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**TAA Desk Guide**

***April 2021***

**Trade Adjustment Assistance**

**Reauthorization Act of 2015**

 **(TAARA 2015)**

**Introduction:**

This desk guide will provide a clear overview of the TAA program and its benefits. It should be used as a resource for all staff who serve TAA participants.
Please refer to the TAA Procedural Guide for information on how to assist/serve TAA participants as they seek to access their benefits.

**What is Trade Act:**

The Trade Adjustment Assistance Program, also known as TAA, is a federal program that provides a variety of benefits and opportunity to U.S. workers who have lost their jobs as a result of foreign trade and foreign competition. The program has been amended several times since its inception in 1974. The current version of the program is implemented under the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA).

The TAA Program seeks to provide trade-affected workers with opportunities to obtain the skills, resources, and support they need to prepare for and obtain suitable employment. The program offers a variety of benefits and services, with the primary focus on reskilling workers for new careers. These benefits are provided at no expense or cost to trade-affected workers or business.

The New York State Department of Labor is a Cooperating State Agency, under an agreement with the United States Department of Labor, and administers the Trade Act program in New York State.

The program is operated locally in Career Centers throughout New York. TAA customers will find individualized guidance at any of New York’s Career Centers, and may choose which Center they will use to access their program benefits.

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**Petitions**

**When to file a TAA petition:**

TAA petitions should/can be filed after workers have received a threat of separation from their employer or have been separated from their employment. A petition cannot be filed later than one year after the earliest date on which workers (in the affected worker group) were separated from their employment with the business.

The International Trade Commission (ITC) conducts studies of domestic industries. Through these studies there are certain industries that are identified as being potentially impacted by foreign competition or trade. The ITC will provide an affirmative determination and will notify the United States Department of Labor, Employment and Training Administration (US DOL ETA ) of their findings. US DOL ETA will then advise New York State Department of Labor of potential businesses that may need to file a petition for Trade Act benefits. There is a deadline associated with the filing of the petition of one year from the date of the affirmative determination or date the finding is published in the Federal Registry.

A Trade Act-certified petition will not apply to any worker who was separated from the business more than one year prior to the date the petition was filed. For this reason, filing a petition in a timely manner is important!

**How to determine if a petition should be filed for a worker group**:

The following are questions to consider when filing a TAA petition. These questions should be posed to the worker, and when possible to the potentially trade affected business.

* What are the factors that contributed to the separation?
	+ In cases of bankruptcy, why did the company go bankrupt?
* Is the company doing business in other countries? If yes, where?
* Has the company recently been sold or purchased by another company that does the same or similar type of work? If yes, who?
* Does the company compete with products/services from other countries? If yes, with whom and/or what?
* Does the worker know the name(s) of their competitors? If yes, who?
* Did the worker train replacement workers based in other countries prior to the layoff? If yes, what countries?
* Has the worker or co-workers traveled to other countries to train workers? If yes, what countries?

If any of the answers involve other counties, foreign competition, or overseas workers, you should file a petition. Remember, when in doubt, file a petition for the worker group!

If you are questioning whether a petition should be filed, please call TAA Central Office, (518)457-1829.

**Filing a TAA petition:**

A Trade Act petition can be filed online at the US DOL ETA [website.](https://www.dol.gov/agencies/eta/tradeact)

Petitions must be filed online, whenever possible.

Petitions may be filed by:

* a group of two or more workers
* the business
* a certified or recognized union, or other duly authorized representative
* a State Workforce Office representative
* Career Center Staff

**TAA petition requirements**

For US DOL ETA to begin an investigation, a petition must contain the following information:

1. Name, title, and contact information for each petitioner.
2. The specific worker group on whose behalf this petition is being filed.
	* i.e. – all workers involved in the production and sales of blue widgets.
3. Name of business (U.S. Headquarters) and address.
4. Headquarters phone and website of business.
5. Name of business (workplace of workers) and address.
6. Phone and website of business where the workers are located.
7. Type of service or product offered by the business.
8. Estimated number of affected workers. The minimum is 2 affected workers.
9. Date of worker separations.
10. Reasons why the separations are due to foreign trade.
11. Name, title, and contact information for an official or authorized representative of the workers’ business. Two contacts are required.
12. Signature of petitioner and date.

If a worker or group of workers is unable to file (doesn’t have 2 workers) or unwilling to file a petition, TAA Central Office in Albany or any member of the Workforce System (anyone working in a Career Center, Rapid Response representatives, etc.) can always file on the workers’ behalf.

