

WEST VIRGINIA

Trade Adjustment Assistance



BENEFITS BOOKLET

PETITIONS: 90,000 to 97,999

2015 to 2020 Rules

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I. GENERAL INFORMATION

Trade Adjustment Assistance (TAA) is available to workers who lose their job, or are under threat of losing their job, due to a shift in production or the supply of services to any foreign country, or to workers of a firm in which an International Trade Commission investigation has issued a finding of “injury or market disruption.”

Under the Trade Act of 1974, as amended, workers who meet either of these conditions may apply for benefits necessary to prepare them to obtain new, suitable employment. Workers **may** be eligible for a wage subsidy for workers fifty (50) and over, case management services, training, job search and relocation allowances, and other reemployment services. Additionally, weekly Trade Readjustment Allowances (TRA) may be payable to eligible workers after their regular unemployment benefits are exhausted.

The Employment and Training Administration of the U. S. Department of Labor establishes the rules and regulations of the TAA program. WorkForce West Virginia acts as an agent in administering the TAA program and has **no authority to change these rules and regulations.**

Upon receipt of a petition application, the U.S. Department of Labor investigates to determine group eligibility and will issue a written determination after the investigation has been completed. If a shift in production, or the supply of services to a foreign country, directly contributed to job reduction in your company or subdivision, and the Department of Labor determines your group of workers as eligible to apply for TAA benefits, their determination will contain an “Impact Date”, identifying the date you became eligible for TAA benefits. The petition expires two (2) years from the date the determination was made.

To be eligible for any TAA benefits, your most recent separation from the “trade affected employer” **must be due to lack of work within the trade petition eligibility period.**

A. **Applying for TAA Benefits**

After your company has been issued a positive Trade Certification by the U.S. Department of Labor (USDOL), you will be contacted to attend a Benefits Rights Informational Meeting (BRIM) to discuss your potential TAA/TRA benefits and services. An opportunity will be given to complete an application for a determination of individual eligibility during the meeting or online at www.workforcewv.org under Looking for a Job/File a claim/Apply for Trade Readjustment Allowances.

After reviewing the application, the TRA unit will issue a written determination, with appeal rights, regarding your entitlement to TAA/TRA benefits.

TRA income support payments do have time limitations and eligibility periods, as discussed later in this booklet.

B. Job Recall

If you are recalled by the petitioned employer, at the same skill and pay levels of your previous job, you must accept the recall, **unless** you are participating in a TAA-approved training program or have been approved for a TAA training program that is scheduled to begin within 30 days.

It is always your decision whether to accept or refuse work. However, you should contact the TRA unit and your TAA case manager to discuss the consequences before making any decision. If you accept a recall, you can only complete the current semester, quarter, session, or term of TAA paid training.

C. Effect of Serving in the Military

Dislocated workers called up for active military duty or full-time National Guard service can restart the TAA enrollment process after completion of military service. Upon separation, these individuals are eligible to receive TRA, training, and other Trade benefits in the same manner and to the same extent as if the worker had not served the period of duty.

This applies to any returning service member who either:

- ❖ served on active duty in the Armed Forces for a period of more than 30 days under a call or order to active duty of more than 30 days or
- ❖ in the case of a member of the Army National Guard or Air National Guard, performing full-time duty for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency.

This “make whole” provision applies only if your period of duty occurs before you complete a TAA-approved training program.

II. TAA TRAINING BENEFITS

The Trade Adjustment Assistance Program (TAA) **offers reemployment services**, which include skills assessment, employment and case management services, paid training, job search allowances, and job relocation allowances.

A. Case Management Services

In addition to paid training, job search allowances, relocation allowances, you are also entitled to employment and case management services. These services include:

- ❖ Comprehensive and Specialized Assessments.
- ❖ Development of an Individual Employment Plan.
- ❖ Provided Information on Training.
- ❖ Provided Information on How to Apply for Financial Aid.
- ❖ Short-term Prevocational Services.
- ❖ Individual Career Counseling.
- ❖ Employment Statistical Information.
- ❖ Information on the Availability of Support Services.

To receive TAA services, it's important to complete the TAA process as soon as possible. The TAA process is explained at the Benefit Rights Informational Meeting, but you will be given information from the local TAA case manager who will schedule an initial appointment to discuss TAA benefits and services and initiate the eligibility process.

Co-enrollment in the Workforce Innovation and Opportunity Act (WIOA) is required to access TAA benefits. The WIOA program will assist with additional benefits and services that may not be covered under the TAA program and thereby will enhance reemployment opportunities. WIOA eligibility must be complete prior to enrolling in the TAA program.

