

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 unemployed as a result of foreign imports or as a result of shifts in production to countries involved in free-trade agreements with the United States. Adversely affected secondary workers, workers who supply components to a firm whose workers are certified under a petition, or workers who perform additional, value-added production and finishing operation for a firm whose workers are certified under a petition, can also qualify for the Trade Adjustment Assistance Program.

TAA includes a variety of benefits and re-employment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, a job search allowance, a relocation allowance, other re-employment services, assistance with health insurance through Health Coverage Tax Credit (ACTC), Alternative Trade Adjustment Assistance (ATAA) for older workers, and/or subsistence for individuals over 55 years old who are eligible to receive monthly benefits paid by Pension Benefit Guaranty Corporation (PBGC). In addition, weekly Trade Readjustment Allowances (TRA) may be payable to eligible workers following their exhaustion of unemployment insurance benefits.

The Employment and Training Administration of the U.S. Department of Labor (USDOL) administers the TAA Program. Job Service 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 Job Service North Dakota may file petitions. You can obtain petition forms from Job Service North Dakota, or you can phone (202) 693-3560, fax 202-693-3584, online at <http://www.doleta.gov/tradeact/petitions.asp>, or write to 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 that are parties to free-trade agreements with 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 and who are covered by the certification are eligible to apply for TAA.

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

Go to the nearest Job Service North Dakota office and complete the form "Request for Trade Act Determination (SFN-52657) for a determination of your individual eligibility for the Trade Act Program. This should be completed the first time you report to the local Job Service North Dakota office.

To be eligible for TAA benefits and re-employment services, you must have been laid off or put on a reduced work schedule (hours of work reduced to 80 percent or less of your average weekly hours and wages reduced to 80 percent or less of your average weekly wage) on or after the “Impact Date” and before the ending date of the certification. TAA benefits include: reemployment services, training, job search allowance, relocation allowance, assistance with Health Insurance through tax credits, alternative assistance for older workers, and subsistence for individuals over 55 years old who are eligible to receive monthly benefits paid by Pension Benefit Guaranty Corporation.

To be eligible for TRA benefits, you must meet the requirements outlined in the section “Qualifying for Trade Readjustment Allowances (see page 3). TRA benefits are weekly allowances usually paid only if an individual is enrolled in an approved training program. If you do not qualify for TRA weekly benefits, you may still be eligible for TAA benefits.

Improving Your Job Prospects Through Training

If there is no suitable jobs in your area and training would improve your chances of getting a job, you should discuss your needs with the Job Service staff. 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, and remedial education.

You may receive TRA benefits while you train as long as you continue to attend and make satisfactory progress in the 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.

Obtaining a Job Search Allowance

A job search allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area. You may be paid 90 percent of necessary transportation and living expenses (up to a maximum of \$1250) while searching for such employment.

There are time limits for filing 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 Job Service and file an application before beginning your search for work outside your normal commuting area. Only travel within the United States is authorized.

Obtaining a Relocation Allowance

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

A relocation allowance may pay up to 90 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 \$1250) to help you get settled.

To apply for a relocation allowance, see Job Service North Dakota. Your application must be filed and approved before moving. Your application may be approved if it is determined that no suitable work is available in your home area and that you:

- 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 filing an application for a relocation allowance. You must file 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 begin your relocation 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 completed an approved TAA training program, unless the training requirement is currently waived by Job Service North Dakota.
- Be totally 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 at least 26 weeks at wages of \$30 or more a week in adversely affected employment with a single firm or subdivision in the 52-week period ending with the week of separation. You can substitute up to 7 weeks of non-work for specified reasons, up to 26 weeks of worker's compensation and up to 26 weeks of active duty as a military reservist towards the 26-week requirement.
- Have been entitled to and have exhausted all rights to unemployment benefits.
- If under an approved active TAA waiver or after completing TAA training, meet the same weekly work test applicable to claimants for extended 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 16th week from the separation date or by the 8th week from the certification date. A 45-day extension is possible for extenuating circumstances.
- You must be in full time TAA approved training or have an approved active waiver.
- You must notify the TRA Unit immediately if you change classes, drop classes or quit school.
- You must repay any TRA benefits you received if you are determined ineligible for the weeks of payment.