**After a TAA petition is filed:**Once a petition is filed, the Office of Trade Adjustment Assistance (OTAA) at US DOL ETA begins an investigation and assigns each petition a five-digit case number, “TA-W-XX, XXX”. US DOL ETA will notify the petitioner of the petition number, as well as TAA Central Office.

Petition investigations usually last about 40 business days; however, the process can take longer.

For a petition to be certified by OTAA, it must be determined that there was an increase in imports, a shift or acquisition in production, or a loss of sales and or production which contributed importantly to the workers’ separation or threat of separation.

If the workers are determined to meet the group eligibility criteria set by the Trade Act, OTAA will issue a certification of group eligibility. This is commonly referred to as a **Petition Certification.**

After determining worker group eligibility, OTAA will notify the petitioners, the workers' trade affected firm, and the Cooperating State Agency (CSA) of the determination. In addition, the determination will be posted on the US DOL ETA website and published in the Federal Register. The following paragraphs will discuss how New York provides outreach to these workers.

**Adversely Affected Incumbent Workers (AAIW):**

Adversely Affected Incumbent Workers (commonly referred to as “AAIW” or “threatened status”, as their employment has been threatened):

* are members of a group of workers who have been certified under a petition
* have been determined by the firm, on an individual basis to be threatened with total or partial separation by the trade affected firm.
* are eligible to apply for TAA benefits (i.e. the worker group has a certified TAA petition)

have not been separated from their trade affected employment

In New York State, workers who are considered AAIW are mailed a Threatened Status letter by the Special Programs Unit in the Unemployment Insurance division of the Department of Labor. This letter notifies the worker of their entitlement to TAA training as an AAIW.

Please note that a worker can be considered Adversely Affected Incumbent Worker even if they have not received a Threatened Status Letter from New York State Department of Labor (NYSDOL).

**Outreach:**

Section 239 of the Trade Act, as well as the Code of Federal Regulations (section 618.816) requires that adversely affected incumbent workers (as well as all workers covered under the petition) be notified as soon as possible of the benefits and services available to them through the TAA program at the local career centers. In addition, information on how to access such benefits and services.

Therefore, as soon as TAA Central Office is aware of the Threatened Status mailings, a list of AAIW’s will be provided to local areas.

The TAA staff in local areas are required to outreach to the workers. Outreach can be conducted by mail, telephone or electronic mail (email). All outreach efforts should be recorded in the One-Stop Operating System (OSOS). When contacting workers, staff should explain the Trade Act Program and the benefits that are available.

* **Please note**- the only TAA benefit available to AAIWs is TAA approved training! More specifically an AAIW can only attend classroom or online approved training.
* On-The-Job Training is **not** approvable for AAIWs.
* Customized training cannot be approved for the same position.
* Adversely affected incumbent workers **CANNOT** quit/leave their employment with the Trade affected business to begin training.

**Outreach Continued / Rapid Response and Career Center Services:**

Section 20 of the Code of Federal Regulations Section618.816(b) requires that rapid response assistance and appropriate career services, as described in section 134 of Workforce Innovation and Opportunity Act (WIOA), are made available to members of a group of workers for whom a petition has been filed. These services are to be provided when the petition is filed, regardless of whether the petition is eventually certified.

* Rapid Response **must** be provided for every group of workers for whom a petition is filed.
* Appropriate WIOA career services must be provided
	1. When the petition is filed – not when certified
	2. *Regardless* of the size of the layoff or threat of layoff
	3. Independent of any WARN filing or state WARN notification
* Section. 134(c)(2) of WIOA, provide three types of career services:
	1. Basic career services
	2. Individualized career services
	3. Follow-up services

**Applications and Eligibility Notices (TA720 & TA722)**

**Applications (TA 720):**

In New York State, the Unemployment Insurance (UI) Special Programs Unit (SPU), utilizes an application process to determine individual entitlement to Trade Adjustment Assistance.

The “Request for Determination of Entitlement to TAA/TRA/RTAA” is commonly referred to as the TA720 application. TA720 is the form number which can be found in the bottom left corner of the document. This document provides information on all benefits available under the TAA program.

The UI-Special Programs Unit mails out the TA720 applications to affected workers (may include leased workers and teleworkers) based on the worker list provided by the trade affected business. The Request for Determination of Entitlement is mailed to workers upon their separation from employment.

When TAA customers receive the TA720, they should complete the document and return it to the address listed on the application as soon as possible.

Customers should be encouraged to complete and return their TA720 application even if they are not in interested in attending training at the time they are determined eligible. The TAA training benefit is a lifetime benefit that can be used once (one training program per petition) and does not currently have a deadline.

