

TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011 – REVERSION 2014

REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA) POLICY MANUAL

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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-affected workers and help them find suitable employment. The TAA program had a two-step process.

1. A group of workers, an employer, a union, or the state file a petition for certification of eligibility with the Office of Trade Adjustment Assistance (OTAA).
2. 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. Four sets of laws are currently in use: the 2002, 2009, 2011 Amendments with the 2014 Reversion and the 2015 Amendments.

OVERVIEW

The Trade Adjustment Assistance Extension Act (TAAEA) of 2011 was signed into law on October 21, 2011 by President Obama. The TAAEA reauthorized the TAA program through the December 31, 2013, sunset provision.

The 2014 Reversion, returned the program to the services and benefits available under the 2002 Amendments. The 2014 Reversion was retroactively modified with the Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015, providing a 90-day transition period for Reversion 2014 program participants to move to the 2015 program.

These policies reflect the 2014 Reversion after the changes made by the 2015 Amendments. For the 2014 policies prior to the 2015 Amendments, see the 2002 TRA policies.

The 2014 Reversion applies to petitions numbered 85,000 – 89,999.

90-day transition period

([Public Law 114-27](#) and [TEGL 5-15](#))

Program requirements for transition

- Provide notice of program benefits and services to all workers covered under petitions numbered 85,000 – 89,999, to include:
 - Information about 2015 program benefits and services
 - Notification of and explanation about the transition from the Reversion 2014 program to the 2015 program.
 - Information about adversely affected incumbent worker benefits, sent to an expanded list of workers who are threatened with separation.
 - Notification of and information about the Reemployment Trade Adjustment Assistance (RTAA) benefits that will be available to older workers.
- Review all determinations denying individual eligibility for TRA and ATAA and issue new determinations based on the 2015 program requirements.

REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)

([TEGL 22-08](#), section H)

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 from 2002 Trade. 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.

To be eligible for RTAA a participant must be:

- At least 50 years of age;
- Reemployed with wages not to exceed \$50,000 annually, excluding overtime and bonuses;
- Employed on a full-time basis and not enrolled in TAA approved training, or
 - employed at least 20 hours per week and enrolled in TAA approved training, or
 - in an On-the-Job Training (OJT) program, or
 - in a registered apprenticeship training program

The worker may be age 50 at the time of reemployment or reach the age of 50 during such employment. Wage subsidy payments may only be made for periods after the worker has reached age 50 and meets all RTAA requirements.

Full-time employment is defined by the state law in which the worker is employed and may include multiple employers adding up to full-time employment, self-employment, and work involving wages plus commission or piecework. The worker 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.

The worker can reapply for RTAA if subsequent employment is obtained within two years from the date of original reemployment.

RTAA is not payable during periods of unemployment; however, payment are allowable when the worker is on employer allowed release time, such as sick leave or unpaid holidays.

Participants must verify continued employment by submitting pay stubs monthly.

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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. Overtime or bonus earnings are not considered when computing RTAA wage subsidy.

Participants may choose between receiving TRA or RTAA, even if they have received some TRA payments; however, they may not receive both payments concurrently or receive TRA after receiving RTAA wage supplement.

Eligibility period

Participants can receive TRA and then apply and receive RTAA. A participant cannot apply for and receive RTAA and then go back to TRA. RTAA payments may be retroactive when approved.

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 most recent separation from the adversely affected employment; or
- The date that participant obtains reemployment.

Participants who have received TRA payments may receive RTAA benefits for a period of 104 weeks beginning the date of reemployment reduced by the number of weeks they received TRA.

Total Amount of Payments

Participants who have not received TRA may receive up to \$10,000 during the 104 week eligibility period.

Participants who have received TRA payments may receive an amount equal to the product of \$10,000 and the ratio of the number of weeks in the eligibility period.

Example:

A participant receives 26 weeks out of the maximum 104 weeks of TRA. The participant's eligibility period would be 104 total weeks minus 26 weeks received = 78 week eligibility period.

Determining the eligibility period

104 week maximum		Weeks of TRA received		Eligibility period
104	-	26	=	78

The RTAA benefits this participant can receive is the 78 week eligibility period divided by the 104 maximum weeks of TRA times the \$10,000 maximum RTAA benefits = \$7,500 RTAA benefits.

Determining the maximum RTAA benefit

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Eligibility period	104 week maximum	Maximum RTAA	RTAA benefit
78	/ 104	x \$10,000	= \$7,500

The claimant would be eligible for up to \$7,500 in RTAA over a 78 week eligibility period.

Note:

RTAA is only reduced by the number of weeks the participant received in TRA. Receipt of unemployment, state or federal extensions is not considered in determining the amount of RTAA.

APPEALS

Participants who receive a written determination denying benefits and disagree with the decision have the right to file an appeal. To be timely, participants must file their appeals within 30 days of the date of notification or mailing of one of the following decisions:

1. A redetermination of an Entitlement Determination to RTAA; or
2. A determination notice and overpayment assessment of RTAA.

Participant should file their appeals with the TAA service provider's office or the State Coordinator. TAA service providers should contact the State Coordinator for guidance on processing appeals. The State Coordinator sends the appeal request and supporting documentation to the Office of Administrative Hearings (OAH).

SUPERSEDES

None.

This policy is applicable to petitions numbered from 85,000 through 89,999.

REFERENCES

- The Trade Act of 1974, as amended ([20 CFR Part 617](#))
- The Trade Act of 2002 ([Public Law 107-210](#))
- Trade Adjustment Assistance Extension Act (TAAEA) of 2011 ([Public Law 112-40](#))
- Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015 ([Public Law 114-27](#))
- [TEGL 22-08](#)
- [TEGL 22-08, Change 1](#)
- [TEGL 5-15](#)