

# MINNESOTA

## TRADE ADJUSTMENT ASSISTANCE COUNSELOR HANDBOOK

LAST REVISED 9/28/2015

MINNESOTA DEPARTMENT OF  
EMPLOYMENT AND ECONOMIC DEVELOPMENT



## TABLE OF CONTENTS

Introduction. . . . .	1
Participant Eligibility . . . . .	3
Case Management Services . . . . .	4
TAA Funded Training . . . . .	5
On-The-Job Training (OJT). . . . .	8
Apprenticeships . . . . .	10
Waiver of Training . . . . .	11
Trade Readjustment Allowance (TRA) . . . . .	13
Job Search Allowance. . . . .	15
Relocation Allowance. . . . .	16
Reemployment Trade Adjustment Assistance (RTAA). . . . .	17
TAA Laws. . . . .	19
Appendix A: Forms And Policies. . . . .	21
Appendix B: Acronyms. . . . .	21
Appendix C: TRA Timelines . . . . .	22
Appendix D: Definitions . . . . .	23
Appendix E: Additional Information . . . . .	32

## CONTACT INFORMATION

	Minnesota TAA Staff	Minnesota TRA Staff	USDOL – Office of Trade Adjustment Assistance
	<b>Minnesota Department of Employment and Economic Development</b>		<b>United States Department of Labor Employment and Training Administration</b>
Address	Trade Act Unit 1st National Bank Building 332 Minnesota Street, Suite E200 St. Paul, MN 55101	UI Customer Service P.O. Box 75576 St. Paul, MN 55175-0576 (ask for a TRA specialist)	Office of Trade Adjustment Assistance Room C-5311 200 Constitution Ave. N.W. Washington, DC 20210
Phone	651-259-7543 (toll free) 1-888-234-1330	651-296-3644 (toll free) 1-877-898-9090	202-693-3560
Email	DEED.TAA@state.mn.us	DEED.TRA.@state.mn.us	
Web	<a href="http://www.mn.gov/deed/applytaa">www.mn.gov/deed/applytaa</a>	<a href="http://uimn.org/uimn/applicants">http://uimn.org/uimn/ applicants</a> <b>KEYWORD: TRA</b>	<a href="http://www.doleta.gov/tradeact">www.doleta.gov/tradeact</a>
Fax	651-296-0288	651-296-0253	202-693-3584 or 3585

## INTRODUCTION

### BACKGROUND

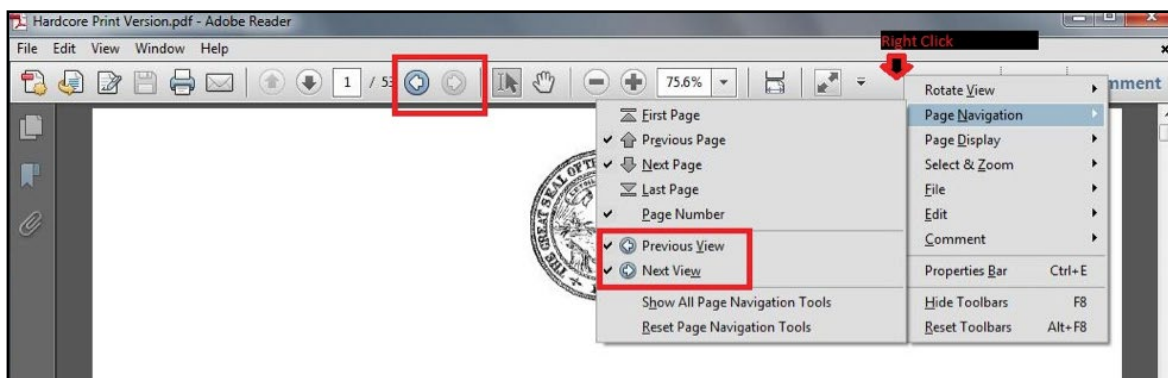
Trade Adjustment Assistance (TAA) is a federal program that helps workers who lose their jobs or whose hours of work and wages are reduced as a result of foreign trade. Under the Trade Act of 1974, as amended, workers whose employment is adversely affected by increased imports may apply for TAA, which offers a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment as quickly as possible. Eligibility is determined by the United States Department of Labor (USDOL) and the program is administered by the Minnesota Department of Employment and Economic Development (DEED). The enactment of the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015) marks the most recent amendment to the Trade Act of 1974. Four other sets of amendments, referred to in this manual as the 2002 law, the 2009 law, the 2011 law, and the Reversion 2014 Law have occurred. Only 2002, 2009, 2011, and 2015 Laws contribute to currently used TAA policy. For a more detailed history of the TAA program, see [TAA Laws Section](#).

### PURPOSE OF THIS HANDBOOK

The purpose of this handbook is to guide program staff and Dislocated Worker Program Counselors on the requirements and procedures for the Minnesota TAA program. The policies and procedures within this handbook describe how to operate the TAA program to maximize training and benefit resources to serve dislocated workers whose companies have been trade certified. This handbook will cover the issues concerning most TAA participants. If you cannot find the information you need in this guide, you should contact the TAA staff at DEED. The TAA staff in St. Paul appreciates all the dedication and hard work of counselors in serving the best interests of TAA participants. The success of our statewide program is the result of our combined efforts. Thank you.

## TIPS ON USING THIS HANDBOOK

- ◆ Search for keywords: You can search this document for keywords, much like searching on the internet. If you press the “Ctrl” key and the “F” key on your keyboard, Adobe Reader will open a search box at the top of the manual. By typing in words like “training waiver” Adobe will show you all the pages with those words on it. Use this function for quick reference.
- ◆ Use the hyperlinks: To best help you use this manual, information is organized as follows:
  - ◆ **Purple, underlined text:** Refers to a [definition](#) found in the definition section at the end of the manual; click and you will be taken to the definition;
  - ◆ **Green, italicized underlined text:** This is a hyperlink to the [forms and links](#) section of the document, where you can download forms used in the TAA program;
  - ◆ **‘Bolded text:** This is a hyperlink to a subject found in the **“additional information”** at the end of the document. The superscripted number tells you which subject it is;
  - ◆ **Red, bold, and underlined text:** This is a hyperlink to an [external web page](#).
- ◆ Turn on “Previous View” and “Next View” buttons: For the best digital readability, we recommend that you turn on the “Previous View” and “Next View” buttons on the toolbar of your PDF reader (see photo below). To turn the buttons on in Adobe, Right Click on the tool bar; click on Page Navigation; click on the “Previous View” and “Next View” to turn them on (evidenced by check mark next to them).



## PARTICIPANT ELIGIBILITY

### GROUP ELIGIBILITY

Worker group eligibility is determined by the United States Department of Labor (USDOL), Office of Trade Adjustment Assistance (OTAA) in response to a petition for services filed as a result of involuntary job loss due to trade issues. Once a petition is certified, it is assigned a [petition number](#) that determines what law the worker group is covered under and, therefore, the services and benefits available to them. The certification criterion under [2002 law](#) was limited to workers from the manufacturing sector. [2009 law](#) had wider eligibility and included the manufacturing and service sectors. 2014 Reversion law returned to 2002 law standards and defined group eligibility as only those workers who were laid off from the manufacturing sector. The 2015 law took effect September 28, 2015, and broadens eligibility once again to include the service sector along with manufacturing. All 2014 petitions transitioned to 2015 law. There are three steps to establishing eligibility for a group of workers.

1. A petition is filed on behalf of a group of [trade-impacted workers](#). This can be done by TAA Specialists, a group of three trade-impacted workers, a company official, union official, one stop operator/partner, or an authorized representative for one of these parties. In Minnesota, we prefer that TAA Specialists file petitions, because they know the intricacies of the TAA law. If another group does file a petition, we ask that they also send a copy to the TAA staff at DEED.

2. The OTAA then investigates the petition, makes a determination, and files the determination in the Federal Register. Summaries of determinations can be found at [OTAA's searchable database](#).
3. If the petition is certified, the company is responsible for providing a list of affected workers.

### INDIVIDUAL ELIGIBILITY

After a petition is certified, the affected workers are considered eligible to receive assistance through TAA if they meet the following requirements:

- ◆ They are members of the group certified by the OTAA.
  - ◆ This may be evidenced through a certified letter from TAA Specialists or their company's inclusion in a petition on file in [OTAA's searchable database](#).
- ◆ They are partially or completely separated from their employment within the certification period because of a lack of work from the employer. Under 2009, 2011 and 2015 law workers can receive TAA training benefits right away if they have proof of an upcoming separation. These participants are called 'incumbent workers' and they can receive TAA services if they are within at least 6 months of anticipated separation.

## CASE MANAGEMENT SERVICES

### OVERVIEW

Dislocated Worker Counselors must notify all participants who are receiving TAA benefits of the eight case management services available to them through their co-enrollment in the Dislocated Worker program. These services are:

1. Comprehensive **assessment** of skills and service needs through assessment tools and in-depth interviewing;
2. Development of an **individual employment plan**;
3. Information on **training available** in the local area;
4. **Financial aid information**<sup>1</sup>, including section 402F of the Higher Education Act of 1965
5. Short-term **prevocational services**;
6. Individual career counseling;
7. Regional labor market information;
8. **Supportive services** information such as child care, transportation, housing assistance, and needs-related payments. These services are income based and available Dislocated Worker customers.

### PROCESS, ROLES AND RESPONSIBILITIES

<b>Participant</b>	<ul style="list-style-type: none"> <li>• Meet with Dislocated Worker Counselor; inform counselor of TAA status.</li> <li>• Log on to the <a href="#">TAA Website</a> and download the appropriate customer handbooks.</li> <li>• Maintain contact with Dislocated Worker Counselor every 60 days, or as stipulated by the provider.</li> </ul>
<b>Counselor</b>	<ul style="list-style-type: none"> <li>• Explain all eight of the case management services which the participant can receive.</li> <li>• Market TAA related benefits to eligible participants including: Training, Work Search, On-the-Job Training (OJT), Re-employment Trade Adjustment Assistance (RTAA), Job Search Allowance, Relocation Allowance, and Trade Re-adjustment Assistance (TRA).</li> <li>• Develop <b>Individual Employment plan (IEP)</b> with participant.</li> <li>• Help participant complete <u><a href="#">training or work search application</a></u>.</li> <li>• Document all offered and received case management services in WF1 or in the participant's file.</li> <li>• Document <u><a href="#">training benchmarks</a></u> every 60 days in employment plan (2011 and 2015 law).</li> <li>• Complete a Waiver of Training if participant will not be <b>enrolled in training</b> by deadline; submit to TAA Specialist with supporting documentation and necessary application in an appropriate timeframe.</li> </ul>
<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Answer questions from participants or counselors regarding TAA benefits.</li> </ul>

## TAA FUNDED TRAINING

### OVERVIEW

The purpose of TAA training is to assist [trade-impacted workers](#) in obtaining the skills necessary to gain suitable employment.

- ◆ Authority for approval of training programs resides with the [TAA Specialist](#). Approvable programs may be found in the additional information on [TAA-Approved Training Programs](#).
- ◆ A participant's training program may also include **Remedial or Prerequisite Coursework<sup>1</sup>**, if the participant requests and the TAA Specialist agrees.

TAA will pay for 100% of tuition, course fees, books, **required supplies and equipment<sup>2</sup>**, **transportation<sup>3</sup>**, as well as other items or services deemed necessary for the completion of an approved occupational skills training program. If a training plan needs to be modified, see the additional information section on **modifying a training plan<sup>4</sup>**.