**Eligibility Notices (TA 722):**

Once a Request for Determination of Entitlement to TAA/TRA/RTAA (TA720) has been returned, the Special Programs Unit will review the application and issue a determination.

If the customer is determined eligible for TAA program benefits, they will be issued a “Determination of Entitlement to Trade Adjustment Assistance (TAA)”, also known as form TA722. If the customer is determined ineligible for benefits, a form TA722N will be sent with hearing rights.

This document provides a list of re-employment services, benefits available under TAA, Trade Readjustment Allowance (TRA) eligibility and rate, as well as a Reemployment Trade Adjustment Assistance (RTAA) application (if applicable).

The TA722 advises the customer of the Training Enrollment Deadline (TED) date. This is the date the customer must be enrolled\* in training in order to be eligible for weekly TRA payments.

TAA customers should bring the TA722 to the Career Center, or provide to the TAA specialist when seeking services or benefits.
If the customer does not have a copy of the TA722, TAA Central Office can verify program eligibility and deadline dates on the form. There should be no delay in serving a TAA eligible customer if they do not have the TA722 in their possession.

**Benefits and Services:**

The TAA program offers a range of benefits and services to assist eligible workers return to work. The following benefits are potentially available, subject to federal funds and individual worker eligibility:

**Benefits (TAA)**

* Training (Classroom, Online, On-The-Job, Apprenticeship, customized)
* Travel and Subsistence Allowance
* TRA - Trade Readjustment Allowance (income support)
* RTAA - Re-employment Trade Adjustment Assistance (wage supplement)
* Job Search Allowance
* Job Relocation Allowance
* HCTC- Health Coverage Tax Credit

**Services**

As the Trade Act Program is a required one-stop partner under the WIOA, the below services are available to all trade affected workers.

New York State Dept of Labor policy requires trade-affected workers who are eligible for WIOA's Dislocated Worker program to be co-enrolled in WIOA and Trade Act. Co-enrollment is also a requirement of the TAA program as outlined in section 618.325 of the Code of Federal Regulations.

Available services include but are not limited to the following:

**Basic career services**

* Outreach, intake, and orientation to information and other services available through the one-stop delivery system.
* Initial assessment
* Job search and placement assistance,
* career counseling,
* Job vacancy listings in labor market areas;
* Information on job skills necessary to obtain the vacant jobs listed; and
* Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
* information, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including
	+ Child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under SNAP; assistance through the earned income tax credit; and assistance under a State program for TANF, and other supportive services and transportation provided through that program;

**Individualized career services:** Comprehensive and specialized assessments of the skill levels and service needs, which may include—

* Diagnostic testing and use of other assessment tools.
* and
* In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
* Development of an individual employment plan
* Group counseling.
* Individual counseling.
* Career planning

**Follow-up services** must be provided, as appropriate, including, but not limited to::

* Counseling regarding the workplace
* Additional career planning and counseling
* Case management
* Labor Market Information

Each service provided must be documented in the customer’s case file. Additionally, any services not provided must be equally documented in the case file, along with a reason this service was not provided.

**Career Center Services**

As mentioned earlier, the TAA program is a One-Stop partner. TAA participants are co-enrolled in both programs – TAA and WIOA Dislocated Worker. Therefore, TAA participants are also eligible for the services offered through WIOA at the Career Centers throughout New York. Here is a list of some of the services available at the Career Center.

- Resume Assistance & Customization - Interview Assistance and Techniques

- Assistance with Researching Potential Employers - Self-assessment

- Resource Room (free office resources such as; telephone, fax, copies, computers)

- Assistance with Exploring Training Opportunities - Computer Classes

- Job leads and Job Search Strategies - Labor Market Information

- Career Advisor and Career Guidance - Workshops

- Support Services - Priority Veteran Services

To locate the nearest Career Center, click on:

<https://labor.ny.gov/career-center-locator/>

For a more comprehensive list please refer to section [235](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_05-15_Attachment2_Acc.pdf) of the Trade Act of 1974, as well as section [618.310](https://www.ecfr.gov/cgi-bin/text-idx?SID=291a4ac9acca8950af1853039c5f6c6f&mc=true&node=pt20.3.618&rgn=div5#se20.3.618_1310) & [678.430](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=bca539d471dcec61cc9216e67d4fa295&mc=true&n=pt20.4.678&r=PART&ty=HTML#se20.4.678_1430) of the Code of Federal Regulations.

