

# **IF IMPORTS OR SHIFTS IN PRODUCTION COST YOU YOUR JOB...APPLY FOR TRADE ADJUSTMENT ASSISTANCE**

## **Trade Adjustment Assistance**

Trade Adjustment Assistance (TAA) is available to workers who become partially or completely separated from their job, or threatened with a layoff, as a result of foreign imports or as a result of shifts in production to foreign countries. The following individuals may also qualify for the TAA program:

- Adversely affected secondary workers who supply components to a firm whose workers are already covered by a certified petition
- Workers who perform additional value-added production and finishing operations for a firm whose workers are already certified.

TAA includes a variety of re-employment services and other benefits to help impacted workers prepare for and obtain suitable employment. The following services are available to these workers:

- Assessment of skills, interests and service needs
- Assessment of need for remedial or prerequisite training
- Diagnostic assessments
- Provision of Labor Market information which includes job vacancy listings, as well as information on jobs in demand and skills needed for them
- Information on financial aid
- Short term vocational services, such as job searching, resume writing, etc.
- Individual career guidance before and after training
- Development of individual employment plans
- Information on support services
- Referral to partners such as veteran services, vocational rehabilitation, etc
- Job search allowance
- Relocation allowance
- Training
- Assistance with health insurance through Health Coverage Tax Credit (HCTC)
- Wage subsidy through the Reemployment Trade Adjustment Assistance (RTAA) for eligible workers age 50 and older
- Weekly Trade Readjustment Assistance, or income maintenance (TRA) after exhaustion of regular Unemployment Insurance (UI) benefits

Job Service North Dakota (JSND) serves as the agent to the USDOL in administering the TAA Program in North Dakota.

There is a separate program available for farmers. Eligibility determination for that program is the responsibility of the Secretary of Agriculture. For further information contact the Department of Agriculture, Foreign Agriculture Service at (202) 720-2916.

## **Establishing Eligibility for Trade Adjustment Assistance**

To be eligible for TAA, a petition certified by the Office of Trade Adjustment Assistance must cover you. A group of three or more workers, their union or an authorized representative, an official of the firm, one-stop operators, or JSND may file petitions. You can obtain petition forms by calling (202) 693-3560, faxing 202-693-3584, searching online at <http://www.doleta.gov/tradeact> or writing the U.S. Department of Labor, Employment and Training Administration, Division of Trade Adjustment Assistance, Room C-5311, 200 Constitution Avenue Northwest, Washington, D.C., 20210.

When a petition is received, a fact-finding investigation is conducted to determine whether increased imports contributed importantly to decreased sales or production and to worker separations in a particular company

or subdivision, or whether jobs were lost to countries outside the United States. If increased imports or shifts in production contributed importantly to job reductions in your company or subdivision, the USDOL may certify the affected group of workers as eligible to apply for TAA. The certification will contain an "Impact Date," which is a date of up to one year prior to the date of the petition and an "Expiration Date" which is usually two years from the date of issuance. Workers who are separated within the period of the certification or who are otherwise covered by the certification are invited to apply for TAA.

## **Applying for TAA-TRA Benefits When Your Group Has Been Certified**

If you are interested in learning if you qualify for TAA and/or TRA, go to the nearest JSND office to complete the "Request for Trade Act Determination" form for a determination of your individual eligibility for the Trade Act Program. This should be completed on one of your first visits to a local JSND office.

You will receive two determinations; one for the TAA program and the other for TRA.

To be eligible for TRA benefits, you must meet the requirements outlined in the section "Qualifying for Trade Readjustment Allowances". TRA benefits are weekly allowances paid if an individual is enrolled in an approved training program or under an approved Waiver of Training. Please note that it is possible to qualify for TAA and not TRA.

## **Improving Your Job Prospects through Training**

If there are no suitable jobs in your area and training would improve your chances of getting a job, you should discuss your needs with your JSND case manager. You will be advised as to the employment outlook for workers with different job skills, the kinds of work best suited to your aptitudes and interests, and the training opportunities that may be available at no cost to you. Training opportunities include on-the-job training, vocational or technical training, remedial or prerequisite education, and customized training.

You may receive TRA benefits while you train as long as you continue to attend and make satisfactory progress in full time training. If the training facility you attend is beyond the normal commuting distance from your home, you may be paid for some of your transportation costs and living expenses.