## ELIGIBILITY, REQUIREMENTS, AND DEADLINES

- ◆ TAA will pay for training if an assessment of the participant's skills and interests reflects a need for training related to employment opportunities and if the participant meets **six eligibility criteria**<sup>5</sup>, which are:
  1. There is no **suitable employment** (see page 30) available for the adversely worker.
  2. The adversely affected worker would benefit from appropriate training.
  3. There is reasonable expectation of employment following completion of training.
  4. Approved training is reasonably available from either governmental agencies or private sources.
  5. The adversely affected worker is qualified to undertake and complete such training.
  6. Such training is suitable for the adversely affected worker and is available at a reasonable cost.
- ◆ Participants are only allowed one training plan, which must result in a **credential**.
- ◆ The actual costs of training (including tuition, supplies, and equipment) should not exceed the soft cap established by TAA per year. If costs do exceed this limit, **additional justification** is required to approve the training plans.
- ◆ Finally, **Labor Market Information (LMI)** must indicate a growth in the participant's target field. Sources for LMI can be found in the previous link.
- ◆ Participants can return to their trade impacted employer and continue their training plan. Learn more [here](#).

## ELIGIBILITY, REQUIREMENTS, AND DEADLINES

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>TRAINING WEEKS</b> See <a href="#">how to count training weeks</a> <sup>6</sup>	156 maximum	130 maximum Plans beyond 104 weeks require additional justification
<b>ENROLLMENT DEADLINE</b> See <a href="#">Waiver of Training section</a>	Participant must be enrolled in training (or on an approved waiver) within 26-weeks of certification or layoff, whichever date is later, to ensure consideration of TRA income support	
<b>PART-TIME PARTICIPANTS</b>	Full-time or part-time training is allowed. Part-time training disqualifies TRA benefits. See TRA section for more information.	
<b>ADVERSELY AFFECTED, INCUMBENT WORKERS</b>	Training is allowed before separation	
<b>TRAINING BENCHMARKS</b>	Not Applicable	To be eligible for <b>Completion TRA</b> , participants must meet <b>training benchmarks</b> . Benchmarks must be received and case noted at 60 day intervals by counselor.
<b>TRAINING PROGRESS REPORT</b>	Participants in training longer than six months must complete the <b>Training Progress Report</b> every 60 days of every term they are enrolled in training. Access a digital template of report <a href="#">here</a>	



## PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES APPLICATION

<b>APPLICATION</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>Complete the <a href="#">TAA Training Application Form</a>.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>Assist participant with filling out training application.</li> <li>Approve and submit TAA applications to TAA Specialist.</li> <li>Assist participant with modifying the training application as needed.</li> <li>Tip: Consider having participants sign a release of information form right away, in case you need school documents later.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>Review application form. Verify that: It has complete documentation, meets the <b>six eligibility criteria</b><sup>3</sup>, suggests training at a reasonable cost, and any additional documentation or justification has been received.</li> <li>Send approval to participant and counselor (usually by e-mail).</li> <li>Create Purchase Order (payment for approved benefits) for three terms and send to training institute.</li> <li>Open "Occupational Skills Training" activity in Work Force One (<a href="#">WF1</a>).</li> <li>Send copies of the TAA Training Application to the TRA Unit.</li> </ul>

## DURING TRAINING

<b>DURING TRAINING</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>Provide class schedule to counselor before beginning of every semester/quarter.</li> <li>Provide grades to counselor after every semester/quarter.</li> <li>Maintain contact with counselor every 30-60 days. Inform counselor of any barriers to progress in training, including any need to withdraw from a class, drop below full-time status, or changes in class schedule.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>Maintain contact with participant every 30-60 days.</li> <li>For <a href="#">2011 and 2015 law</a>: Keep record of participant's class registration and grades. Review grades (as available) and progress every <b>60</b> days to determine if participant is meeting training benchmarks. Write a case note in WF1 with the determination.</li> <li>Inform TAA Specialist of any modification in a participant's training plan, <a href="#">Individual Employment Plan (IEP)</a>, record of <b>poor performance</b><sup>7</sup> or poor attendance at training.</li> <li>If training plan is modified, update the IEP. Contact TAA Specialists with training modifications as needed, and send a copy of the updated IEP. Include supporting documentation as necessary.</li> </ul>
	<b>TAA Specialist</b> <a href="#">(2002/2009/2011/2015 law)</a>	<ul style="list-style-type: none"> <li>Monitor continuing eligibility and answer any questions counselor may have.</li> </ul>
	<b>TAA Specialist</b> <a href="#">(For 2011/2015 law)</a>	<ul style="list-style-type: none"> <li>Inform TRA Specialists if participant is not meeting satisfactory progress towards benchmarks, drops below full-time status, or needs an extension to their training weeks.</li> <li>Issue a warning the first time a training benchmark is not met.</li> <li>Modify the training plan if participant again fails to meet a training benchmark.</li> </ul>

## AFTER TRAINING

<b>AFTER TRAINING</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>Provide proof of <a href="#">credential</a> to counselor when training is completed.</li> <li>Maintain contact with Dislocated Worker Counselor during employment search; inform counselor when employment is obtained</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>Provide TAA Specialist with an end date of training for the participant.</li> <li>Provide career counseling after training is completed until participant finds employment.</li> <li>Market RTAA/ATAA, Job Search Allowance, and Relocation Allowance to eligible participants.</li> <li>Provide employment details and request TAA closure from TAA Specialist when participant is employed. When requesting closure, include the <b>required information in closing out a TAA participant</b><sup>8</sup>.</li> <li>Enter credential in the WF1 Outcome or Follow-Up screens, and provide a copy to TAA specialists.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>Close "Occupational Skills Training" activity in <a href="#">WF1</a> once participant is done with training, and a copy of the credential has been received.</li> <li>Enter TAA termination date to close out participant. <ul style="list-style-type: none"> <li>Enter case notes with end results</li> <li>Request Success Story information as necessary</li> </ul> </li> </ul>

## ON-THE-JOB TRAINING — OJT

### OVERVIEW

On-the-Job Training (OJT) is appropriate for participants when an employer is willing to hire and train them for a job different than the one from which the participant was separated (or laid off). The benefits and successes of OJT are well documented, and it is the method of training most preferred by DOL. In OJT DEED will reimburse an employer for up to 50% of a worker's new wage.

- ◆ The training in OJT must provide knowledge or skills essential to the full and adequate performance of the job.
- ◆ The employer must meet **specific labor standards**<sup>9</sup> and will enter into a contract with DEED.
- ◆ Participants engaged in OJT are considered employees of the hiring company and are not eligible for TRA benefits, although they may have received TRA prior to an OJT.
- ◆ Participants engaged in an OJT are not eligible for any other TAA funded training. Likewise, if a participant has received another form of training, they are not eligible for an OJT.
- ◆ After the completion of OJT, the participant is eligible for RTAA if they meet the other criteria outlined in the RTAA section.

### ELIGIBILITY, REQUIREMENTS, AND DEADLINES

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>ELIGIBILITY CRITERIA</b>	1. There is a reasonable expectation of suitable employment with the employer offering the OJT opportunity; 2. The OJT is compatible with the skills of the worker; 3. There is a training curriculum that provides the worker with the required skills to become job proficient; and 4. Measurable benchmarks are in place, and indicate the worker is gaining the required knowledge or skills.	
<b>MAXIMUM COSTS</b>	The actual costs of training (including supplies and equipment) should not exceed soft cap assigned by TAA. Costs exceeding soft cap require additional justification.	
<b>TRAINING WEEKS</b>	104 week maximum	

## PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES

### OJT REQUESTS

<b>OJT REQUESTS</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Meet with Dislocated Worker Counselor.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>• Inform participant that they are not eligible for TRA in an OJT.</li> <li>• Contact TAA Specialist to request OJT contract.</li> <li>• Incorporate OJT into the participant’s training plan and document in <a href="#">Individual Employment Plan (IEP)</a>.</li> <li>• Send IEP and participant resume to TAA Specialist.</li> <li>• OJT contract must be signed and submitted to TAA Specialist prior to the participant’s start date.</li> <li>• For more information on OJT plan requirements, see DEED’s <a href="#">Approval of On-the-Job Training Programs Policy</a>.</li> </ul>
	<b>Employer</b>	<ul style="list-style-type: none"> <li>• Sign contract and submit training outline to TAA Specialist before participant’s start date.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Contact the employer to determine whether or not the OJT qualifies. If it does, DEED will enter into a contract with the company and the participant will be able to accept employment.</li> <li>• Open “OJT activity” in <a href="#">WF1</a>.</li> </ul>

### DURING OJT

<b>DURING OJT</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Keep counselor informed of barriers which may prevent progress in OJT.</li> <li>• Maintain contact with counselor every 30–60 days.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>• Maintain contact with participant every 30–60 days.</li> <li>• Inform TAA Specialist of any modification in a participant’s training plan.</li> <li>• If training plan is modified, update the IEP and send to TAA Specialist.</li> </ul>
	<b>Employer</b>	<ul style="list-style-type: none"> <li>• Submit copy of participant’s paystubs to TAA Support Staff with a copy of TAA invoice form.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Provide technical assistance to counselors, employers, or participants as necessary.</li> </ul>

### AFTER EMPLOYMENT

<b>AFTER EMPLOYMENT</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Inform counselor when OJT is complete.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>• Provide TAA Specialist with an end date of OJT for the participant.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Close “OJT activity” in <a href="#">WF1</a> once participant is done with OJT.</li> <li>• Enter TAA termination date to close out participant.</li> </ul>

## APPRENTICESHIPS

Registered Apprenticeships offer participants employment and a structured, on-the-job learning experience with related instruction. In an apprenticeship, companies employ participants as they learn on-the-job and work through a series of defined curricula related to their employment/profession. Apprenticeships are different from an OJT in that the employer pays all of the participant's wages. Apprenticeships may have time or performance requirements for program fulfillment, but most Registered Apprenticeships are 1-6 years in length. Further information on Registered Apprenticeships can be found at [DOL's Registered Apprenticeship Website](#).

TAA can help pay for a Registered Apprenticeship through funding any expenses incurred by the participant and associated with the related instruction (e.g. initiation fees, monthly dues). TAA funds can also pay for required tools, uniforms, books, and equipment. TAA transportation benefits are also available. Apprentices are not eligible for TRA benefits because they are receiving a wage from an employer. However, for applicants who are 50 or older, RTAA benefits may be requested.

For more information on Registered Apprenticeships and what opportunities exist in your area contact Rich Davy from the Minnesota Department of Labor and Industry at: (651) 284-5199 or [Richard.Davy@state.mn.us](mailto:Richard.Davy@state.mn.us).

## ELIGIBILITY, REQUIREMENTS, AND DEADLINES

For TAA to fund an apprenticeship, the following requirements must be met:

- ◆ The apprenticeship must be a Registered Apprenticeship with the [Minnesota Department of Labor and Industry](#). Registered Apprenticeships can be searched at: <http://www.iseek.org/education/educationSearch#>.
- ◆ The apprenticeship must provide a credential (which could be an interim credential<sup>10</sup>) that certifies the participant in a wage that meets the requirements for suitable employment within the allowable training weeks (determined by participant's petition number in table below).
- ◆ [Labor Market Information \(LMI\)](#) must indicate a growth rate in the apprenticeship field.
- ◆ Participants must meet the **six eligibility criteria**<sup>5</sup> for any training, including an apprenticeship.