If you do not qualify for TRA benefits, you may still be eligible for TAA which includes: re-employment services, training, a job search allowance, relocation allowance, assistance with Health Insurance through tax credits, alternative assistance for older workers, and/or subsistence for individuals over 55 years old who are eligible to receive monthly benefits paid by Pension Benefit Guaranty Corporation.

The Amount of Your TRA

If you qualify for TRA benefits, the weekly amount shall be an amount equal to the most recent weekly benefit amount of unemployment insurance (UI) payable to an individual for a week of total unemployment preceding the individual's first exhaustion of UI and following the individual's first qualifying separation.

Your TRA benefits will be reduced by any earnings or other income you receive in the same way such as earnings and income would have reduced your weekly unemployment benefits.

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 most recent total separation 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 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 52 additional weeks of TRA benefits if you applied for training within 210 days of your total qualifying separation date or the petition certification date and are still attending school. If you participated in remedial education, you could qualify for up to 26 additional weeks of TRA benefits. Also, if you return to work covered by the same certification and are again totally separated within the certification period and again meet the wage qualifying requirements, the 104-week eligibility period will be recalculated beginning with the first week after the subsequent separation.

Qualifying for the Health Coverage Tax Credit (HCTC)

The Health Coverage Tax Credit (HCTC) is a federal tax credit that pays 65% of qualified health plan premiums for eligible trade-impacted workers and certain Pension Benefit Guaranty Corporation (PBGC) benefit recipients. Congress established the tax credit in the Trade Act of 2002, with the goal of making health coverage more accessible and affordable for those who might otherwise not be able to afford it. The HCTC is a tax credit that helps a specific population of eligible individuals. Only individuals who are receiving certain Trade Adjustment Assistance (TAA), Alternative Trade Adjustment Assistance (ATAA), 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 that meets the TRA/ATAA program requirements. Each Program Kit will take you step-by-step through the process of verifying your eligibility to claiming the HCTC. You may request this Program Kit by contacting the IRS:

- <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 how to qualify for the HCTC program, contact your nearest local Job Service North Dakota office.

Qualifying for Alternative Trade Adjustment Assistance (ATAA)

Alternative Trade Adjustment Assistance (ATAA) program benefits are provided as an alternative to the benefits offered under the regular TAA program. Participation in ATAA allows older workers, for whom retraining may not be appropriate, to accept reemployment at a lower wage and receive a wage subsidy, not to exceed \$10,000 within a two- year period starting with the first qualifying reemployment

To be eligible for ATAA you must:

- Be at least 50 years of age at the time of reemployment.
- Obtain reemployment by the last day of the 26th week of qualifying separation from TAA/ATAA certified employment.
- Must not be expected to earn more than \$50,000 annually in gross wages (excluding overtime pay) from the reemployment.
- Be reemployed full-time as defined by the state law where the worker is employed.
- Cannot return to the same employer in which the person was separated even if the work is not same or the similar. Thus, the person cannot seek employment with same employer if the business does have another location or relocates to a different location.

Applications for ATAA must be filed within the two years of the first day of qualifying reemployment. The worker must indicate that a "choice" has been made and that they understand a switch cannot be made from receiving ATAA supplement to receiving the TAA supplement.

Your Appeal Rights

Worker petition for Group Eligibility. Under the Trade Act of 2002, 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 the same appeal rights as are provided under your state Unemployment Compensation Law. The determination notice, which you receive after filing your application, will explain your appeal rights and time limits for filing an appeal.

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 in your community under the Workforce Investment Act (WIA). For further information on WIA, contact your local Job Service North Dakota office.

For Further Information on the TAA Program

The Office of Trade Adjustment Assistance is in the Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue Northwest, Room C-5311, Washington, DC, 20210, Telephone (202) 693-3555. A good source for further information on how the TAA Program works is your local Job Service office.



UI BENEFITS AREA
JSND-4039 (R.09-07)

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