

Washington State Reemployment Trade Adjustment Assistance Policy

Policy Number: 3200 (2015)

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 2015 rules (petition numbers TA-W 90,000 – 97,999).

2. Background:

The Trade Adjustment Assistance for Workers Program (TAA program) was established in the Trade Act of 1974 as a tool to retrain trade-affected workers and help them find suitable employment. The TAA program has 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, individually apply to a state for benefits and services.

Since its 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.

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 Reauthorization returned the program to the services and benefits available under the 2011 Amendments. The 2014 Reversion was also retroactively modified, providing a 90-day transition period for Reversion 2014 program participants to move to the 2015 program.

The 2015 Reauthorization applies to petitions numbered 90,000 or greater.

90-day transition period

Program requirements for transition:

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

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 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.

As part of the termination provisions of the program, RTAA is only available to individuals who have begun to receive these payments as of June 30, 2022.

a. Eligibility Requirements

To be eligible for RTAA a participant must be:

- i. Be at least 50 years of age;
 - 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.
- ii. Reemployment wages must not exceed \$50,000 annually, excluding overtime and bonuses;
- iii. Be employed:
 - Full-time and not enrolled in TAA approved training; or
 - At least 20 hours per week but less than full time, and
 - Enrolled in TAA approved training; or
 - In an On-the-Job Training (OJT) program, or
 - In a registered apprenticeship training program.
- 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. Can 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.
- x. 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.

b. 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.

- 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.

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:
 - 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

Eligibility period	/	104 week maximum	x	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.

- iii. 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.
- iv. Participants can receive TRA and then apply and receive RTAA.
 - A participant cannot apply for and receive RTAA and then go back to TRA.

d. 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).

4. Definitions:

None.

5. References:

- [Public Law 93-618](#), Trade Act of 1974, as amended
- [Public Law 114-27](#), Trade Adjustment Assistance Reauthorization Act of 2015
- [20 CFR Part 618](#), TAA Final Rule
- [Training and Employment Guidance Letter \(TEGL\) 13-21](#), Trade Adjustment Assistance (TAA) for Workers and Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA) Program Operations after June 30, 2022
- 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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