## ELIGIBILITY, REQUIREMENTS, AND DEADLINES

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>MAXIMUM COSTS</b>	The actual costs of the training portion of the apprenticeships should not exceed the soft cap established by TAA per year, per participant.	
<b>TRAINING WEEKS</b> See how to count training weeks <sup>3</sup>	156 maximum for any mix of remedial, pre-requisite or credential training	130 maximum for any mix of remedial, pre-requisite or credential training

## PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES

### APPLICATION

APPLICATION	<b>Participant</b>	<ul style="list-style-type: none"> <li>Indicate to Counselor interest in an apprenticeship program</li> <li>Coordinate with apprenticeship training sponsors and employers as necessary</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>Establish contact with Department of Labor and Industry as necessary</li> <li>Complete and obtain sponsor's signature on <i>Apprenticeship Training Agreement</i></li> <li>Submit application to TAA Specialist</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>Approve Apprenticeship Training Agreement</li> <li>Coordinate with Department of Labor and Industry and training sponsor</li> </ul>

### DURING TRAINING

DURING TRAINING	<b>Participant</b>	<ul style="list-style-type: none"> <li>Attend apprenticeship training, inform counselor of any changes in employment or apprenticeship status</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>Maintain contact with participant every 60 days.</li> <li>Inform TAA Specialist of any modification in a participant's training plan.</li> <li>If training plan is modified, update the IEP and send to TAA Specialist.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>Coordinate sponsor reimbursement for training</li> </ul>

## WAIVER OF TRAINING

### OVERVIEW

Eligible participants may waive the requirement of enrollment in **TAA-Approved Training** and still receive Basic TRA through the use of a Waiver of Training.

- Waivers are issued based on the participant meeting one of the qualifications listed under the participant's **petition number** in the table below.
- Waivers can technically provide up to 26 weeks of benefits, but there are many **factors impacting waiver duration**<sup>11</sup>.
- If receiving a Waiver of Training for health conditions (all laws) or marketable skills (2009 law only), participants must fulfill a work search requirement<sup>12</sup>, which entails making a systematic and sustained effort to obtain work and report work search activities each week.
- Dislocated Worker Counselors must conduct a **waiver review**<sup>15</sup> every 30 days while the waiver is in effect. See table below for timeframes by petition number.
- Waivers can be extended (through a **waiver extension**<sup>16</sup>) if requested by a counselor and if the participant has remaining Basic TRA.

### Causes for Waiver Termination

- Generally, a waiver terminates when the basis for the waiver is no longer in effect.
- Waivers expire after 26 weeks, unless an extension is sought, or when a participant's entitlement to Basic TRA exhausts.
- A waiver may be revoked if the participant obtains **suitable employment**, starts training, does not want to participate in the program, or fails to comply with follow up as directed.
- Once a waiver terminates or expires, participants must be enrolled in TAA-Approved Training by the Monday of the first week occurring 30 days after the waiver ends in order to be eligible for any remaining Basic, Additional, Completion or Remedial TRA.

## WAIVER OF TRAINING (CONTINUED)

### ELIGIBILITY, REQUIREMENTS, AND DEADLINES

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>REASONS FOR WAIVER</b> Participants must meet one of these qualifications	<ol style="list-style-type: none"> <li>Participant will be recalled to work within 26 weeks;</li> <li>Participant has <b>marketable skills</b>, a reasonable expectation of suitable employment in the foreseeable future, and completes the <b>work search requirement</b><sup>12</sup>;</li> <li>Participant is within two years of pension or social security eligibility;</li> <li>Participant is unable to complete training due to a health condition and fulfills <b>work search requirement</b><sup>12</sup>;</li> <li>No training program is available; or</li> <li>An <b>enrollment date is not immediately available</b><sup>13</sup> for training.</li> </ol>	<ol style="list-style-type: none"> <li>Participant is unable to complete training due to a health condition and fulfills <b>work search requirement</b><sup>12</sup>;</li> <li>No training program is available; and/or</li> <li>An <b>enrollment date is not immediately available</b><sup>13</sup> for training.</li> </ol>
<b>ENROLLMENT DEADLINE</b>	Participant must be enrolled in training or on an approved waiver within 26 weeks of certification or layoff to ensure consideration of TRA income support. See <b>exceptions to 26/26 deadline</b> <sup>14</sup> .	
<b>TRAINING ENROLLMENT AFTER A WAIVER</b>	Once a waiver terminates or expires, participants must be enrolled in TAA-Approved Training by the Monday of the first week occurring 30 days after the waiver ends in order to be eligible for any remaining Basic, Additional, Completion or Remedial TRA.	
<b>WAIVER REVIEW</b> components of waiver review <sup>15</sup>	After an initial 90 day waiver period, all waivers must be reevaluated every 30 days for the duration of the waiver period.	

### PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES

#### APPLICATION

APPLICATION	Participant	<ul style="list-style-type: none"> <li>Sign and date <i>Waiver of Training Application</i> before enrollment deadline if waiver will be sought.</li> <li>Discuss need for waiver with counselor.</li> </ul>
	Counselor	<ul style="list-style-type: none"> <li>Work with participant to develop an <i>Individual Employment Plan (IEP)</i> and assess the need for a waiver.</li> <li>If waiver is needed, complete Waiver of Training Application and submit to a TAA Specialist by the enrollment deadline as determined by petition number. The waiver is not valid without accompanying application.</li> </ul>
	TAA Specialist	<ul style="list-style-type: none"> <li>Approve or deny waiver (the TAA Specialist signoff date is the start date of the waiver).</li> </ul>
	TRA Specialist	<ul style="list-style-type: none"> <li>Verify that waiver meets applicable deadlines.</li> <li>Send letter of eligibility to participant.</li> </ul>

#### DURING WAIVER PERIOD

Participant	<ul style="list-style-type: none"> <li>Keep weekly records of job search and provide them to counselor.</li> <li>Maintain contact with counselor at least once every 30 days.</li> <li>Keep records of a "<b>systematic and sustained</b>"<sup>12</sup> job search.</li> </ul>
Counselor	<ul style="list-style-type: none"> <li>Conduct a <b>Waiver Review</b><sup>15</sup> within time frames listed in section above (make notes in WF1).</li> <li>Monitor participant's remaining eligibility weeks and deadlines for training enrollment in regards to Additional TRA and Remedial TRA benefits.</li> <li>Monitor weeks of Basic TRA remaining for participant, and notify TAA Specialist if a <b>waiver extension</b><sup>16</sup> is necessary.</li> </ul>
TAA Specialist	<ul style="list-style-type: none"> <li>TAA Specialist will conduct a waiver termination or extension if requested by the Dislocated Worker Counselor and if appropriate.</li> <li>If waiver is extended or terminated, make case notes as well as mark the extension/termination date in WF1, and inform TRA Specialist.</li> </ul>
TRA Specialist	<ul style="list-style-type: none"> <li>Update internal TRA systems with information as needed.</li> <li>Provide Dislocated Worker Counselor with information regarding remaining Basic TRA weeks when asked.</li> </ul>

## TRADE READJUSTMENT ALLOWANCE — TRA

### OVERVIEW

Trade Readjustment Allowance (TRA) is a weekly income support payment that is available to [trade-impacted workers](#) who are enrolled in a full-time, [TAA-Approved Training Program](#) or who have received a Waiver of Training. The amount of money participants receive through TRA is generally the same as the Unemployment Insurance (UI) they previously received. In this way, TRA benefits act like an extended income support after a participant has exhausted their UI. For more information, see [calculating TRA benefits](#)<sup>17</sup>.

There are five types of TRA support: Basic, Additional, Remedial, Pre-Requisite, and Completion.

- ◆ *Basic TRA* is provided to recipients who are enrolled in full-time TAA approved training or have a Waiver of Training.
- ◆ *Additional TRA* provides extra weeks of benefits to those who need it to complete their full-time training program.
- ◆ **Remedial TRA**<sup>19</sup> provides extra weeks of benefits to those whose training program includes **Remedial Education**<sup>18</sup>. (2009 law only)
- ◆ **Pre-requisite TRA**<sup>19</sup> provides extra weeks of benefits to those whose training program includes **Pre-requisite Education**<sup>18</sup>. (2009 law only)
- ◆ *Completion TRA* provides additional TRA weeks upon completion of training benchmarks for petitions covered by [2011 and 2015 law](#).

For more information on the duration and eligibility periods for each type of TRA, see the requirements section on the next page or see the [TRA timelines graphic](#) later in this document.

To be eligible for TRA, participants must have been employed by a [TAA-Certified Employer](#) for at least 26 weeks of the 52 weeks prior to layoff. There are certain **limitations to the 26 week rule**<sup>20</sup>, however. TRA recipients may participate in **employment during training**<sup>21</sup>. Doing so could affect their benefits, however. Follow the previous link for more information on how this is calculated and the TRA Earnings Disregard. TRA recipients may also continue to receive benefits during **scheduled breaks**<sup>22</sup> less than 30 days, although certain provisions apply. It is important for counselors to make participants aware that they may not receive TRA payments for the entirety of their training. Participants should understand their TRA benefits and prepare financially if they will not last the duration of their training.

TRA, like UI, is a complicated system and understanding or interpreting its many rules can be difficult. It is always advised to consult with a TRA Specialist to definitively answer any questions, especially when you are corresponding with a participant. Specialists can be reached via email at [DEED.TRA.@state.mn.us](mailto:DEED.TRA.@state.mn.us).

## TRADE READJUSTMENT ALLOWANCE — TRA (CONTINUED)

### REQUIREMENTS AND BENEFITS

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>TRAINING ENROLLMENT DEADLINE</b> See definition of “enrolled in training”	Participant must enroll within 26 weeks of either certification or layoff, whichever is later	
	<ul style="list-style-type: none"> <li>• May be extended by 45 days if extenuating circumstances apply</li> <li>• 30 days after the termination of a Waiver of Training (technically, the Monday of the first week occurring after 30 days)</li> </ul>	
<b>BASIC TRA</b> see <a href="#">TRA timelines graphic</a>	<ul style="list-style-type: none"> <li>• Maximum benefit is 52 times weekly UI benefit amount minus total UI received</li> <li>• Eligibility period to receive benefits is 26 weeks, starting the first week after exhaustion of the Standard UI</li> </ul>	
<b>ADDITIONAL TRA</b> see <a href="#">TRA timelines graphic</a>	<ul style="list-style-type: none"> <li>• Maximum benefit is 78 weeks</li> <li>• The participant has 91 weeks to collect all of their benefit weeks</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum benefit is 65 weeks</li> <li>• The participant has 78 weeks to collect all of their benefit weeks</li> </ul>
<b>COMPLETION TRA</b> see <a href="#">TRA timelines graphic</a>	<ul style="list-style-type: none"> <li>• Not Available</li> </ul>	<ul style="list-style-type: none"> <li>• 13 extra weeks of TRA available if participant meets training benchmarks</li> </ul>
<b>REMEDIAL / PRE-REQUISITE TRA<sup>19</sup></b>	<ul style="list-style-type: none"> <li>• Maximum benefit is 26 weeks</li> <li>• Participants will only receive as many weeks as they have Remedial or Prerequisite Education<sup>18</sup> in their training</li> </ul>	<ul style="list-style-type: none"> <li>• Not available</li> </ul>

### PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES

#### APPLICATION

<b>APPLICATION</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Open an Unemployment Insurance (UI) account and request benefits. To receive TRA benefits, participants must have an UI account and have exhausted all UI benefits.</li> <li>• Fill out <a href="#">TRA Application</a>. As necessary, fill out: <a href="#">TAA Training Application</a>, <a href="#">Waiver of Training Application</a>, and/or <a href="#">Work Search Application</a>.</li> <li>• Submit applications to TAA specialist. Keep a copy of the applications on file with the counselor.</li> </ul>	
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>• Assist participant as necessary in completing TRA Application.</li> <li>• Discuss TRA benefit rules, requirements and limitations with participant. It is especially important to highlight that TRA benefits may not continue through all of TAA training. Consult with TRA Specialist if needed.</li> </ul>	
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Receive application and determine if training is TAA approved.</li> <li>• Send application to TRA Specialist.</li> </ul>	
	<b>TRA Specialist</b>	<ul style="list-style-type: none"> <li>• Conduct review of eligibility to confirm TRA eligibility.</li> <li>• Send out TRA entitlement determination to participant.</li> </ul>	
<b>DURING BENEFITS</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Maintain full time status as a student. Provisions apply, see <a href="#">part-time student information<sup>23</sup></a>.</li> <li>• For <a href="#">2011/2015 law</a>: meet training benchmarks to receive Completion TRA.</li> <li>• Complete weekly benefit request (similar to UI).</li> </ul>	
	<b>Counselor</b>	For and 2009 law: <ul style="list-style-type: none"> <li>• Maintain contact with the participant every 60 days.</li> </ul>	For 2011/2015 law: <ul style="list-style-type: none"> <li>• Document that participant meets <a href="#">benchmarks</a> and make case notes in WF1 every 60 days.</li> <li>• Inform TAA Specialist if benchmarks are not being met.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Provide technical assistance to counselors, employers, or participants as necessary.</li> </ul>	
<b>AFTER BENEFITS</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Stop requesting benefits when TAA Training is complete.</li> </ul>	
	<b>TRA Specialist</b>	<ul style="list-style-type: none"> <li>• Close out TRA benefits.</li> </ul>	



## JOB SEARCH ALLOWANCE

### OVERVIEW

The job search allowance provides partial or full reimbursement for pre-approved travel, meals and lodging expenses necessary for participants to attend an interview or secure employment. This could include restaurant receipts, parking expenses, gas, and hotel rooms. One or more trips are permissible, as long as the jobs are [suitable employment](#) and the requests are pre-approved by TAA specialists.

### ELIGIBILITY, REQUIREMENTS, AND DEADLINES

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>MAXIMUM COSTS</b>	100% of actual costs up to \$1,500 for all trips	90% of actual costs up to \$1,250 for all trips
<b>ELIGIBILITY</b>	<ul style="list-style-type: none"> <li>• Pre-approval required in order to receive reimbursement;</li> <li>• The participant has arranged and can <b>document</b><sup>25</sup> that they have an interview for <a href="#">suitable employment</a>; and</li> <li>• The distance of the interview must be 15 miles or more (one way) from the participant's residence.</li> </ul>	
<b>DEADLINE</b>	The benefit must be requested no later than 365 days after the petition certification or after the separation date, whichever is later. If the participant has attended training, the application must be made no later than the 182nd day after the last day of training.	

### PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES

#### BEFORE TRIP

<b>BEFORE TRIP</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Contact counselor or TAA Specialist before the interview to obtain instructions and application.</li> <li>• Provide appropriate <b>documentation of scheduled interviews and suitable employment</b><sup>25</sup>.</li> <li>• Obtain pre-approval from TAA Specialist before conducting job search and incurring costs.</li> <li>• Sign and date <i>Job Search Allowance Form</i>.</li> <li>• Register on the SWIFT accounting system to receive reimbursement. The website is: <a href="https://supplier.swift.state.mn.us/psp/fmssupap/SUPPLIER/ERP/h/">https://supplier.swift.state.mn.us/psp/fmssupap/SUPPLIER/ERP/h/</a></li> <li>• Submit Job Search Allowance Form to Counselor.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>• Aid participant in filling out Job Search Allowance Form if needed.</li> <li>• Sign and date the Job Search Allowance Form.</li> <li>• Submit Job Search Allowance Form to TAA Specialist.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Pre-approve job search allowance requests.</li> <li>• Document requests and payment in participant file.</li> <li>• Open Job Search Allowance activity in WF1.</li> </ul>
<b>AFTER TRIP</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Submit <b>documentation of expenses and interviews</b><sup>24</sup> to TAA Specialist</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Process reimbursement.</li> <li>• Close Job Search Allowance activity in WF1.</li> </ul>

## RELOCATION ALLOWANCE

### OVERVIEW

The relocation allowance covers partial or full reimbursement for pre-approved expenses related to moving participants, their family, and their household effects to a location where the participant has obtained **suitable employment**. Eligible participants will have 90%-100% of all **reasonable and necessary expenses in relocation**<sup>26</sup> reimbursed. Additionally, participants will receive a lump sum payment equal to three times their average weekly wage, up to a maximum (defined by a participant's **petition number**).

### ELIGIBILITY, REQUIREMENTS, AND DEADLINES

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>MAXIMUM COSTS</b>	100% of actual <b>reasonable expenses</b> <sup>26</sup> plus lump sum of up to \$1,500	90% of actual <b>reasonable expenses</b> <sup>26</sup> plus lump sum of up to \$1,250
<b>ELIGIBILITY</b>	<ul style="list-style-type: none"> <li>• Pre-approval required in order to receive reimbursement;</li> <li>• <b>Suitable employment</b> is not available locally;</li> <li>• Suitable employment has been obtained more than 15 miles away from participant's current residence (one way); and</li> <li>• Duration of the new employment is not temporary.</li> </ul>	
<b>DEADLINE</b>	The benefit must be requested no later than 365 days after the petition certification or after the separation date, whichever is later. If the participant has attended training, the application must be made no later than the 182nd day after the last day of training. The deadline to move to the new location is 182 days after the application is submitted.	

### PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES

#### BENEFIT REQUEST

<b>BENEFIT REQUEST</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Contact counselor or TAA Specialist before moving to obtain instructions and <i>Relocation Allowance Application</i>.</li> <li>• Provide evidence that suitable employment is not available within 35 miles (one way) of current residence.</li> <li>• Obtain pre-approval from TAA Specialist before incurring costs.</li> <li>• Sign and date Relocation Allowance Application.</li> <li>• Register on the SWIFT accounting system to receive reimbursement. The website is: <a href="https://supplier.swift.state.mn.us/psp/fmssupap/SUPPLIER/ERP/h/">https://supplier.swift.state.mn.us/psp/fmssupap/SUPPLIER/ERP/h/</a></li> <li>• Submit Relocation Allowance Application to Counselor.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>• Aid participant in filling out Relocation Allowance Application if needed.</li> <li>• Sign and date Relocation Allowance Application.</li> <li>• Submit Relocation Allowance Application to TAA Specialist.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Assess Relocation Allowance Application for <b>reasonable expenses</b><sup>26</sup>.</li> <li>• Pre-approve relocation allowance requests.</li> <li>• Document request and payment in participant file.</li> <li>• Open Relocation Activity in WF1.</li> <li>• Authorize lump sum payment.</li> </ul>
<b>AFTER RELOCATION</b>	<b>Participant</b>	<ul style="list-style-type: none"> <li>• Submit receipts and records of total cost of moving to receive reimbursement to TAA Specialist.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>• Process reimbursement.</li> <li>• Close Relocation Activity in WF1.</li> </ul>

## REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE — RTAA

### OVERVIEW AND CONTEXT

Reemployment Trade Adjustment Assistance (RTAA) provides a wage supplement benefit for trade-impacted workers who are over the age of 50. RTAA can provide up to 50% of the difference between a participant's former, trade-impacted wage and their new wage. With further questions on RTAA, it is best to contact TRA staff via email at [DEED.TRA@state.mn.us](mailto:DEED.TRA@state.mn.us).

### ELIGIBILITY, REQUIREMENTS, AND DEADLINES

	2009 Law Petitions 70,000 - 79,999	2011 Law Petitions above 81,000 2015 Law Petitions above 85,000
<b>TAA ELIGIBILITY</b>	TAA eligibility is unaffected by receiving RTAA	
<b>APPLICANT WAGES</b> See <a href="#">commission based wages</a> <sup>27</sup>	<ul style="list-style-type: none"> <li>Participant's new job must pay less than their trade-impacted job;</li> <li>Participants may not earn more than \$55,000 in gross wages per year in new job.</li> </ul>	<ul style="list-style-type: none"> <li>Participant's new job must pay less than their trade-impacted job;</li> <li>Participants may not earn more than \$50,000 in gross wages per year in new job.</li> </ul>
<b>MAXIMUM BENEFIT</b>	Maximum total benefit amount of \$12,000	Maximum total benefit amount of \$10,000
<b>AGE ELIGIBILITY</b>	Participant must be at least 50 years of age or older (or will be at the time of reemployment)	
<b>REEMPLOYMENT DEADLINE</b>	No reemployment deadline, but participant is only eligible for 104 weeks after reemployment	
<b>REEMPLOYMENT HOUR REQUIREMENTS</b>	Participant must be reemployed full-time, working at least 32 hours per week in one or more jobs – or – Participant is reemployed part-time (defined as between 20 - 31 hours per week) while also participating in full-time TAA-Approved Training (except OJT). The RTAA supplement will be prorated to reflect part-time employment. See <a href="#">calculating an RTAA benefit</a> <sup>29</sup> .	
<b>REEMPLOYMENT POSITION REQUIREMENTS</b>	Participant must be reemployed at a different firm from which they were separated. For specifics, see <a href="#">different firm defined</a> <sup>30</sup> .	
<b>ELIGIBILITY PERIOD</b>	104 weeks after the date of reemployment or the date participant exhausted all rights to UI, whichever is earlier If the participant has received TRA benefits, the eligibility period will be reduced by the number of weeks they received TRA. See RTAA Calculator.	

## REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE — RTAA (CONTINUED)

### PARTICIPANT, COUNSELOR, AND SPECIALIST RESPONSIBILITIES

#### BENEFIT REQUEST

BENEFIT REQUEST	<b>Participant</b>	<ul style="list-style-type: none"> <li>After obtaining re-employment, complete the <i>RTAA Application</i>. Include all three pieces of supporting documentation:               <ol style="list-style-type: none"> <li>copy of paystub from last full-time week of employment at trade-impacted job;</li> <li>copy of paystub from first week at reemployment position (must work over 32 hours per week);                   <ol style="list-style-type: none"> <li>under <a href="#">2009 and 2011 law</a>, participants in TAA training must have a paystub between 20 -31 hours); and</li> </ol> </li> <li>copy of driver's license (or other <b>valid proof of birth date</b><sup>31</sup>).</li> </ol> </li> <li>Sign and date application; submit to counselor.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>Aid participant in filling out RTAA application if needed.</li> <li>Sign and date application; submit to TAA Specialist.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>Perform preliminary review of RTAA application for completeness.</li> <li>Forward application to TRA Specialist.</li> <li>Open RTAA Activity in WF1.</li> </ul>
	<b>TRA Specialist</b>	<ul style="list-style-type: none"> <li>Determine participant eligibility and wage supplement amount.</li> <li>Send determination to participant via mail and inform counselor of decision</li> </ul>
WHILE RECEIVING BENEFITS	<b>Participant</b>	<ul style="list-style-type: none"> <li>Complete <i>Monthly Certification Form</i> and submit to TRA unit.</li> <li>RTAA payments are made only by paper check and participant has the option of having federal or federal and state income taxes withheld.</li> </ul>
	<b>Counselor</b>	<ul style="list-style-type: none"> <li>Aid participant as necessary in filling out Monthly Certification Form.</li> <li>If participant loses reemployment job, monitor <b>continuing eligibility</b><sup>32</sup>.</li> <li>Maintain contact with participant every 60 days.</li> </ul>
	<b>TAA Specialist</b>	<ul style="list-style-type: none"> <li>Close RTAA activity in WF1 when eligibility runs out or participant no longer qualifies.</li> </ul>
	<b>TRA Specialist</b>	<ul style="list-style-type: none"> <li>Process RTAA benefits to participants.</li> </ul>

## **TAA LAWS**

### ***BACKGROUND***

The Trade Adjustment Assistance for Workers Program (TAA program) was first established in the Trade Act of 1974 as a tool to retrain trade-impacted workers and help them find suitable employment. The TAA program had a two-step process. First, a group of workers (or other specified entity) would file a petition for certification of eligibility with the Office of Trade Adjustment Assistance (OTAA). Second, workers who are part of a group covered by a certified petition would apply individually to a state for TAA benefits and services.