## **Waiver of Training**

In order to receive weekly TRA benefits while attending full time TAA-approved training, you must be enrolled in that training within 26 weeks of your final separation date or petition certification date, whichever is the latter of the two dates. Your JSND case manager has the right to waive the training requirement, if you meet certain criteria. See your case manager for details.

## **Obtaining a Job Search Allowance**

A job search allowance may be payable to cover expenses incurred in interviewing for suitable employment outside of your normal commuting area. You may be paid 100 percent of necessary costs (up to a maximum of \$1500) while searching for such employment.

There are time limits for submitting applications for job search allowances. You must file for job search allowances within 365 days after the date of certification or 365 days after the date of your last total separation, whichever is later, or within 182 days after you complete approved training. Therefore, it is important that you visit JSND to complete an application before traveling to an interview for work outside your normal commuting area. Only travel within the United States may be authorized.

## **Obtaining a Relocation Allowance**

If you are successful in obtaining suitable employment outside your normal commuting area, TAA offers financial assistance for you to relocate to your new area of employment.

A relocation allowance may pay up to 100 percent of the reasonable and necessary expenses of moving you, your family, and your household goods (not to exceed the weight limit authorized in federal travel regulations) to the new location. Additionally, you may receive a lump sum payment equal to three times your former average weekly wage (up to a maximum \$1500) to help you get settled.

To apply for a relocation allowance, see your JSND case manager. Your application must be submitted and approved before you begin moving. Your application may be approved if it is determined that no suitable work is available in your home area and that you meet the following criteria:

- Have obtained suitable work of long-term duration or a bona fide offer of such work in the area within the United States to which you will move.
- Have not previously received a relocation allowance under the same certification.
- Are totally separated from certified employment at the time of relocation. (Partially separated workers may apply in anticipation of total layoff.)

There are time limits for submitting an application for a relocation allowance. You must apply for a relocation allowance within 425 days after the date of certification or 425 days after your last total separation, whichever is later, or within 182 days after you complete approved training. Also, you must actually relocate within 182 days after you apply for a relocation allowance or 182 days after you complete approved training.

## **Qualifying for Trade Readjustment Allowances (TRA)**

To qualify for TRA benefits you must:

- Be covered by a certification.
- Be enrolled full time in an approved TAA training program or have a TAA Waiver of Training given to you by your JSND case manager.
- Be totally or partially separated from employment, due to lack of work in adversely affected employment, on or after the impact date and before the ending date of the certification.
- Have worked for the employer on the petition at least 26 weeks making a minimum of \$30 or more for each of those weeks during the 52 weeks prior to your total or partial separation. The period of eligibility may be adjusted under certain circumstances. Please contact JSND for further details.
- Have been entitled to and have exhausted all rights to unemployment benefits.
- If under an approved active TAA Waiver of Training or after completing TAA training, meet the same weekly work test applicable to claimants for unemployment benefits, including actively seeking, applying for and accepting work within your capabilities.
- You must be enrolled full time in an approved TAA training program or have an approved active waiver by the 26th week from the separation or petition certification date.

If you do not qualify for TRA benefits, you may still be eligible for the TAA benefits listed on the first page of this informational brochure.

## **The Amount of Your TRA**

If you qualify for TRA benefits, the weekly amount shall be an amount equal to the weekly benefit amount of the unemployment insurance (UI) claim that was active at the time of your first qualifying separation. If you do not have an active UI claim, the weekly benefit amount will be established by the first claim you file after separation.

## Your TRA Eligibility Period

If you qualify for TRA assistance, your eligibility period for basic TRA benefits is the 104-week period beginning with the first week, which follows the week of your last qualifying separation from the petitioned employer within the certification period. However, you must exhaust all your rights to unemployment insurance benefits before you may receive TRA benefits. The maximum amount of TRA benefits you may receive during this period is limited to 52 times your TRA weekly amount minus all unemployment insurance benefits, including extended benefits, you were entitled to receive. For example, if you were eligible for 26 weeks of regular unemployment insurance benefits, you may receive up to an amount equal to 26 weeks of TRA benefits. Under the TRA program, you may receive up to 78 additional weeks of TRA benefits if you are attending full time training. If you participated in remedial or prerequisite education, you could qualify for up to 26 additional weeks of TRA benefits.