**Training:**

The primary focus of the TAA program is to provide displaced workers with the opportunities to obtain the skills and credentials necessary to become reemployed. Once the affected worker has received their Determination of Entitlement to Trade Adjustment Assistance (TA722), unless they are eligible as an Adversely Affected Incumbent Worker (AAIW), they are encouraged to visit their local Career Center to seek services. At the Career Center, workers will receive a comprehensive skill assessment. The assessment will determine what skills are required for the worker to be reemployed.

**Individual Employment Plan**

Once the barriers have been identified, the worker and TAA Specialist will work together to develop a training plan that will work to remove those obstacles. All training plans require an Individual Employment Plan (IEP). The IEP must include the employment goal, type of training proposed, services needed to obtain suitable employment, and any supplemental assistance that may be needed. Labor market information must be evaluated to guide the selection of training. IEPs developed by partner programs in the career center can be used when a worker becomes TAA eligible. However, the IEP must be reviewed to ensure the plan has all the required components.

An IEP must contain the following:

* The trade-affected worker's employment goal, including the targeted occupation and industry
* The training program proposed, if any.
* Any services need by the worker to obtain suitable employment

Including:

* Career Services
* Supportive Services
* Post-training case management services

Training benchmarks must also be included in the IEP to make certain the customer is making progress and is on track to complete training as scheduled. Training benchmarks are to be reviewed at intervals of no more than 60 days. A failed benchmark will result in a documented warning to the customer. It may also require an amendment to the training program. Employment and case management services must be provided at the time of the benchmark review.

Amendments to a training program is allowed. The customer’s IEP must be modified when there is a change to the training plan. When updating the training program, the program must still meet the 6 criteria for approval.

When creating or amending a training plan the number of instructional weeks needs to be taken into consideration. TAA training programs cannot be approved (or amended) if the training will exceed 130 instructions weeks. For TAA purposed an instructions week is any which in which the customer attends 1 day of training.

When creating or amending a training plan staff should take into account the TRA benefits available to the customer. If the customer does not have the financial resources to sustain themselves for the duration of training, the training program will not be approved.
If TRA is not available to the customer, they will need to indicate they have the financial resources to cover their personal expenses while in training.
These financial resources can be family, employment, or a persona loan. These resources should cover personal expenses only. As no personal funds can be applied towards the cost of TAA training.

There are different types of training programs that may be approved.

**Training Options:**

Vocational / Remedial

Classroom or on-line (Full-time or part-time training)

On-the-Job Training / Apprenticeship programs

Customized training designed to meet the needs of a specific business or group of businesses

Self-Paced training (although this may affect eligibility for TRA benefits)

**Approval Criteria:**

Once a training program and training provider have been identified it must meet the criteria for approval under TAA regulations.

1. There is no suitable employment available for the trade-affected worker.
2. The trade-affected worker would benefit from appropriate training (There is a need for new or upgraded skills to increase the likelihood of gaining suitable employment.)

1. There is a reasonable expectation of employment following completion of training. Given the labor market conditions expected to exist at the time the participant completes training, there should be a likelihood of employment. An analysis of the labor market conditions must be considered in the participants commuting area or the area where the participant intends to relocate.
2. Training is reasonably available to the worker. Training providers within commuting area should be explored first. If no such opportunity exists, training outside of the commuting area can be approved.
3. The worker is qualified to undertake and complete training. The worker must have the knowledge, skills, abilities, educational background, work experience, and financial resources to complete the specific training program.
4. Training is suitable for the customer and available at a reasonable cost. To be suitable, the training must meet the criteria outlines in #5 and be at a reasonable cost. Training programs for the chosen occupation must be the most cost effective while still providing adequate training in the shortest timeframe. Training related expenses may include but not limited to; tuition and related expenses (books, tools, computers and other electronic devices, internet access, uniforms and other training-related clothing such as goggles and work boots, laboratory fees and other academic fees required as part of the approved training program), transportation, and subsistence costs in determining if the total cost of training is reasonable. When license or certification is required for employment TAA funds can cover the cost of initial licensing and certification tests and fees. This would be included in the total cost of training and determining reasonable cost.

For a more information on the approval criteria please see [CFR §618.610](https://www.ecfr.gov/cgi-bin/text-idx?SID=291a4ac9acca8950af1853039c5f6c6f&mc=true&node=pt20.3.618&rgn=div5#se20.3.618_1610)

**Training Continued:**

* Customers can only be approved for one training program per petition certification.
* The training program must lead to an industry recognized credential.
* Training can lead to self-employment.
* Training can lead to an advanced degree (Masters, Ph.D., etc.).
* The length of training cannot exceed 130 instructional weeks.
* Once the training program has been approved, by TAA Central Office, then TAA can fund the approved training expenses such as tuition, required school fees, and books. All other expenses must be required of all students in the program to be considered an approved training expense.
* Any customer who begins training prior to TAA central Office approval maybe responsible for any cost incurred.