Since its first enactment in 1974, the Trade Act has been amended numerous times. Likewise, the TAA program's rules and requirements have evolved with each new law. Four sets of laws are in use today: the 2002 amendment, the 2009 amendment, the 2011 amendment, and the 2015 amendment.

### ***THE 2002 AMENDMENT***

The Trade Adjustment Assistance Reform Act of 2002 reauthorized and expanded the scope of the TAA program. It also repealed the North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) program, which had been added to the TAA program in 1993 to provide benefits to workers who lost their jobs because of trade with Mexico and Canada after NAFTA. The 2002 amendments also created the Health Coverage Tax Credit (HCTC) and initiated the Alternative Trade Adjustment Assistance (ATAA) program for older workers. The amendments expanded coverage to "adversely impacted secondary workers", or workers employed by firms that were suppliers or downstream producers whose businesses were affected by trade. The 2002 law applies to workers covered under petitions filed on or after November 4, 2002 and numbered below 69,999 or between 80,000 and 80,999.

### ***THE 2009 AMENDMENT***

The Trade and Globalization Assistance Act (TGAA) of 2009 reauthorized the TAA program through 2010 and again expanded its scope, benefit amounts, and services. The eligible worker sector expanded to include not only Manufacturing, but Service providers as well. The ATAA pilot program was made permanent and renamed the Reemployment Trade Adjustment Assistance (RTAA) program. Part-time training was made approvable for all trade-impacted workers and enrollment in training was allowable before separation from employment. The 2009 amendment applied to workers covered under petition filed from May 18, 2009 to December 31, 2010 and numbered 70,000 – 79,999.

### ***THE 2011 AMENDMENT***

The Trade Adjustment Assistance Extension Act (TAAEA) of 2011 was signed into law on October 21, 2011 by President Obama. The TAAEA again reauthorized the TAA program, but reduced the scope and benefits added under the 2009 amendments. These changes included: a reduction in the number of eligible groups to receive benefits under the TAA program, reduced waivers of training justifications, reduced job search and relocation allowances, and the creation of Completion TRA.

The 2011 amendments apply to petitions filed after December 20, 2011 and numbered above 81,000. They also have special retroactive applicability for petitions numbered 80,000 – 80,999. Workers with petitions in this range may have elected to receive services in accordance with the 2011 amendments or the 2002 amendments. The 2011 Amendments will expire on December 31, 2014.

### ***THE 2014 REVERSION LAW***

The Trade Adjustment Assistance Reversion 2014 reauthorized the continuation of Trade Adjustment Assistance programming following the Sunset Provisions of the TAAEA (2011). Reversion 2014 incorporates elements from each previous amendment, ultimately narrowing eligibility requirements for financial and training benefits. Specific changes from 2011 law included: reduction of groups eligible to include only those in manufacturing sectors, reduction in total training funds available, expiration of the Health Coverage Tax Credit (HCTC), and reversion to Alternative Trade Adjustment Assistance (ATAA) from Reemployment Trade Adjustment Assistance (RTAA). Additionally, Reversion 2014 limits eligibility to only those workers who have lost their jobs because of their company's decline in production and/or sales due to increased imports or the outsourcing of jobs to a country with which the U.S. has a Free Trade Agreement. Training application must be received 210 days from separation of TAA certifying employer.

All Reversion 2014 Law petitions were filed between 1/1/14 and 6/28/15, and are numbered between 85,000 and 89,999. On September 28, 2015 all Reversion 2014 petitions automatically transitioned to 2015 Law. Therefore, all petitions numbered 85,000 and above are currently under 2015 Law provisions.

### ***THE 2015 REAUTHORIZATION LAW***

The Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015 was signed into law on June 29, 2015 by President Obama. TAARA 2015 modifies the group eligibility requirements and individual benefits and services that have been in effect since January 1, 2014 through the Trade Adjustment Assistance (TAA) program. TAARA 2015 also amends the Internal Revenue Code to provide a new version of the Health Coverage Tax Credit (HCTC) benefit for TAA program participants.

## APPENDIX A: FORMS AND POLICIES

*You can find the most updated TAA forms at:*

**TAA Forms Webpage:**

<http://mn.gov/deed/programs-services/dislocated-worker/counselors/forms/index.jsp>

*You can find the most updated TAA policies at:*

**DEED Policy and Guidance Webpage:**

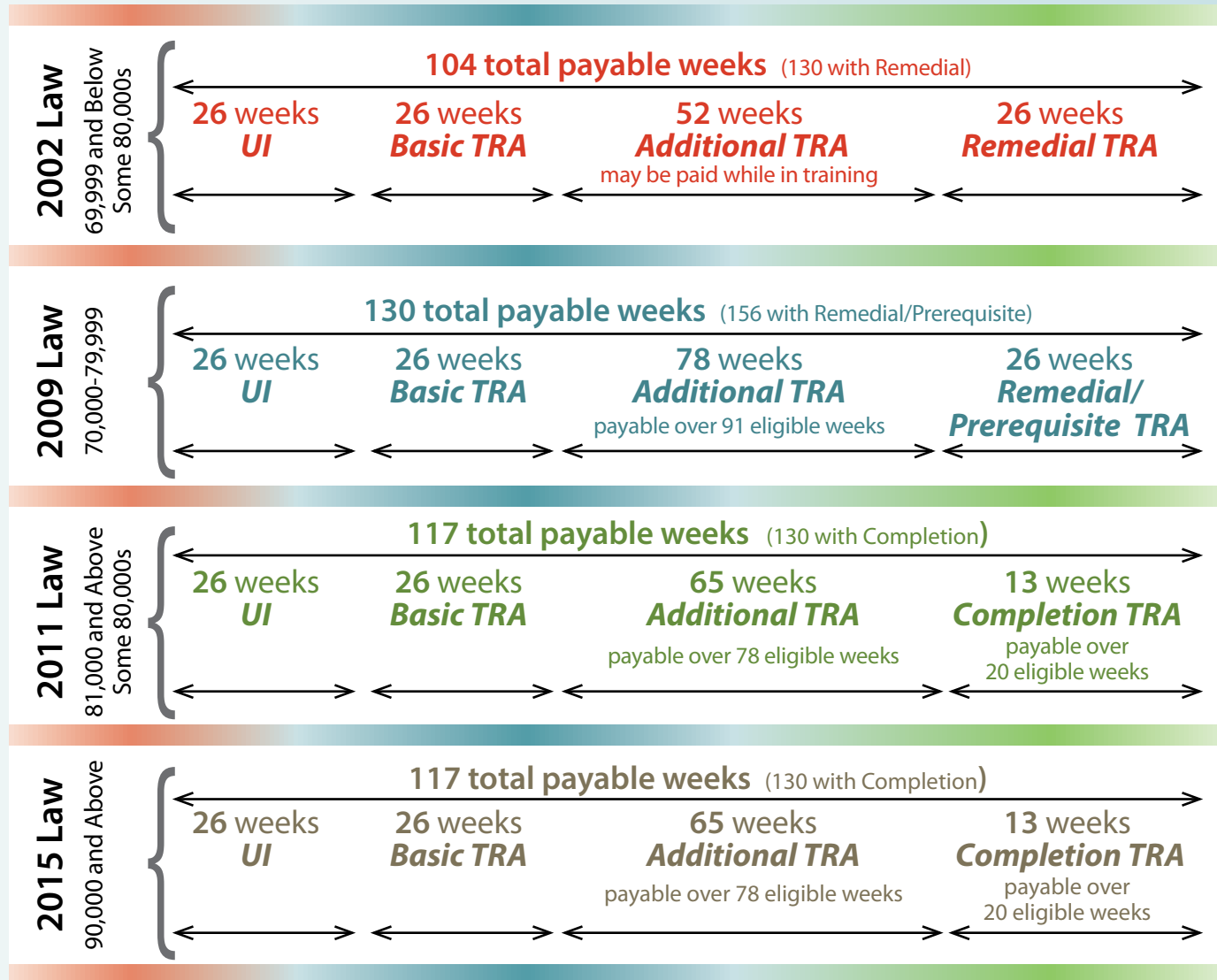
<https://apps.deed.state.mn.us/ddp/PolicyList.aspx>

• Note, click on “Workforce Development” then click on “Trade Adjustment Assistance”

## APPENDIX B: ACRONYMS

<b>CFR</b>	Code of Federal Regulations	<b>TAA</b>	Trade Adjustment Assistance
<b>DEED</b>	Minnesota Department of Employment and Economic Development	<b>TAAEA</b>	Trade Adjustment Extension Act (2011)
<b>DWP</b>	Dislocated Worker Program	<b>TEGL</b>	Training and Employment Guidance Letter
<b>EO</b>	Equal Opportunity	<b>TGAAA</b>	Trade and Global Assistance Act (2009)
<b>FY</b>	Fiscal Year	<b>TRA</b>	Trade Readjustment Allowance
<b>HCTC</b>	Health Coverage Tax Credit	<b>UI</b>	Unemployment Insurance
<b>IRS</b>	Internal Revenue Service	<b>USDOL</b>	United States Department of Labor
<b>MIS</b>	Management Information System	<b>WF1</b>	Workforce One
<b>PY</b>	Program Year	<b>WFC</b>	WorkForce Center
<b>OTAA</b>	Office of Trade Adjustment Assistance	<b>WIA</b>	Workforce Investment Act
<b>RTAA</b>	Reemployment and Trade Adjustment Assistance	<b>WSA</b>	WorkForce Service Area

## APPENDIX C: TRA TIMELINES





## APPENDIX D: DEFINITIONS

### ***ADDITIONAL JUSTIFICATION***

Additional justification is evidence that a particular course of action is exceptionally in the best interest of a participant. Furthermore, for additional justification to be used in increasing training costs or duration, it must be obvious that the benefits to the participant outweigh the extra costs incurred to the TAA program.

As related to training costs, additional justification may include evidence that a particular training is the participant's only reasonable option, that the training has an unusual likelihood of leading to suitable employment, that a particular training is in the best interests of the participant for health reasons, or that the training is the best option given a participant's schedule (i.e. a necessity of night class enrollment).

As related to training weeks, additional justification may be evidence of [extenuating circumstances](#) that necessitate an increase in training weeks. An example of an extenuating circumstance would be if the participant has a significant and unforeseen health issue. Another extenuating circumstance may be if a course needed for certification is unexpectedly cancelled. Additional justification can take many different forms, and the examples shown above are meant to serve as examples only.