All individuals totally separated from employment with the impacted employer **due to lack of work**, between the impact date and before the ending date of the petition, may be eligible to receive paid TAA approved training.

Initial Assessment/Individual Employment Plan

The TAA case manager will complete an initial skills assessment and guide you in developing an Individual Employment Plan (IEP) outlining your employment and training goals. The plan may include job search activities and re-employment services, or it may involve training to obtain additional skills, certifications, and credentials enhancing your current skills and increasing employment opportunities upon completion of training.

The training facility you choose should be on the State Eligible Training Provider List (ETPL). This list can be found at <https://macc.workforcewv.org/>.

If you find suitable training from a facility that is not on the State ETPL, contact your TAA case manager to discuss options. When adding a training facility to the list, the State TAA Office will examine reasonable costs compared to similar training at other training facilities.

The training must be in a **demand occupation**, one where there is a reasonable expectation of employment upon completion of training, and the components of a training plan must be related to a **specific occupational goal**.

When establishing an IEP, all training components must be listed. Once a training program begins, the plan cannot be changed to a different occupational training. Only one occupational training is authorized per trade petition.

It's important to choose training that provides you with the greatest opportunity for **reemployment**. Research training options thoroughly and make an informed training choice.

If your employability plan includes training, you must enroll in training **at the earliest scheduled enrollment date** to access your additional income support payments from the Trade Readjustment Allowance (TRA) Program. An individual can access up to 130 weeks of training to receive a degree, credential, certification, or license. Thirteen (13) weeks of Completion TRA (included in the 130 weeks of training) can be used, if necessary, to complete training. Individuals must meet specific benchmarks to access Completion TRA benefits:

- ❖ Maintaining satisfactory progress.
- ❖ On track to complete training within the agreed upon timeframe.

B. Training Approval Criteria

The following criteria must be established for training to be approved:

- ❖ There is no suitable employment (which may include technical and professional employment) available for an adversely affected worker.
- ❖ The worker would benefit from appropriate training.
- ❖ There is a reasonable expectation of employment following completion of such training.
- ❖ Training approved by the Secretary is reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools, as defined in Section 195(2) of the Vocational Education Act of 1963, and employers).
- ❖ The worker is qualified to undertake and complete such training. Emphasis is to be placed on the workers' personal qualifications to undertake the requested training. The qualifications are to include the worker's physical and mental capabilities, educational background, work experience, and financial resources. Financial resources will include the number of remaining weeks of unemployment compensation and Trade Readjustment Allowances as well as the applicant's access to other means of financial support such as spousal income.
- ❖ Such training is suitable for the worker and available at a reasonable cost.

This reemployment plan must be for an in-demand occupation and must enhance your employability. All components of the plan, including one day seminars, must be included in the original plan, and must be related to a specific occupational goal and cannot be amended without approval from the TAA Coordinator.

TAA training contracts must be approved **in advance** by the TAA State Office **before** training begins.

C. Training Provisions

Paid training is an entitlement to workers covered by a certified petition at no cost to the workers and is available to anyone who has a positive determination of eligibility. The entitlement to **training does not have an expiration date so long as the TAA program exists.**

Opportunities for training include, but are not limited to:

- ❖ **College/University training** – is defined as higher education programs in which an undergraduate, graduate or post graduate degree can be obtained.
- ❖ **Vocational/Technical training** - is defined as occupational training taken at a qualified facility that will result in a certificate or degree.
- ❖ **On-the-Job training** - is defined as training in which an individual acquires skills toward an occupational goal while working with a company or office in their chosen field. **Individuals who choose this type of training will not be entitled to TRA income support payments.**

❖ **Customized training** - is defined as training provided by a third-party training vendor but is designed for a specific firm or a group of firms. The company offering the training does not employ the trainee. Customized training must be conducted with a commitment by the employer to employ an adversely affected worker upon successful completion of the training.

❖ **Apprenticeship programs** – is defined as a registered apprenticeship program offering workers employment and a combination of on-the-job learning and related instruction.

All TAA sponsored training must be approved prior to enrollment. Individuals will receive written notification of the approval or denial of training in advance of the start date of the training requested.

TAA Pays

Any training-related costs that are required of all students are potentially covered under the TAA Program. These costs include tuition, registration or other fees, books, required supplies, and/or equipment based on program curriculum.

