**Trade Adjustment Assistance
Washington State Policies**

**SECTION A: Trade Adjustment Assistance**

*This document has been formatted for use on this web site. It contains hyperlinks that enable the user to jump directly to specific areas within the document or to related documents.*

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| **EFFECTIVE DATE:TAA POLICY NUMBER:SUBJECT:** | August 25, 20063040Trade Readjustment Allowances (TRA) Policy |

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**TRA Qualifying Requirements**

While unemployed, a participant covered under a certification may receive financial assistance in the form of Trade Readjustment Allowances**(**TRA) providing they meet all of the following qualifying requirements.

1. Be covered by a certification.
2. Be laid off due to lack of work after the impact date and prior to the expiration date of the petition (both dates are determined by US Department of Labor)
3. At the time of a first qualifying layoff, have worked for the adversely-affected employer at least 26 weeks of the last 52 weeks and have earned more than $30 in each of those weeks.
4. Be entitled to and have exhausted all rights to regular and extended Unemployment Insurance Benefits.
5. Be enrolled in an approved training program by the end of the 8th week after the certification was signed, or by the end of the 16th week following the most recent qualifying separation, whichever is later, or received a waiver of the training requirement, or
6. Have completed an approved training program and still have entitlement to Basic TRA remaining.

**TRA General Information**

The TRA weekly benefit amount will generally be the same as the Unemployment Insurance 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). If, while receiving TRA, a participant becomes eligible for a subsequent UI claim, he/she must stop TRA and collect UI before resuming TRA.

Participant earnings are deducted from TRA benefits.

Participant TRA benefits are taxable income.

**Eligibility Deadlines for TRA**

* **8/16 week deadline for enrolling in training**. If a worker fails to meet the applicable 8/16 week deadline, then the worker is not eligible for any TRA (basic TRA or additional TRA, including TRA for remedial training) under the relevant certification.
* **45-day extension of the 8/16 week deadline for extenuating circumstances.** The 8/16 week deadline for enrollment may be extended for up to 45 days. TEGL No. 11-02 explains the definition of "extenuating circumstances."
* **210-day time limit for applying for training.** A participant must have filed a *bona fide* application for training with the service provider within 210 days of either the issuance of the certification or the participant’s most recent separation, whichever is later. **This 210-day deadline applies only to Additional TRA.**

**Basic TRA**

In order for a participant to be eligible to receive Basic TRA payments, the participant must:

1. Be enrolled in an approved training program by the last day of the 16th week of their most recent trade-affected layoff, or if later, by the last day of the 8th week after the week in which DOL issues certification covering the workers, or
2. Receive a waiver from the training requirement before the end of the 8/16 week deadline and, following exhaustion of UI, conduct an extensive job search--- the same number required during receipt of extended UI benefits (usually five contacts per week).

Basic TRA entitlement for each participant is 52 times the UI weekly benefit amount, minus all regular and extended UI benefits from the Trade Qualifying Claim. Workers in Washington State with a maximum UI claim will generally receive 26 weeks of regular UI and 26 weeks of Basic TRA. The participant must use Basic TRA within the104-week period following layoff from adversely affected employment. Participants **must** be conducting an active job search or be enrolled in training to receive Basic TRA.

**Additional TRA**

Once Basic TRA has been exhausted, or after the participant receives payment of an equivalent amount of a UI extension in place of Basic TRA, the participant may be paid up to 52 additional weeks to assist with the completion of training.

Additional TRA may also begin at the start of approved training, providing the participant initially submitted a bona fide request for training within the required time limits. A participant who applies for training early in his/her UI eligibility period, and then receives a waiver or returns to employment, could be paid Additional TRA under these circumstances. Additional TRA could actually begin well after the end of the two-year Basic TRA eligibility period.

In order for a participant to be eligible to receive Additional TRA payments, the participant must:

1. Be enrolled in an approved training program by the last day of the 16th week of their most recent trade-affected layoff, or if later, by the last day of the 8th week after the week in which DOL issues certification covering the workers. The later date that establishes eligibility should be used.

Participants can consider themselves enrolled in training after the service provider approves the training request and the start date of training is within 30 calendar days.

1. Apply for training within 210 days of the certification date or most recent layoff, whichever is later.
2. Make satisfactory progress in approved training.