### ***ADVERSELY AFFECTED EMPLOYMENT***

Adversely affected employment is work that has been reduced due to foreign trade. It is synonymous with "trade-impacted employment". For example, if a company moves a car production factory to Mexico, the positions that are lost in the United States would be considered adversely affected employment. The TAA program seeks to assist workers whose employment has been adversely affected.

### ***ADVERSELY AFFECTED, INCUMBENT WORKER***

An adversely affected, incumbent worker is one who: 1) is a member of a group of workers that has been certified as eligible to apply for TAA benefits, 2) has not been totally or partially separated from employment and thus does not have a qualifying separation, and 3) is determined to be individually threatened with total or partial separation (this can be evidenced by a notice of layoff or termination letter).

### **ADVERSELY AFFECTED WORKER**

An adversely affected worker is one who has been totally or partially separated from employment in a firm or subdivision of a firm that has been certified by the U.S. Department of Labor as trade-impacted. These are the workers for whom the TAA program serves. They are the workers who have lost their jobs due to foreign trade. Adversely affected worker is synonymous with trade-impacted worker.

### **AGENT STATE**

The Agent State is the state where a participant seeks services, when the participant is eligible for Unemployment Insurance (UI) from another state. (The state they are eligible for Unemployment Insurance is called the Liable State). Note: Residency is not relevant to the Agent or Liable State definition. The Agent State is responsible for cooperating fully with the Liable State and assists the Liable State in carrying out its activities and functions including, but not limited to: providing information needed for determinations, redeterminations, or appeals, procuring and paying the training costs approved by the Liable State (including related training expenses and transportation and subsistence). Documents relating to training enrollment and waivers must be provided by the Agent State to the Liable State.

### **BONA FIDE APPLICATION FOR TRAINING**

A training application that has been sent in by a counselor and reviewed by the TAA Specialists is considered “bona fide.” Technically, a Bona Fide Application for Training is: “an individual's signed and dated application for training filed with the State agency administering the TAA training program, on a form necessarily containing the individual's name, petition number, local office number, and specific occupational training. This form shall be signed and dated by a State agency representative upon receipt.”

### **CERTIFICATION PERIOD**

The certification period is the period of time that USDOL assigns to cover layoffs under a given petition. It is when employment at a company is considered trade-impacted USDOL. It is the time covered from the “**Impact Date**” to the “expiration date” of a given petition. To qualify for TAA services under a given petition, a participant’s lay off date or separation from employment date must fall within the certification period.

## **COMPLETION TRA**

Completion TRA is 13 weeks of extra TRA available for participants, with petition numbers over 81,000, who have completed their training program and met its [performance benchmarks](#). To be eligible for Completion TRA, participants must have been evaluated by their counselors every 60 days and been found to meet the following criteria:

1. Maintaining satisfactory academic standing (not on probation or determined to be “at risk” by the instructor or training institute)
2. Be on schedule to complete training within the timeframe in TAA Training Plan

## **CREDENTIAL**

The following types of credentials are recognized by TAA Specialists:

- ◆ Degrees: AA, BA, BS, MA, MS, PhD, etc.;
- ◆ Licenses usually awarded by governmental agencies;
- ◆ Certifications recognized by organized labor, appropriate business/industry groups, governmental agencies, etc.;
- ◆ Diplomas; or
- ◆ Certificates awarded by licensed educational agencies.

In addition, DEED will approve TAA funding for courses that, although the completion of which do not directly result in the awarding of a credential, will facilitate the achievement of one. Examples of such courses would include test preparation classes leading directly to licensures (e.g. Bar examination preparation) and classes leading to successful completion of certifications (e.g. Certified Nursing Assistant testing). TAA Specialists will examine these requests on a case by case basis.

For more information on credentials, see [DEED’s Policy on Approval of Classroom Training Programs](#).

## **DATE OF SEPARATION**

The date of separation is when a worker is laid off from their employment or when their hours of employment are significantly reduced.

## **ENROLLED IN TRAINING**

A participant is considered “enrolled in training” when:

1. The participant’s application for training is approved by the State agency;
2. The training institution has furnished a written notice to the State agency that the worker has been accepted in the approved training; and
3. Training program is to begin within 30 calendar days.

## **EQUITABLE TOLLING**

Equitable Tolling is a legal doctrine that permits the suspension of statutory and administrative deadlines where equity demands. This means that deadlines may be extended in circumstances in which a participant acted with due diligence, but there were egregious circumstances. It must be a situation in which the participant could not reasonably have been expected to meet a deadline or fulfill a requirement regardless of their effort. An example in which Equitable Tolling may be applied is if a participant was not informed of a deadline and, because of that, missed the deadline.

Equitable Tolling is rarely found to be appropriate and is NOT a statutory provision requiring a waiver of deadlines for “good cause.” For equitable tolling to apply, one must show that a participant acted with due diligence, whether or not the State was at fault. Equitable tolling is different than “[extenuating circumstances](#)” and they are separate determinations.

When equitable tolling happens, many deadlines are modified. Generally, the deadlines shift to starting from the date that the participant becomes aware of the deadline. Under 2009 law, for example, the deadline for applying for Additional TRA (which is originally 210 days from petition certification) changes to 210 days from when the participant learns of the deadlines. Contact a TRA Specialist for more information on Equitable Tolling as many determinations are situation dependent.

## **EXTENUATING CIRCUMSTANCES**

DEED defines extenuating circumstances as those beyond the control of the worker including:

- ◆ Workers being unable to participate in training because of a personal injury or illness;
- ◆ Training programs being abruptly cancelled;
- ◆ An unforeseen family situation or personal disaster with obvious impact on availability; or
- ◆ A wide-spread natural disaster preventing the filing of the waiver in time; or
- ◆ In conjunction with the waiver condition “Enrolled in Training”, a worker will begin a training program within 104 days.

DEED will evaluate each request for an extenuating circumstance exemption on a case-by-case basis. Extenuating Circumstances are different and require a separate determination from a situation of [Equitable Tolling](#). Extenuating Circumstances may also be related to [Additional Justification](#).

### ***FAMILY***

A family consists of specific members of an adversely affected worker's household whose principal place of residence is with the individual in a home the individual maintains or would maintain, but for unemployment. These members are (1) a spouse; and/or (2) an unmarried child, including a stepchild, adopted child, or foster child, under 21 years, or of any age if incapable of self-support because of mental or physical incapacity.

### ***HEAD OF A FAMILY***

A head of a family is an individual who maintains a home if over half the cost of maintenance is furnished by the individual, or would be, but for unemployment.

### ***INDIVIDUAL EMPLOYMENT PLAN (IEP)***

The Individual Employment Plan (IEP) is a living document created by the Dislocated Worker Counselor and the participant. The IEP outlines a participant's path to employment, including the resources they plan to use and the skills they hope to gain. As a living document, the IEP should be changed to reflect changes in a participant's employment path or strategy. IEP is synonymous with Individual Service Strategy (ISS).

### ***IMPACT DATE***

The impact date, which is stated in the certified petition, is the date on which the company first begins being affected by foreign trade. It is determined by USDOL. A worker must be separated from employment between the impact date and expiration date to be considered "trade-impacted" and be eligible under a given petition for the TAA program.

### ***INCREASED IMPORTS***

Imports that increased either absolutely or relatively to domestic production, compared to a representative base period, are referred to as increased imports. The representative base period is one year, consisting of the four quarters immediately preceding the date that is 12 months before the date of the petition.

## **INDIVIDUAL SERVICE STRATEGY (ISS)**

Individual Service Strategy (ISS) is another term for an [Individual Employment Plan \(IEP\)](#). See IEP definition for more information.

## **LAYOFF**

A layoff is a suspension of, or separation from, adversely affected employment by a firm for lack of work initiated by the employer and expected to be for a definite or indefinite period of not less than seven consecutive days. The layoff date is synonymous with the separation date.

## **LIABLE STATE**

The Liable State is the State in which the worker's Unemployment Insurance (UI) claim is established. The Liable State is responsible for payment of Trade Readjustment Allowances (TRA), issues determinations for the following: eligibility, waivers, training, job search allowances, relocation allowances, Trade Readjustment Allowances (TRA), and Reemployment Trade Adjustment Assistance (RTAA). It is the responsibility of the Liable State to pay UI, TRA, RTAA, and job search and relocation allowances.

## **MARKETABLE SKILLS**

A worker with a marketable skill has the talents and background for suitable employment with a reasonable expectation of employment at an equivalent wage in the near future. Proof of marketable skills may include a postgraduate degree, industry-recognized certification in a technical occupation, or other credential. Proof may also include LMI that shows a job growth of at least 5% in the worker's field.

## **MERIT STAFF**

The Merit Staff are administrative staff for the Trade Adjustment Assistance program (TAA Specialists and TRA Specialists). The term comes from Codes of Federal Regulations and the original laws that established the TAA program. In Minnesota, the Merit Staff are housed at the Minnesota Department of Employment and Economic Development (DEED). Included in the Merit Staff are:

**TAA Specialist:** TAA Specialists have many duties. They must: review training applications, ensure all participants meet the six eligibility criteria, review/modify/approve/revoke Waivers of Training, contact human resources from trade-impacted firms, perform information sessions for trade-impacted workers at those firms, review/improve job search and relocation allowance applications, and generally provide information on TAA to counselors and participants.

**TRA Specialist:** TRA Specialists' duties, including: All matters related to Reemployment Trade Adjustment Assistance (RTAA) and Trade Readjustment Allowance (TRA).

## **PARTIAL SEPARATION**

Partial separation is when a worker's hours are significantly reduced due to foreign trade. Partial separation occurs if work hours are reduced to 80 percent or less of the worker's previous hours. It can also occur if a worker's wages are reduced to 80 percent or less of their previous average weekly wage. To qualify under TAA, these reductions must be due to foreign trade.

## **PARTICIPANT**

A participant, as used in this manual, is a worker receiving benefits under the TAA program.

## **PERFORMANCE BENCHMARKS**

To be eligible for [Completion TRA](#), Dislocated Worker Counselors must evaluate and document the participant's progress towards two performance benchmarks at no greater than 60 day intervals. The two benchmarks that participants are evaluated on are:

1. Maintaining satisfactory academic standing (not on probation or determined to be "at-risk" by the instructor or training institution)
2. On schedule to complete training within the timeframe identified in the Individual Employment Plan (IEP).

## **PETITION NUMBER**

When the Office of Trade Adjustment Assistance (OTAA) approves a petition for a group of workers to receive TAA benefits, they assign the petition a five digit number in the format of "TA-W-XX,XXX". This number determines what trade act law (2002, 2009, 2011, or 2014 Reversion Law) the petition is covered under and therefore what the requirements and benefits are for a participant's TAA enrollment. For a description of the different trade act laws, see the [TAA Law Section](#). The general benefits and requirements for each petition number are shown in a [side-by-side comparison document](#) created by the OTAA. The following petition numbers correspond to each law:

<b>Petition Number (TA-W-XX,XXX)</b>	<b>Trade Act Program</b>
69,000 and below	2002 Law (TAA)
70,000 – 79,999	2009 Law (TGAAA)
80,000 – 80,999	2002 OR 2011 Law (TAA or TAAEA) – choice is given to participant
81,000	2011 Law (TAAEA)
85,000 and above	2014 Reversion Law (these petitions transitioned to 2015, 9/28/2015)
90,000 and above	2015 TAARA

If a participant is unsure of their petition number, they may identify it by conducting a search on the [OTAA website](#) using their company's name.