If the training facility is beyond a normal commuting distance (determined by the State TAA Office), as measured by Google Maps or MapQuest, you may be eligible to receive mileage reimbursement.

If residing at the training facility, subsistence may be paid as follows:

❖ Subsistence travel allowance will be paid based on housing availability.

❖ Subsistence allowance at fifty (50) percent of the Federal per Diem will be paid each day you are at the training facility. (**GSA.Gov**)

Note: All reimbursement requests must be reviewed and approved by your local TAA case manager prior to submission to the TAA Central Office.

D. Training Waivers

A waiver of training may be requested if you are unable to start training prior to the 26th week after your separation or the certification date due to any of the following reasons:

❖ The worker is unable to begin training due to a health condition.

❖ Approved suitable training is not reasonably available from governmental agencies or private sources.

❖ An enrollment date is not immediately available.

A request for waivers can be completed by your local case manager and will be submitted to the TAA Manager for approval. Waivers cannot exceed six (6) months in duration, **must be reviewed every 30 days** and can be revoked at any time if the basis of the waiver is no longer applicable.

If you fail to update your waiver in accordance with these time limitations, TRA checks **will stop**.

To be potentially eligible to receive Additional TRA income support payments, you must be enrolled in training by the Monday following **thirty (30) days** after the ending date of your waiver.

Requests for a waiver must be submitted in advance to the TAA Manager. The TAA Manager is the only individual who can approve, or deny, requests for waivers.

Training waivers expire when any of the following occurs:

- ❖ When you enter TAA-approved training.
- ❖ When your waiver period ends (6 months maximum).
- ❖ When you get a full-time job.

E. Job Search Allowances

A job search allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area. You may be paid up to 90% of necessary transportation and living expenses up to a maximum of \$1,250.00 while attending preapproved employment interviews.

Time limits for filing a Job Search Allowance application:

- ❖ Must file before the 365th day after the later of the TAA certification or the workers most recent total separation.
- ❖ **Or** must file 182 days after the date on which the worker completed TAA training.

To qualify for this assistance, you must contact the TAA Unit, file an application, and **be approved** before beginning your search for work outside your normal commuting area. Only travel within the United States is authorized. If the employer is paying the expense of the interview, TAA will not pay job search allowance reimbursements.

- ❖ Applicants must submit a google maps showing mileage traveled on job search.
- ❖ Mileage is paid at 90% of total miles traveled at current state mileage rate. Mileage will be calculated by the shortest route between destinations (most time efficient).
- ❖ Applicants should turn in all receipts (lodging, meals, toll charges, parking, etc.). These receipts should include the following five (5) items:

- Date of service
- Business name
- Business address
- Service or merchandise received
- Cost of service or merchandise received

F. Relocation Allowances

If you are successful in obtaining suitable employment outside your normal commuting area, the TAA program offers financial assistance for relocation to the new area of employment. If your employer is paying all or part of the cost of relocation, you may not be eligible for reimbursement from the TAA program. A relocation allowance pays 90% of the reasonable and necessary expenses of moving you and your household. In addition, you will receive a lump sum payment equal to three times your former average weekly wage up to a maximum of \$1,250.00. To qualify for relocation allowances, you must meet the following requirements:

- ❖ Must obtain suitable full-time employment within the United States. *Suitable employment means equal or higher skill level and no less than 80% of wages of the petitioned employer.*
- ❖ Time limits: Must file an application before the later of; the 425th day after the date of the petition certification, the 425th day after the date of the worker's last separation, or the 182nd day after the date on which the worker concluded TAA training.
- ❖ Have not previously received a relocation allowance under the same certification.
- ❖ Were totally separated from adversely affected employment at the time of your relocation.

Relocation Procedures

- ❖ All relocations must be approved in advance of the moving date by the TAA Central Office. When using a commercial moving company, relocation estimates will be required from at least two companies.
- ❖ Advance payments may be requested and rendered no sooner than 10 days before departure.
- ❖ Applicants should turn in receipts for only actual dates approved for their relocation. Receipts for relocation expenses must be turned in within two weeks of the relocation. Actual costs will be reimbursed at 90%.
- ❖ Applicants are reimbursed for up to two (2) of their personal vehicles for relocation purposes. Mileage is based on 90% of total miles traveled at the current state mileage rate.
- ❖ Applicants should turn in all receipts (rental truck, moving van, lodging, meals, toll charges, etc.) These receipts should include the following five (5) items:
 - Date of service
 - Business name
 - Business address
 - Service or merchandise received
 - Cost of service or merchandise received

NOTE: There are time limits for filing applications for Job Search and Job Relocation Allowances. Job Search and Relocation Allowance are in addition to TAA training costs.