 **TAA Funding Cap:**

There is a soft cap of $25,000 for all approved programs up to 130 instructional weeks

Exceptions to Trade Act funding caps will be considered by the State TAA Coordinator and the New York State Department of Labor (NYSDOL) Division of Employment and Workforce Solutions (DEWS) Management on a case-by-case basis when:

• It is determined that the program is the most appropriate training for the Trade Act customer; and
• The training program is available at a reasonable cost.

It should be noted, TAA funds should be the primary source of funding for all Trade Act participants and be the only funding stream utilized for Trade Act-approved training. However, on occasion other funds can be used. If there are other funding streams being utilized for the cost of training, these other funds do not count toward the funding cap. The funding cap is only for TAA funds.

**Travel while in Training (Travel and Subsistence Allowances):**

If the most appropriate training plan requires for the participant to travel outside of their commuting area, then they might be eligible for travel reimbursements to and from the training facility. The need for supplemental assistance must be documented in the customer’s IEP. Customers must apply for the assistance.

The reimbursement is based on the [Federal mileage rate](https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates). If lodging and meals are required, then those reimbursements will be based on the Federal Per Diem Rates or the actual cost, whichever is less.

**Commuting Area Definition:**

New York State (NYS) TAA defines the commuting area as travel up to 30 miles from the participant’s primary residence, one way, by personal vehicle.

For participants that rely almost exclusively on public transportation, the commuting area is defined as travel up to one hour, one way, by public transportation.

Travel outside these defined commuting areas may make Trade Act participants eligible for a transportation payment/travel allowance.

Per Federal Regulations mileage reimbursement starts with the first mile outside the commuting area. Mileage reimbursement is only payable for actually days of travel. Furthermore, federal regulation 618.640 (g) require evidence from the customer, in the form of receipts, regarding lodging, meals and travel.

Example - If the training provider is located 40 miles from the Trade Act participant’s home, NYSDOL would reimburse the participant for the 10 miles traveled outside the commuting area and the 10 miles of the return trip, for a total of 20 miles to be reimbursed.

**Training and Work**

TAA participants can work while they attend their TAA approved training program. Individuals who achieve suitable employment\* after they are approved for training under 20 CFR 618.610 can continue their approved training program.

However, TAA customers must continue to meet with their TAA Specialist at each benchmark review to make certain the training program is still the most appropriate training and the completion date has not changed.

*\*Suitable employment is defined as:*

* *Work of a substantially equal or higher skill level than the worker’s past adversely affected employment.*
* *Wages for such work that are not less than 80% of the worker’s average weekly wage.*
* *Part-time, temporary, short-term, or threatened employment is not suitable employment.*

**Waivers:**

Waivers are issued to meet the requirement for the participant be enrolled\* or attending training by the Training Enrollment Deadline (TED).

Before a waiver can be issued a training plan ***must*** be approved by TAA Central Office.

The start date of the initial waiver must be on or before the Training Enrollment Deadline (TED) date to allow the participant to remain eligible for TRA benefits.

Customer must have entitlement to Basic TRA in order to be issued a waiver. The end date of any waiver cannot exceed the customer’s entitlement to Basic TRA.

*\*Enrolled has 3 conditions
1- training program has been accepted by the training provider
2- training program has been approved by TAA Central Office
3- training will begin within 30 days*

There are 3 types of waivers that can been issued to TAA participants:

* ***Enrollment Unavailable***– This waiver should be used when training does not start within 30 days of approval. Use of this waiver requires an IEP has been completed and the training plan has been approved by TAA Central Office.
* ***Health***– If the customer is unable to participate in training due to a health reason, but can work, use this waiver. This waiver requires a completed IEP and medical documentation, indicating the customer is unable to participate in the intended training program.
Customers issued this waiver must be ready, willing & able to work and continue to actively conduct a work search. Customers with a health waiver are not exempt from potential disqualification for refusal of employment
* ***Training Not Available***–To be issued when approved training meets any one of the following criteria:
	+ Training not reasonably available to the worker
	+ Suitable training is not available at a reasonable cost,
	+ No training funds are available.

This waiver also requires a completed IEP.

**Waiver Review:**

Once a waiver is issued, the first review should take place within 90 days. At the first waiver review, it should be determined if the waiver is still appropriate. If so, the waiver is renewed (extended) with another review to take place within 30 days.