## **SECONDARILY-AFFECTED WORKERS**

Secondarily-affected workers are those individuals who supply components to a firm whose workers are certified or workers who perform additional, value-added production and finishing operations for a firm whose workers are certified. For example, if a book binding factory is closed due to foreign trade, and because of that closing a paper mill is forced to close (they can no longer supply paper to the book binding factory), workers at the paper mill would be considered “secondarily-affected workers.”

## **SEPARATION DATE**

The separation date is the layoff date or the date when a participant’s hours are significantly reduced. For an employed individual, it is the last day worked. For an individual on employer-authorized leave, it is the last day the individual would have worked had the individual been working is the date of separation. With respect to a partial separation, the date of separation is the last day of the week in which the partial separation occurred.

## **SUITABLE EMPLOYMENT**

In Minnesota, suitable employment has the following five parameters:

1. *Full-time and permanent*: At least 32 hours per week and “permanent”;
2. *Salary parameters*: Pays at least 80% of one’s previous wages;
  - a. Note: For Job Search Application purposes, if a participant does not know the wage of the job for which they are applying, they may refer to Labor Market Information (LMI) of similar occupations to fulfill salary parameters.
3. *Work Hours*: Approximately the same work hours as the previous employment;
4. *Working Conditions*: Approximately the same working conditions as the previous employment; and
5. *Use of Skills*: Requires the full use of skills that the individual possesses from a previous employment or from training.

## **TAA-CERTIFIED EMPLOYER**

TAA-Certified Employers are those who have been recognized by the Office of Trade Adjustment Assistance (OTAA) as having trade-impacted workers and are covered under an approved petition.



## **TAA-APPROVED TRAINING PROGRAM**

TAA approves training programs at accredited institutions. These include vocational programs, higher education, and training certifications. The following types of training are TAA-Approved:

- ◆ Programs within the Minnesota State Colleges and Universities System and the University of Minnesota. Programs at private institutions may be approved upon additional justification;
- ◆ Programs with providers whom are registered, licensed, or exempt from registering with the Minnesota Office of Higher Education (or with another state agency as required by state law). These programs can be found on the [Minnesota Office of Higher Education's website](#) under the Licensure and Registration tab;
- ◆ WIA Certified Training: These programs and more information on them can be found at [www.iseek.org](http://www.iseek.org). WIA-Certified programs have a "WIA" symbol and can be filtered using the search tool. Please note, it is not a requirement that training is WIA-Certified.

## **TOTAL SEPARATION**

A total separation is when an individual is completely laid off from a trade-impacted employment. It is different from partial separation in that the individual no longer works for the firm or a subdivision of the firm.

## **TRADE-IMPACTED WORKERS**

Trade-impacted workers are workers who have lost their jobs as a result of foreign trade. To be eligible for TAA benefits, Trade Impacted Workers must be members of a group that has been recognized under a petition through the Office of Trade Adjustment Assistance (OTAA). Groups of workers covered under a petition may be found on the OTAA's website through conducting a [search](#) using their former employer's company name.

## **TRAINING PROGRESS REPORT**

You can access the training progress report [here](#). For participants in long-term training (six months or longer), DEED has instituted benchmark requirements for all TAA laws. Self-attestation (an individual's verbal report) of the benchmarks is not permissible; therefore, individuals must complete the Training Progress Report once every 60 days, and submit their grades at the end of the term. The individual is required to submit the progress report to their Dislocated Worker counselor. The Dislocated Worker counselor should review, sign, submit copy to TAA specialists, file the progress report, and notify a TAA specialist if the individual has not met both benchmarks.

All individuals currently enrolled in training under the TAAEA law and all new individuals, no matter their petition number, who apply for training benefits are required to complete the progress report.

## ***RETURNING TO THE TRADE-IMPACTED EMPLOYER***

There are three options for any TAA eligible worker who has applied for TAA training, and received a call-back request:

1. The worker can remain in training and turn down the call-back opportunity if he or she is within 30 days of the training start date, or if he or she has already started TAA-approved training.
2. The worker can remain in training and accept the call-back opportunity.
3. The worker can accept the call-back position, and cease training. If the worker is separated from employment in the future s/he can contact the TAA unit for a case review to finish the previously approved training plan.

## ***WORK FORCE ONE (WF1)***

WF1 is the State of Minnesota's database (or Management of Information System – MIS) which includes all TAA and TRA recipients. It is the place where counselors can access participant's files and enter their case notes. The web address is: <https://www.mnworkforceone.com/loginintro.asp>.

## **APPENDIX E: ADDITIONAL INFORMATION**

### ***1) FINANCIAL AID INFORMATION***

TAA participants will receive all financial aid that is awarded to them. For example, if a participant gets scholarship that reduces their tuition (paid for by TAA) by \$500, participants will then be able to use that \$500 to pay for other expenses not covered by TAA. Participants should explore financial aid opportunities with their training institution. See DEED's policy on [Use of Scholarships/Institutional Grants](#).

### ***2) SUPPLIES AND EQUIPMENT THAT CAN BE PAID FOR BY TAA***

TAA can pay for tuition, fees, books, supplies, and tools that are required for a participant to complete their coursework. All requests for supplies require pre-approval from TAA Specialists before the costs can be paid for or reimbursed to the participant. Requests should include documentation (in the form of a syllabus or note from the instructor) that the item is required for successful completion of the training course. TAA may also pay for parking contracts, but will not pay for bus passes.

### **3) TRANSPORTATION AND SUBSISTANCE PAYMENTS**

A participant may be approved for supplemental assistance to pay for transportation expenses if the training site is 15 miles or more from the individual's home. Current mileage and per diem rates, can be found at <http://www.gsa.gov>.

### **4) MODIFYING A TRAINING PLAN**

Counselors should seek approval from a TAA Specialist before starting to modify a training plan. To modify a training plan, counselors should edit the participant's IEP and submit to TAA Specialist. If the modification entails the participant changing their training program within the industry or occupation focus, a [Training Modification Application](#) must be submitted.

### **5) SIX PARTICIPANT ELIGIBILITY CRITERIA FOR TAA TRAINING**

1. There is no suitable employment available for the adversely affected worker.
2. The adversely affected worker would benefit from appropriate training.
3. There is reasonable expectation of employment following completion of training.
4. Approved training is reasonably available from either governmental agencies or private sources.
5. The adversely affected worker is qualified to undertake and complete such training.
6. Such training is suitable for the adversely affected worker and is available at a reasonable cost.

### **6) HOW TO COUNT TRAINING WEEKS**

A training week is defined as any full or partial business week in which training is scheduled. Week-long scheduled breaks such as spring, winter and summer breaks between semesters should not be counted toward the total number of training weeks.

### **7) POOR PERFORMANCE**

To receive TAA funding for their training, participants must maintain satisfactory progress during each quarter/semester of training. See DEED's [Policy on Poor Performance](#) for more information.

## **8) REQUIRED INFORMATION WHEN REQUESTING A TAA SPECIALIST TO CLOSE OUT A FILE:**

1. Name of the Individual;
2. Last Four Digits of SSN (to verify we have the right individual);
3. Last Date of All TAA Activities (last physical date for specific TAA activities);
4. Did the Individual Receive a Credential? (y/n; specific credential information can be obtained from the DW file);
5. Date to Close TAA File (i.e. all bills have been paid; TAA must be closed prior to DW closure); and
6. Date Entered Unsubsidized Employment (specific employer information can be obtained from the DW file; not to include OJT and A/RTAA).

## **9) SPECIFIC LABOR STANDARDS FOR OJT EMPLOYERS**

Employers will be excluded from any OJT contracts by the state if:

- ◆ Employers exhibit a pattern of failing to provide their OJT participants with suitable employment following completion of training; and/or
- ◆ Employers fail to provide wages, benefits, and working conditions equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period and are doing the same type of work as the OJT participants

OJT contracts must also meet the conditions of the State's [Approval of On-the-Job Training Programs Policy](#).

## **10) INTERIM CREDENTIAL**

Interim credentials are proof that an apprentice has completed a given number of hours or gained a given level of competency in their apprenticeship. Interim credentials are transferable among apprenticeship sponsors. Since apprenticeships often have a leveled "wage schedule," an interim credential may qualify a participant to work at suitable employment, even though they may not have fully completed their apprenticeship. For example, if an apprentice is in a six year apprenticeship program, but after 75 weeks of training receives an interim credential that certifies them to work at a wage that meets the suitable employment guidelines, the apprenticeship will be approvable under TAA. Interim credentials are available from the apprenticeship sponsor and the [Minnesota Department of Labor and Industry](#) at request. For questions on interim credentials, or to request one from the Minnesota Department of Labor and Industry contact [Richard Davy at: Richard.Davy@state.mn.us](#) or 612-284-5199.

## **11) FACTORS IMPACTING WAIVER OF TRAINING DURATION**

1. If a participant's situation changes (i.e. the original justification for the Waiver of Training no longer applies), the waiver is not valid anymore and may be revoked.
  - a. For example, if a participant has a Waiver of Training due to a health condition and regains the health status necessary to enter training, the waiver will be revoked.
2. If a participant has a Waiver of Training because of an enrollment date for training is not immediately available, the waiver is only valid for 60 days.
  - a. If a counselor discovers extenuating circumstances, the waiver may be extended by an additional 45 days.
3. If a participant has a Waiver of Training due to a marketable skills fulfillment, the waiver is valid for a full 26 weeks. Note: marketable skills are only valid under 2002 and 2009 law.

## **12) WORK SEARCH REQUIREMENT**

If participants have been issued a waiver from training, or have successfully completed a TAA Work Search Application, they must make a "systematic and sustained" effort to obtain work and report on their work search activities for each week they request benefits through TRA. This is the same work search requirement that participants fulfilled while receiving UI. It is reported by the participant to UI, not to the Dislocated Worker Counselor. A "systematic and sustained" effort entails contacting several employers each week. This effort must be undertaken every week, unless the participant is less than 30 days from being in the classroom under TAA approved training. Furthermore, participants must be available for any type of work they are able to do which pays the equivalent of their TRA weekly benefit amount.

Participants will be disqualified from TRA for refusing a suitable job (except when a participant has a waiver for delayed enrollment in TAA-Approved Training), or for not making a systematic and sustained work search. The disqualification continues until they return to work for at least four weeks and earn at least four times their TRA weekly benefit amount. If participants have not undertaken a systematic and sustained search for work for any week they request TRA benefits, they have the option of not requesting the week to avoid disqualification.

## **13) IF AN ENROLLMENT DATE IS NOT IMMEDIATELY AVAILABLE**

Waivers of Training may be administered if the first available enrollment date for the worker's approved training is not immediately available, but is within 60 days after the date of the waiver determination, or, if later, there are extenuating circumstances.

## 14) EXCEPTIONS TO 26/26 DEADLINE

- ◆ **Failure to Notify:** If the applicant fails to enroll by the 26/26 week deadline (with or without extenuating circumstances), and the failure to enroll was due to DEED's failure to provide the applicant with timely information regarding the 26/26 week deadline, then the applicant has until the Monday of the first week that begins 60 days after DEED notifies the applicant about the deadlines.
- ◆ **State Good Cause Provision:** Any law, regulation, policy, or practice of a cooperating state that allows for good cause exceptions to UI deadlines also apply to any TRA deadlines, including the enrollment deadlines.
- ◆ **Military Service:** The enrollment deadline may be tolled for certain military service.