The UI Division's TRA Payment Unit must receive all regular training forms (Request for Training, Training Contractand TRA Weekly Benefit Request) in order to make TRA payments for weeks in this time period.

The number of weeks of Additional TRA, Basic TRA and UI cannot exceed 104. (the limit under old Trade rules is 78). The only exception is when remedial education is necessary as part of the participants training plan.

**Remedial Education**

If the service provider approves remedial education (as defined in Section C Classroom Training Policy), then the participant will receive up to 26 additional weeks of benefits following the last week of entitlement to additional TRA. The maximum number of Additional TRA weeks is 78 if remedial education is required.

**Waivers**

The service provider may issue a waiver to set aside the training requirement providing the participant has received an initial assessment and meets one of the following six criteria.

1. Marketable Skills - the worker possesses marketable skills for suitable employment based on a comprehensive assessment and there is a reasonable expectation of employment at equivalent wages in the near future.
2. The trade-affected employer recalls the participant back to work.
3. Retirement - the worker is within two years of meeting all requirements for entitlement to either a) old-age insurance benefits under Social Security or b) a private pension sponsored by an employer or labor organization.
4. Health - the participant is unable to participate in training due to health issues. The participant must still be available for work, actively searching for work, and not refuse to accept work under Federal or State UI law.
5. Enrollment Unavailable - the first available enrollment date for training is within 60 days after the date a waiver is issued, or, if later, there are extenuating circumstances causing the delay in enrollment.
6. Training Not Available – TAA-approved training is not reasonably available to the worker, or is not available at a reasonable cost, or no training funds are available.

The service provider shall issue a waiver on an individual basis and in writing. The waiver must be reviewed every 30 days to ensure that the initial reason for approval still applies.

The service provider may revoke the waiver and enroll the worker in training if the reason for approving the waiver is no longer valid.

By signing a waiver, participants shall establish eligibility to receive Basic TRA benefits and if applicable, HCTC, as long as the waiver is issued within the 8/16 week deadline. A worker may receive Basic TRA and/or HCTC prior to the 8/16 week deadline without completing a waiver.

If the participant is close to the 8/16 training enrollment deadline, the service provider should issue a waiver to preserve the rights to receive TRA. The case manager must ensure that a thorough assessment has occurred.

Participants receiving Basic TRA under the waiver provision must provide documentation of their work search to the TRA unit in Olympia Washington .

**HCTC and Waivers**

All workers covered by Trade Act certified petitions who are receiving TRA, or would be receiving TRA except they have not exhausted their UI, may be eligible for the Health Coverage Tax Credit (HCTC) under the 2002 amendments. See [**HCTC Policy**](http://www.wa.gov/esd/1stop/policies/documents/archive/3030Rev3.doc)**.**

**Redeterminations for TRA**

The TRA Payment Unit will issue all determinations regarding entitlement to TAA program components and both Basic TRA and Additional TRA.

A worker who receives and does not agree with an Entitlement Determination to TAA/TRA ETA 57 has the right to request a reconsideration and if necessary a redetermination with appeal rights.

Requests for reconsideration must be submitted to the UI Division's TRA Payment Unit within one year from the date of delivery or mailing of the initial determination. Service providers should encourage workers to request reconsideration as soon as possible because of strict program deadlines. The new findings will be given to the worker in writing and will constitute a redetermination from which the worker will have appeal rights. The redetermination will be final unless an appeal is filed within thirty days after the date of notification or mailing of the redetermination.

**DEFINITIONS**

**REFERENCES**

* The Trade Act of 1974, as amended
* The Trade Act of 2002 (P. L. 107-210); 20 C.F.R. Part 617
* TEGL No. 11-02, issued October 10, 2002, and entitled “Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002”
* TEGL 24-03, issued April 14, 2003, and entitled “Implementation of the Advance Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance/Trade Readjustment Allowances (TAA/TRA) Recipients”
* TEGL 11-02, Change 1, issued November 6, 2003, and entitled “Change 1 to the Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002”
* TEGL 11-02, Change 3, issued May 26, 2006

**SUPERSEDES**

This communication cancels and supersedes all previously issued policy memorandum related to Trade Readjustment Allowances (TRA).

**WEBSITE**[http://www.wa.gov/esd/policies/taa.htm](http://www.wa.gov/esd/policies)

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