

Washington State Reemployment Trade Adjustment Assistance Policy

Policy Number: 3200 (2011)

Policy Title: Reemployment Trade Adjustment Assistance (RTAA)

Effective Date: June 24, 2016

1. Purpose:

To communicate the policy on Reemployment Trade Adjustment Assistance (RTAA) for petitions certified under 2011 rules (petition numbers TA-W 80,000 – 80,999).

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 TAA program had a two-step process. First, a group of workers (or other specified entity) file a petition for certification of eligibility with the Office of Trade Adjustment Assistance (OTAA). Second, workers who are part of a group covered by a certified petition apply individually to a state for benefits and services.

Since its first enactment in 1974, the Trade Act has been amended numerous times. Likewise, TAA program rules and requirements have evolved with each new law. The 2011 Amendments changed the provisions of 2009 in some significant ways.

The Trade Adjustment Assistance Extension Act (TAAEA) of 2011 (Public Law 112-40) was signed into law on October 21, 2011 by President Obama. The TAAEA again reauthorized the TAA program, but reduced the scope and benefits added under the 2009 amendments.

The 2011 Amendments include, a reduction in number of eligible groups qualified for TAA, elimination of three training waivers, elimination the additional 26 weeks of TRA for workers participating in prerequisite or remedial training, and the addition of a new Completion TRA component.

The 2011 amendments apply to petitions filed on or after October 21, 2011 and numbered above 81,000. There is also 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 under either 2002 or 2011 amendments.

Election Option

Election eligibility was based upon dates the individual worker received TAA benefits under petitions numbered 80,000 – 80,999. Workers who qualified for TAA benefits prior to December 20, 2011, received a notice advising them of a one-time opportunity to switch from benefits under the 2002 program to 2011. The one-time election had to be made between December 20, 2011 and March 19, 2012. Workers not electing 2011 benefits, continued TAA benefits under the 2002 Act.

Workers who did not receive any TAA benefits prior to December 20, 2011, were covered under the 2011 TAA program once they applied for TAA. They were NOT given an election option.

3. Policy:

Reemployment Trade Adjustment Assistance (RTAA) is a wage subsidy for workers 50 years of age or older which replaces the Alternative Trade Adjustment Assistance (ATAA) program. RTAA payments are 50% of the difference between the new salary and old salary for a two-year eligibility period and up to a maximum of \$10,000. Participants receiving RTAA are entitled to receive employment and case management services, the Health Care Tax Credit (HCTC), and may be eligible to enroll in TAA approved training. Workers must be working in full-time employment and not be in TAA funded training. Further, they may qualify for RTAA when working part-time, employed at least 20 hours a week, and participating in a full time TAA-approved training program. Participants may choose between receiving TRA or RTAA (even if they have received some TRA payments), but they may not receive both payments concurrently or receive TRA after receiving RTAA wage supplement.

a. Eligibility Requirements

Individual workers must satisfy the following:

- i. Be at least 50 years of age at the time of reemployment.
- ii. Reemployment wages must not exceed \$50,000 annually.
- iii. Be employed:
 - Full-time as defined by Washington state law (can be multiple employers; must apply separately for each employer) and not enrolled in TAA approved training; or
 - At least 20 hours per week but less than full time and is enrolled in TAA approved training.
- iv. Can return to the trade affected firm but cannot return to the same division/facility performing the same job duties from which the worker was separated.
- v. Overtime/bonus earnings are not considered when computing RTAA wage subsidy.

- vi. Self-employment or work involving wages plus commission or piecework can be considered full-time if it meets the definition of full-time employment under applicable state law.
- vii. Must reapply for RTAA if subsequent employment is obtained within two years from the date of original reemployment.
- viii. RTAA is not payable during periods of unemployment but payment is allowable when the worker is on employer allowed release time, such as sick leave or unpaid holidays.
- ix. Participants must verify continued employment by submitting pay stubs monthly.

b. Eligibility period

- i. For participants who have not received TRA –
 - RTAA eligibility is a period not to exceed 2 years (104 weeks) beginning the earlier of:
 - The date on which the participant exhausts all rights to unemployment insurance based on the separation from the adversely affected employment; or
 - The date that participant obtains reemployment.
- ii. Participants who have received TRA payments –
 - Participants may receive RTAA benefits for a period of 104 weeks beginning the date of reemployment reduced by the number of weeks they received TRA.
- iii. Participants who exhaust Unemployment Insurance –
 - Participants who exhaust UI on the parent claim have 2 years (104 weeks) from the date of exhaustion to find subsequent employment and apply for RTAA.
 - In this case, the 2 year RTAA eligibility date is the day after the UI claim is exhausted and ends 104 weeks later.
- iv. RTAA applications must be filed within the applicable eligibility period.

c. Total Amount of Payments

- i. Participants who have not received TRA
 - Up to \$10,000 during the 104 week eligibility period.
- ii. Participants who have received TRA payments
 - Reduced by a percentage of TRA benefits received during the remaining eligibility period.
- iii. Participants can receive TRA and then apply and receive RTAA.
 - A participant cannot apply for and receive RTAA and then go back to TRA.
- iv. RTAA payments may be retroactive when approved.

4. Definitions:

None.

5. References:

- [Public Law 93-618](#), Trade Act of 1974, as amended
- [Public Law 107-210](#), Trade Adjustment Assistance Reform Act of 2002
- [Public Law 112-40](#), Trade Adjustment Assistance Extension Act of 2011
- [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](#)
- Information on RTAA for unemployment insurance staff is contained in section 5930 of the internal, electronic UI Resource Manual (UIRM)

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.

9. Attachments:

None.

Direct Inquiries To:

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