While on a waiver, the customer must conduct a job search. The waiver DOES NOT waive the job search requirement for UI/TRA benefits (until the customer is considered enrolled\* in TAA approved training).

If the customer is no longer eligible for TRA, or the waiver is no longer appropriate, contact TAA Central Office and the waiver will be revoked. Once the customer begins TAA approved training, the waiver should be revoked by local TAA staff.

**TRA - Trade Readjustment Allowance (income support)**

An additional benefit available to TAA customers, if their deadline is met, is weekly income support benefits referred to as TRA. Participants must be enrolled\* in training or placed on a waiver from training within 26 weeks after petition certification, or 26 weeks after their most recent qualifying separation date, whichever is later. If your customer missed their deadline, contact TAA Central Office to discuss the circumstances that prevented the worker from meeting the deadline. The deadline may be able to be extended, if there are extenuating circumstances that justify the extension

Participants must also exhaust all Unemployment Insurance (UI) benefits in order to collect TRA benefits. There are three different tiers of TRA benefits.

**Basic TRA**

* 26 weeks of Basic TRA benefits are available to those who are eligible.
* 52 weeks of benefits (26 weeks of regular UI benefits + 26 weeks of Basic TRA benefits = 52 weeks) in total. Participants must be on a waiver to collect Basic TRA benefits (if not attending training).
* Participants can collect the balance of Basic TRA benefits after training ends, if the participant is not employed and conducts adequate job searches.

**Additional TRA**

* Up to 65 weeks of Additional TRA benefits are available while attending full-time Trade Act-approved training.
* Follows the last week of entitlement to Basic TRA
* Collectible within 78 calendar weeks.
* Additional TRA benefits end when training ends.

**Completion TRA**

* Up to 13 weeks of Completion TRA benefits are available within a 20-week period.
* Must have exhausted Basic and Additional TRA benefits.
* Full-time participating in approved training that leads to the completion of a degree or industry-recognized credential.
* Established benchmarks must be met:

1- maintain satisfactory academic standing, **and**
2- on schedule to complete training by the end date identified in the approved training plan. (i.e., must complete training within the authorized period)

**TRA Benefits and RTAA**

* Participants can transition from collecting TRA benefits to collecting RTAA benefits.
* They **cannot** transition from collecting RTAA benefits to collecting TRA benefits.

**TRA Benefits and Part-Time Work**

* Participants must report wages on their weekly TRA certification form, sent by SPU.
* TRA Earnings Disregard- No deduction is made from earnings for a week of work up to an amount that is equal to the worker’s most recent UI/TRA benefit amount.

**TRA Election Provision**

* Allows adversely affected workers to elect TRA instead of UI where:
* Workers who establish a new benefit year for unemployment insurance benefits based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker’s most recent total separation from adversely affected employment.
* The worker is otherwise entitled to TRA except need not have exhausted all
* rights to UI in the new benefit year

**RTAA - Re-employment Trade Adjustment Assistance (wage supplement)**

For those customers who are not interested in training and would rather return to the labor market, there is the RTAA program. RTAA provides a wage supplement for up to 2 years, for those who are aged 50 or over and are reemployed at annual wages of $50,000 or less.

The following conditions must be met:

* + Cannot earn more than $50,000 per year in reemployment
	+ Reemployment must occur within 2 years of separation from the trade affected business or within 2 years of exhausting UI benefits.
	+ Must be at least 50 years old at the time of reemployment
	+ Requires full-time employment (or 2 part time jobs that equal full-time hours)
	+ Cannot return to employment with their Trade-affected firm. Specifically, the participant cannot return to the worker group defined in the certification.

The application to the RTAA program can be found in the TA722 notice. Customers can return the application to the address or fax number on the application. Special Programs Unit will issue a determination on eligibility and mail the notice to the customer.

RTAA recipients can receive training and other services, including employment and case management services. They are also eligible for Job Search and Job Relocation Allowances. Recipients may also apply for the Health Coverage Tax Credit, if available, to assist in paying their health coverage premiums.

**RTAA Benefits and OJT**

* Participation in an OJT followed by RTAA benefits is approvable, if the RTAA eligibility requirements are met.
* Participants can take part in OJT while collecting RTAA benefits.

**Employment and Training**

* An RTAA participant can take advantage of Trade Act-approved training, while employed.
* Participant must be reemployed full-time, if not enrolled in training,
**OR**
Reemployed at least 20 hours per week **and** enrolled in full-time training.