## 15) WAIVER REVIEW COMPONENTS

Waiver reviews are conducted to determine if the original waiver justification is still valid. For 2009 and 2011 laws, a waiver review must be conducted every 30 days after an initial 90 day period. For 2002 law, a waiver review must be conducted every 30 days. In a waiver review the counselor should:

- ◆ Evaluate if a participant's situation has changed in a way that invalidates the waiver. See **Factors Impacting Waiver Duration** for more information.
- ◆ Monitor remaining TRA eligibility and, if necessary, evaluate the need for a **waiver extension**.
- ◆ The counselor must communicate with the participant during a waiver review.
- ◆ Report waiver review in WF1 by entering the waiver review date under the "waiver activity" section. Counselors should type over previous review date.

## 16) WAIVER EXTENSIONS

Waiver extensions are used when a participant has remaining Basic TRA, could benefit from the extension of their Waiver of Training, and has a waiver that will expire. Waiver extensions can increase waiver duration beyond the original 26 week period. If a counselor determines that a waiver extension is necessary for their participant, they should contact a TAA Specialist to request a waiver extension prior to the waiver expiring. The TAA Specialist will approve or disapprove of the waiver extension. **If an extension is not requested on time, the worker will lose remaining Basic TRA and could miss out on Additional TRA if entering training.**

## **17) CALCULATING TRA BENEFITS**

The weekly TRA benefit amount that a participant receives is set by their “first qualifying separation date,” which is the first time that they were laid off within the impact date and expiration date of a petition. Note: The participant must be separated from employment for at least one full week for the separation to qualify.

The participant’s weekly TRA benefit amount will then be equal to their weekly Unemployment Insurance (UI) amount following that “first qualifying separation date.” For most participants, that will mean that their TRA benefits are equal to the amount of weekly UI they are receiving. For some clients, who have faced multiple layoffs, the UI they receive immediately before TRA benefits, could be different than their TRA benefit amounts. In every scenario, but especially with multiple layoffs, consult with a TRA Specialist before telling participants what their weekly TRA benefits will be.

The participant’s total available weeks of TRA will be determined by his/her petition number and whether s/he qualifies for Additional, Remedial, or Completion TRA.

## **18) REMEDIAL AND PREREQUISITE EDUCATION**

Remedial education is training designed to enhance a participant’s basic skills. Remedial education most often includes English-as-a-Second Language (ESL) courses or General Educational Development (GED) test preparation courses. Basic computer courses (such as basic keyboarding and basic software courses) as well as basic knowledge refresher courses (math, reading, or writing) are also included in the definition of remedial education.

Prerequisite education is defined as courses beyond a basic skills level that a student is specifically required to complete before they may enroll or take classes in an approved training program. For example, if a participant is required to take Biology 101 before being accepted into a Registered Nurse training program that course would be considered pre-requisite education. It would not be considered remedial education because it is beyond a basic skills level.

## **19) REMEDIAL AND PREREQUISITE TRA**

Remedial TRA is 26 additional weeks of TRA that are available to participants covered under the 2009 law who have Remedial Education in their TAA-Approved Training coursework. For participants with petition numbers between 70,000 and 79,000 Prerequisite Education also qualifies them for Pre-requisite TRA. This is not the case for any other participants. It should be noted that Remedial and Prerequisite TRA is the last TRA benefit paid out to participants, occurring as 26 additional weeks after all other weeks have been expended.

## 20) LIMITATIONS TO THE 26 WEEK RULE FOR TRA BENEFITS

The following weeks may also count as “weeks of employment” towards fulfilling the 26 week employment requirement for TRA Benefits:

- ◆ A week on certain employer authorized leave (such as vacation, medical, or sick leave) and/or a week of employment interrupted due to full-time labor representation (maximum 7 weeks).
- ◆ A week of employment interrupted due to disability compensable under a worker’s compensation law and/or a week of employment interrupted by certain military service (maximum 26 weeks).

## 21) EMPLOYMENT DURING TRAINING/TRA EARNINGS DISREGARD

TRA recipients may participate in full-time or part-time employment while they are enrolled in TAA-Approved Training. Doing so, however, could impact their TRA benefit amounts through deductible earnings.

TRA recipients may earn up to the amount of their weekly TRA benefit without any deduction while they are enrolled in TAA-Approved Training. Earnings over the TRA weekly benefit amount are subject to a 55% deduction.

### *Example:*

TRA weekly benefit amount: . . . . .	\$300
Wages: . . . . .	\$400
Wages subject to 55% deduction: . . .	\$100
Calculation . . . . .	55% of \$100 = \$55
TRA minus deduction . . =	\$300 - \$55 = \$245
TRA payable for the week: . . . . .	\$245

This calculation does not apply if participants are receiving UI or Federal extension payments, however. In these cases, as with all cases, contacting a TRA Specialist can be the best way to obtain TRA benefit amount information.

If participants have sufficient earnings from their new employment to establish a second UI benefit account at the end of their benefit year, they may be able to choose between staying on the new account and returning to the TRA account.



## **22) BREAKS IN TRAINING**

Participants may continue receiving TRA benefits during scheduled breaks that are no longer than 30 business days (not including state recognized holidays or weekends) and meet the following conditions:

- ◆ There was participation in the training before the beginning of the break;
- ◆ The break was published in the training program's schedule or is indicated in the training program approved for the participant; and
- ◆ Participation in training resumes immediately after the break.
- ◆ Breaks have the following characteristics and impacts on benefits:
- ◆ Scheduled breaks include all periods within or between courses, terms, quarters, semesters and academic years;
- ◆ No Basic or Additional TRA will be paid to a participant for any week which begins or ends within a scheduled break that is 30 days or more;
- ◆ Maximum amount of Basic TRA available is not affected by the weeks the participant does not receive TRA while in a break, but the weeks will count against the 104 week eligibility period; and
- ◆ For Additional TRA, any weeks for which TRA is not paid will count against the eligibility period and, possibly, the number of weeks payable.

## **23) PART-TIME TRAINING AND TRA BENEFITS**

Generally, participants must be enrolled in TAA-approved full-time training to receive TRA benefits. Participants, however, may switch from full-time to part-time status in their final semester of training and still receive TRA benefits. This policy allows for participants who have less than a full semester's worth of credit remaining in their training program to maintain TRA benefits without taking unnecessary coursework. The training provider must provide documentation that no additional training or coursework is needed to complete the training program.

## **24) DOCUMENTATION OF EXPENSES AND INTERVIEWS FOR JOB SEARCH ALLOWANCE**

After a participant returns from a pre-approved trip funded by the Job Search Allowance they must submit the following documentation:

1. A completed [\*Job Search Allowance Form\*](#); and
2. Travel expense receipts for reimbursement.

## **25) DOCUMENTATION OF SCHEDULED INTERVIEWS AND SUITABLE EMPLOYMENT FOR JOB SEARCH ALLOWANCE**

Before a participant leaves for a trip to be funded by the Job Search Allowance they must submit the following documentation:

1. A plan outlining job search interviews, including a list of contact names and phone numbers for scheduled informational and/or job interviews;
2. **Labor Market Information (LMI)** and/or other documentation showing suitable employment is not available within 50 miles of home (one way); and
3. Labor Market Information (LMI) and/or other documentation showing suitable employment is available in the area in which the participant is searching.
  - a. Note: A letter, email, or similar documentation showing you have a job interview for a position that meets TAA standards for **suitable employment**, along with the job description will suffice.

## **26) REASONABLE AND NECESSARY EXPENSES IN RELOCATION**

Reasonable and necessary expenses in relocation can include:

- ◆ Transportation costs of a participant and their family;
- ◆ Lodging and meals for participant and their family;
- ◆ The travel expenses of any family member that must travel separately for a justifiable reason;
- ◆ Costs of renting a trailer, moving truck, or hiring a commercial carrier;
- ◆ Costs associated with moving a participant's mobile home, should they have one; and/or
- ◆ Temporary storage (up to 60 days) of household effects.

Relocation allowance must be pre-approved by TAA Specialists. The participant must complete necessary state forms and provide receipts for all expenses they wish to have reimbursed.

## **27) COMMISSION BASED WAGES AND RTAA ELIGIBILITY**

Participants whose reemployment wage is 100% determined by commission are not eligible for RTAA. If a portion of a participant's wage (e.g. 50%) is determined by commission, the participant may report their weekly salary as their wage. When wages earned through commission are paid out (either on a weekly or lump sum basis) participants report commission earnings at the time of receiving them. Participants may not be eligible for RTAA in weeks that they receive a lump sum commission payment.

## **28) TAA BENEFITS AND ATAA ELIGIBILITY**

A participant receiving benefits through ATAA (under 2002 law) is ineligible to receive the following TAA benefits:

- ◆ Training;
- ◆ TRA; and
- ◆ Job Search Allowances.

Participants receiving benefits through ATAA may still receive Relocation Allowance. They are also encouraged to take advantage of all available reemployment services offered by the Dislocated Worker Program.

Participants have a choice whether they would like to receive ATAA or TAA benefits. Under 2009 and 2011/2015 laws, however, participants can receive both RTAA and TAA benefits.

## **29) CALCULATING RTAA BENEFITS**

RTAA benefits are defined as half of the difference between a participant's former, "trade-impacted wage" and their "new wage".

Trade-impacted wages are defined as the hourly rate at the time of the most recent separation. New wages (wages at reemployment) are defined as the hourly rate at the time of reemployment.

The hourly rate received during a participant's last full week of Trade-Impacted Employment is multiplied by the number of hours worked during the last full week of employment. That number is then multiplied by 52 to get annual wages. Overtime wages and hours are excluded from the calculation.

Annual wages at reemployment are defined similarly. The hourly rate received during a participant's first full week of reemployment is multiplied by the number of hours worked during the first full week of employment. That number is then multiplied by 52 to get annual wages. Overtime wages and hours are excluded from the calculation.

### **30) DIFFERENT FIRMS AND RTAA ELIGIBILITY**

Under 2009 law, participant eligibility was restricted to only those participants who are reemployed in a different “firm” than their trade-impacted employment. The law, however, defines the “firm” as either the whole firm from which the participant was separated or the appropriate subdivision of that firm. Whether RTAA Eligibility requires employment in a separate firm or only a separate subdivision depends on whether the participant’s petition was filed for the entire firm or only a subdivision of that firm. If the petition was filed on behalf of workers in a particular subdivision, the participant may return to employment in another subdivision. If the petition was filed on behalf of all workers in the firm, the participant must be reemployed in a separate firm.

### **31) VALID IDENTIFICATION FOR RTAA APPLICATION**

In an RTAA Application, participants must submit identification and proof of birthdate. Typically, this is done through a driver’s license. In lieu of a driver’s license, participants may submit a:

- ◆ Birth certificate;
- ◆ Passport; or
- ◆ Minnesota State ID.

### **32) CONTINUING ELIGIBILITY FOR RTAA**

RTAA benefits are not payable during periods of unemployment. If a participant receiving RTAA becomes unemployed, they will not receive benefits. If the participant gains another qualifying position, however, they may submit a new application and begin receiving RTAA benefits again. It should be noted that the eligibility period begins when a participant first starts receiving RTAA benefits and is not affected by unemployment.

Participants may have more than one job, but at a minimum, each job must meet the definition of full-time employment as defined by state law (at least 32 hours per week). If additional employment is secured, the wages will be included in the calculation to determine whether a participant is expected to reach the annual limit for reemployment wages.







