

Washington State Trade Adjustment Assistance Policy

Policy Number: 3090, Revision 1 (2011)

Policy Title: Agent State and Liable State Responsibilities

Effective Date: February 11, 2022

1. **Purpose:**

To communicate agent state and liable state responsibilities for Trade Adjustment Assistance (TAA) petitions certified under the 2011 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 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:**

The liable state, with respect to Trade-affected workers making claims for TAA program benefits, is the state whose state UI law is the applicable state law. The agent state is the state that provides benefits or services to Trade-affected workers. A state can be both an agent state and a liable state.

a. **Liabile state**

The liable state is the state paying unemployment insurance (UI) or the state whose state UI law is the applicable state law.

The applicable state law for the TAA program is the state law of the state in which individuals:

- i. Are entitled to UI (even if they have not filed claims) immediately following their first separation from the Trade-affected employer; or
- ii. Have their first separation from the Trade-affected employer, if they are:
 - Not entitled to UI under any state law immediately following their first separation; or
 - Entitled to UI under the Railroad Unemployment Insurance Act (RRUI).

The state law will remain the applicable state law for these individuals until they become entitled to UI under the state law of another state (even if they have not filed claims). The applicable state law changes when:

- i. Individuals satisfy the base period employment and wage qualifying requirements of another state;
- ii. In the case of a combined-wage claim, individuals become entitled to UI as determined under the law of the other paying state; or
- iii. In the case of a federal UI claim or a joint state and federal UI claim, individuals become entitled to UI as determined under the law of another state for the claim.

The state whose state law is determined to be the applicable state law for an individual must be the liable state for the individual. Any state other than the liable state must be an agent state.

b. **Liabile state responsibilities**

The liable state must:

- i. Make all determinations, redeterminations, and decisions on appeals for all program benefits;
- ii. Provide Rapid Response assistance and appropriate career services, as described under section 134 of WIOA, including career services authorized under other Federal laws;
- iii. Pay Trade Readjustment Allowances (TRA)
- iv. Issue, review and revoke training waivers;
- v. Approve TAA benefits prior to receipt; and
- vi. Provide information and assistance to Trade-affected workers, including:
 - Reemployment services,
 - Information after issuance of a certification, and
 - Specific benefit assistance to workers.

Note: A state can, and in most instances will, be both the agent and liable state for an individual. When this happens, the state is responsible for all the activities and functions

cited for both the agent and liable state. A state remains both the agent and liable state until workers enroll and receive services in another state.

c. Agent state responsibilities

The agent state is the state that provides benefits or services to a Trade-affected worker.

An agent state must:

- i. Provide interstate claimants with general program information and assistance;
- ii. Provide employment and case management services;
- iii. Assist the liable state in carrying out its responsibilities, activities, and functions;
- iv. Work with the liable state in taking applications and claims for TAA program benefits;
- v. Cooperate with the liable state by providing information needed to make determinations, redeterminations, and decisions on appeals for all program benefits;
- vi. Secure, and pay the cost of, any TAA-approved training and payment of supplemental assistance (subsistence and transportation) according to determinations issued by the liable state;
- vii. Pay costs of approved job search and relocation allowance; and
- viii. Assist in other activities and functions required in the agreement with the Secretary of Labor or requested by DOL.

Note: When participants are receiving services in Washington and the Liable state is not Washington, we are only the Agent state. In these circumstances, approval for TAA benefits must be coordinated through the TAA Program Operator or the designated TAA interstate case manager.

4. Definitions:

- *Agent state* means a state, other than a liable state, that provides benefits or services to Trade-affected workers. A state can be both an agent state and a liable state [20 CFR 618.110].
- *Liable state* means, with respect to Trade-affected workers making claims for TAA Program benefits, the state whose state UI law is the applicable state law. A state can be both an agent state and a liable state [20 CFR 618.110].

5. References:

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

6. Supersedes:

None

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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