstances for this selection must be noted in the case file.
- iii. **Duration of a waiver:** A waiver must be issued for 6 months. It may be extended an additional 6 month, if approved by the TRA State Coordinator.
 - A waiver may be extended beyond 6 months if:
 - Training continues not to be feasible or appropriate for the participant for one or more of the waiver reasons; and
 - The participant has not yet exhausted their Basic TRA entitlement eligibility.
- iv. **Review of a waiver:** Case managers must review waivers to ensure the waiver reason still exists. The first review must be done within 90 days of issuance and then every 30 days thereafter.
- v. **Revoking a waiver:** Case managers must revoke a waiver once the reason for the waiver no longer exists, the participant starts TAA approved training, or the participant reaches the end of their Basic TRA eligibility.

Case managers must notify participants of the waiver revocation in writing.

4. **Definitions:**

- Impact date: The date stated in a certification of eligibility to apply for the TAA Program, on which the total or partial separations of the workers covered by the certification began or threatened to begin, but in most cases, is not more than 1 year

before the petition date.

- Extenuating Circumstances: A situation beyond a worker's control. This includes situations where training programs are abruptly cancelled as well as where the worker suffers injury or illness preventing enrollment or participation in training.

5. References:

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

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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