**Maximum RTAA Benefit**

* $10,000 maximum benefit over the course of the eligibility period. Benefits end when $10,000 or 2 years is reached, whichever comes first.
* If the participant received TRA benefits, their maximum RTAA benefit will be reduced by the amount of TRA benefits received.

**RTAA Eligibility Period**

* If the participant has **not** received TRA benefits: 2 years from the date of re-employment, or 2 years from the date they exhausted their UI Benefits, whichever is later.
* If the participant has received TRA benefits: 2 years from the date of re-employment, minus the number of weeks of TRA benefits received.

**RTAA and TRA Benefits**

* Participants can transition from collecting TRA benefits to collecting RTAA benefits.
* They **cannot** transition from collecting RTAA benefits to collecting TRA benefits.

**Job Search Allowance and Job Relocation Allowance**

* Job Search and Job Relocation Allowances offer reimbursements for a percentage of travel expenses when a customer must travel outside their commuting area to find suitable work. The customer can reasonably expect to obtain either suitable employment *or* employment that pays a wage of at least the 75th percentile of national wages, as determined by the National Occupational Employment Wage Estimates.

**Job Search Allowance – Requirements**

* IEP must be made available, in order to document the employment goal.
* Must apply ***prior*** to
	+ Travel to job interview or attendance at job fair or prevocational workshops.
	+ Travel to and attendance at a professional association meeting for networking purposes.
* Activities above must be verifiable with contact information.
* Job search effort must be completed within 30 days.

**Job Search Allowance – Deadline**

An application must be filed by the 365th day after the trade-affected company was certified by US DOL or 365th day after the participant’s separation date, whichever is later,
**OR**
by the 182nd day after the participant has completed Trade Act-approved training.

**Reimbursable Amount for Job Search Allowance**

* The participant will be reimbursed 90% of the lesser of:
 1- the actual cost to the participant for lodging and meals while in travel status; **OR**
 2- 50% of the prevailing per diem allowance rate, authorized under the Federal travel regulations found at: <http://www.gsa.gov/portal/category/21287>
* Allowable costs include transportation (the most cost-effective mode of travel reasonably available), or cost per mile at the Federal mileage rate (<http://www.gsa.gov/portal/content/100715>) and subsistence.
* Maximum benefit of $1,250

**Relocation Allowance – Requirements**

* Requests must be approved by TAA Central Office ***prior*** to the participant’s relocation.
* The participant must have no reasonable expectation of securing suitable work within their existing “commuting area”.
* The participant must be relocating outside the normal “commuting area”, but within the United States. (Outside the normal “commuting area” = travel up to 30 miles from the participant’s primary residence, one way, by personal vehicle or travel up to one hour, one way, when public transportation is the primary mode of transport.)
* The participant must provide written verification of suitable work, obtained from the new employer.

**Relocation Allowance – Deadline**

An application must be filed by the 425th day after the trade-affected company was e-certified by US DOL or the 425th day after the participant’s separation date, whichever is later,
**OR**
by the 182nd day after the participant has completed Trade Act-approved training.

**Reimbursable Amount for Relocation Allowance**

* The participant will be reimbursed 90% of the lesser of:
 1- the actual cost to the participant (and family) for lodging and meals while in travel status; **OR**
 2- 50% of the prevailing per diem allowance rate, authorized under the Federal travel regulations found at: <http://www.gsa.gov/portal/category/21287>.
* 90% of the reasonable and necessary cost to relocate the participant, their family and their household effects are covered. No more than 18,000 lbs. of household effects will be covered.
* In addition to reimbursement for travel and subsistence costs, participants are eligible for a lump sum payment of 3 times the participant’s average weekly wage, up to a maximum of $1,250.
* Only one Relocation Allowance allowed per certification.

**HCTC- Health Coverage Tax Credit**

**General Information**

HCTC is a federal tax credit that pays 72.5% of an eligible participant’s monthly qualifying health insurance premium. It does not provide health insurance coverage. The IRS administers the HCTC program and determines month-to-month eligibility.

* Benefit will expire on **December 31, 2021**
* HCTC can be claimed monthly or annually.
* For more information, go to [www.irs.gov](http://www.irs.gov) ([http://www.irs.gov/Individuals/HCTC:-Latest-News-and-Background](http://www.irs.gov/Individuals/HCTC%3A-Latest-News-and-Background)) or call the IRS Customer Contact Center at 1-844-853-7210.

**HCTC Requirements**

* Must be an eligible **TAA** recipient – a participant who receives TRA for any day of the month or who would be eligible to receive TRA (i.e. in approved training or on a waiver and eligible for TRA),

**OR**

An eligible **RTAA** recipient- a participant eligible for RTAA who is participating in RTAA for a month and is receiving an RTAA benefit for that month,

**OR**

An eligible Pension Benefit Guaranty Corporation (PBGC) pension recipient.