## Qualifying for the Health Coverage Tax Credit (HCTC)

The Health Coverage Tax Credit (HCTC) is a federal tax credit that pays 80% of qualified health plan premiums for eligible trade-impacted workers and certain Pension Benefit Guaranty Corporation (PBGC) benefit recipients. The goal of HCTC is to make health coverage more accessible and affordable for those who might otherwise not be able to afford it. HCTC is a tax credit that helps a specific population of eligible individuals. Individuals who are receiving certain Trade Adjustment Assistance (TAA), Reemployment Trade Adjustment Assistance (RTAA), or pension benefit payments from the Pension Benefit Guaranty Corporation (PBGC) are potentially eligible for the HCTC.

The HCTC credit may also cover a qualified individual's spouse and dependents. Qualified individuals can use the HCTC benefits to purchase health coverage for themselves and qualified family members. Qualified individuals may claim the credit by choosing one of the following options:

- Register for the advance credit and receive it on a monthly basis in the form of a payment to your health insurance company to help pay for insurance premiums as they are due. This is referred to as the advance tax credit.
- Claim the credit on your federal income tax return. You will receive the credit when you are issued your tax refund from the IRS.
- A combination of the two: if you received the advance tax credit for some months but also made full payments to your health plan for other eligible months, you can claim the HCTC on your federal tax return for those eligible months in which you paid your health plan directly.

The Internal Revenue Service will provide a Program Kit for each individual who meets the TAA/RTAA program requirements. Each Program Kit will take you step-by-step through the process of claiming the HCTC. You may request this Program Kit by contacting the IRS using the following information:

- <http://www.irs.gov> (IRS Keyword: HCTC) and clicking on the Program Kit link
- 1-866-628-HCTC (4282)
- TDD/TTY callers may call 1-866-626-4282

For more information on the HCTC program, contact your nearest local JSND office or call the toll free number above.

# Qualifying for Reemployment Trade Adjustment Assistance

Reemployment Trade Adjustment Assistance (RTAA) program benefits are provided in addition to the benefits offered under the regular TAA program. Participation in RTAA allows older workers to accept reemployment at a lower wage and receive a wage subsidy, not to exceed \$12,000 within two years.

To be eligible for RTAA you must meet the following requirements:

- Be at least 50 years of age at the time of reemployment.
- Must not be expected to earn more than \$55,000 in annualized gross wages (excluding overtime pay) from the reemployment.
- Be reemployed full-time as defined by the state law where the worker is employed, unless you are attending a full time TAA-approved training program. For purposes of this program, North Dakota defines fulltime work as 32 hours per week at a North Dakota business.
- Be reemployed at a new business other than the one from which you were separated. You cannot receive the subsidy if you are reemployed by the impacted employer at the same or a different location.

The number of months/weeks someone may receive RTAA payments is determined by a number of factors such as:

- Date that full time reemployment is secured
- Date unemployment claim is/was exhausted
- Number of weeks, if any, that TRA was received.

Each participant is limited to receiving RTAA benefits for an absolute minimum of 2 years, or \$12,000, whichever comes first.

## Your Appeal Rights

Worker petition for Group Eligibility. Under Trade Act law, workers whose petition for TAA has been denied by the USDOL may request administrative reconsideration by the USDOL within 30 days after publication of the determination in the *Federal Register*. Such request must be in writing and provide specific information or reasons why the workers consider the USDOL's decision to be in error either as to facts not considered or as to the interpretation of the facts or the law. Workers may also file an appeal seeking judicial review of the USDOL negative determination or negative redetermination within 60 days of publication of the denial in the *Federal Register*.

Pursuant to the Customs Court Act of 1980 (P.L. 96-417), appeals for judicial review must be filed with the U.S. Court of International Trade, Office of the Clerk, One Federal Plaza, New York, New York 10007, (212) 264-2800.

Individual Applications for Allowances and Training. If you are not satisfied with the determination of your individual application, you have appeal rights. These appeal rights with time limits for filing the appeal are documented on the determination notices, which you receive after filing your application..

Other Training Opportunities and Re-employment services. If you do not qualify for TAA, there may be other training opportunities and re-employment services available under the Workforce Investment Act (WIA). For further information on WIA, contact your local JSND office.



UI BENEFITS AREA  
JSND-4039 (R.10.09)

Job Service North Dakota is an equal opportunity employer/program provider.  
Auxiliary aids and services are available upon request to individuals with disabilities.  
TTY 1-800-366-6888