* Must have a [qualifying](https://www.irs.gov/credits-deductions/individuals/qualifying-health-insurance-coverage) health insurance plan (COBRA, certain State-based health insurance program, Spousal Coverage, etc.)
* Coverage under a State-operated health plan (Medicaid) or receiving Federal financial participation (Medicare & Affordable Care Act Marketplace insurance) are non-qualifying.

**Data Entry**

Reporting on TAA participants is required by Section 249B of the Trade Act. Therefore, data entry is a key component to the Trade Act program. Remember all TAA data matters!

From outreach efforts to completion, data enables the TAA program to track a participant’s journey through the TAA program.

OSOS is the primary case management system used for tracking all services provided to customers throughout the Workforce Development System in New York. Therefore, all data entry must be entered in OSOS.

For assistance and guidance on TAA data entry in OSOS, please consult the guides below:

* + - * [Trade Adjustment Assistance - Eligibility and Intake OSOS Guide](https://labor.ny.gov/workforcenypartners/osos/TAA-OSOS-Guide-1-Intake-Eligibility.pdf%22%20%5Ct%20%22_blank)

* + - * [Trade Adjustment Assistance - Enrollment and Entering the First Service](https://labor.ny.gov/workforcenypartners/osos/TAA-OSOS-Guide-Enrollment-and-Entering-the-First-Service.pdf%22%20%5Ct%20%22_blank)
			* [Trade Adjustment Assistance – Entering Classroom Training Services and Funding](https://labor.ny.gov/workforcenypartners/osos/TAA-OSOS-Guide-Entering-Classroom-Training-Services%26Funding.pdf)
			* [Trade Adjustment Assistance – Entering Benchmarks](https://labor.ny.gov/workforcenypartners/osos/TAA-OSOS-Guide-Entering-Benchmarks.pdf)
			* [Trade Adjustment Assistance – Entering OJT Services and Funding](https://labor.ny.gov/workforcenypartners/osos/TAA-OSOS-Guide-Entering-OJT-Services%26Funding.pdf)
			* [Trade Adjustment Assistance – Training Waivers](https://labor.ny.gov/workforcenypartners/osos/TAA-OSOS-Guide-Training-Waivers.pdf)
			* [Trade Adjustment Assistance – Entering and Funding Apprenticeships](https://labor.ny.gov/workforcenypartners/osos/TAA-OSOS-Guide-Entering-and-Funding-Apprenticeships.pdf)

[WIOA Performance Measures and Outcomes Guide](https://labor.ny.gov/workforcenypartners/osos/WIOA-Performance-Measures-and-Outcomes-Guide.pdf)

**Completion and Follow Up**

As TAA participants complete their training programs, TAA staff must close all training related services in OSOS. In addition, staff are required to enter the credential attained by their customer in OSOS.

TAA staff, in accordance with the regulations **must** make follow up services available to TAA customers. While TAA does not offer follow up services, co-enrollment makes follow-up services available through partner programs. TAA staff can offer some of the services mentioned in the Career Center Services section of this guide.

**Resources and Useful Tools**

TAA Final Rule was published in the Federal Register on August 21, 2020 and became effective on September 21, 2020.

<https://www.ecfr.gov/cgi-bin/text-idx?SID=d23e790e7867372e5e704255f845f746&mc=true&tpl=/ecfrbrowse/Title20/20cfr618_main_02.tpl>

Training and Employment Guidance Letter No. 05-15. Operating Instructions for Implementing the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA2015).

<https://wdr.doleta.gov/directives/attach/TEGL/TEGL_05-15_Attachment1_Acc.pdf>

Training and Employment Guidance Letter No. 11-02. Operating Instructions for Implementing the Amendments to the Trade Act of 1974 by the Trade Act of 2002.

<https://wdr.doleta.gov/directives/attach/TEGL11-02.pdf>

USDOL ETA TAA Web Page:

<https://www.dol.gov/agencies/eta/tradeact>

TAA Procedural Guide – Staff ‘How To’ guide for working with a TAA customer

 (need link)

TAA Quick Guide – an appreviated version of this Desk Guide (need link)

Agent/Liable Guide – a one page brief on working with customers across state lines (need link)

For additional resources, such as Forms, General Information, Guides, Technical Advisories, Training and Employment Guidance Letters on the Trade Act program visit the NYS Department of Labor at: <https://labor.ny.gov/workforcenypartners/tools.shtm>