III. TRA INCOME SUPPORT BENEFITS

TRA is income support payments you can receive after your regular unemployment and any extended unemployment benefits expire.

Trade Readjustment Allowance (TRA)/Income Eligibility

To be eligible for any TRA income support benefits, you must be enrolled in training (“Enrolled in training” means that your application for training has been approved by the State TAA Office), or have an approved waiver of training, by:

- ❖ The last day of the 8th week after the worker’s most recent total separation from adversely affected employment or the last day of the 16th week in which the petition is certified, whichever is later.
- ❖ If it is determined that there are extenuating circumstances justified for missing the above 8/16-week period, a 45-day extension may be authorized.
- ❖ Be covered by an approved petition.
- ❖ Be laid off due to lack of work in adversely affected employment.
- ❖ Be laid off on or after the impact date and before the expiration date of the petition certification.
- ❖ Have worked at least 26 weeks with wages of \$30.00 or more a week in adversely affected employment with a single firm or subdivision in the 52-week period ending with the week of separation. (Up to 26 weeks on workers compensation, on active military duty, full-time representative of a Labor Union, employer-authorized leave, *(such as vacation, sickness, injury, maternity or active or in-active duty for military training)*, can be used to substitute for weeks of employment.)
- ❖ Must have a valid unemployment claim.

TRA Benefit Breakdown:

Once you are approved for TRA benefits, you are potentially eligible for up to 130 weeks of income support payments.

26	Weeks of regular unemployment
26	Weeks of Basic TRA
65	Weeks of Additional TRA Benefits
117	Weeks of income support
+13	Weeks of Completion TRA
130	Maximum weeks of income support

Collecting TRA Benefits

To collect TRA benefits, you must exhaust all regular Unemployment benefits and be in an approved TAA training program or scheduled to start an approved TAA training program within thirty (30) days or have a training waiver in place within 26 weeks of the petition certification date or your last qualifying separation, whichever is later.

Claim Forms

Weekly unemployment claims are to be submitted online or at your local office. Once you enter TAA-approved training or begin receiving TRA benefits, claims must be filed bi-weekly using a paper claim form with your assigned Local Office. The claim form can be submitted to your Local Office in person, by mail, email, or fax. **It is your responsibility to file your bi-weekly claim form with your Local Unemployment Claims Office.**

If attending training, an authorized representative of the training facility **must** sign the attendance and progress report. If the signature is unauthorized, it will cause a delay in, or possibly a loss of the benefits.

A. Amount of TRA Benefits

TRA weekly benefit amount will be the same as the regular unemployment weekly benefit amount received on your first unemployment claim filed after the impact date of the petition. The weekly benefit amount on TRA will not change, regardless of any subsequent regular unemployment claims.

TRA payments will be reduced by any deductible income, such as earnings or pensions that would reduce weekly unemployment insurance benefits on qualifying unemployment claims.

Earnings from employment will be deducted from your TRA weekly payments in accordance with State Law. All earnings from employment must be reported when they are earned. You can earn up to your weekly benefit amount, plus \$60.00 before benefits are deducted.

B. Basic TRA Eligibility – Up to 26 weeks.

You have one hundred and four (104) weeks from your last qualifying separation to receive all unemployment and Basic TRA benefits. Any Basic TRA not filed for during your eligibility period will be lost.

While receiving Basic TRA using a training waiver, you must make job contacts, and accept suitable employment if it is offered.

To receive Basic and Additional TRA benefits, you must attend all scheduled classes and continue to make satisfactory progress. You can have an occasional excused absence, if the school continues to certify you are making satisfactory progress and the excused absence(s) are not endangering your completing your training and getting a diploma or certificate. **Any unexcused absence(s) will result in a loss of Basic and Additional TRA/income support benefits for the week(s) of the absence(s).** A 2.0, C average or equivalent, is considered as satisfactory progress.

C. Additional TRA Eligibility – Up to 65 weeks.

Additional TRA benefits are only available for individuals fully participating in full-time TAA-approved training. **No waiver can be used on the Additional TRA program.**

Up to 65 weeks of Additional TRA may be received if such additional weeks are necessary to complete the approved training program.

The Eligibility Period for payment is the 78-week period beginning after the exhaustion of Basic TRA. This period does not start until **you start** receiving Additional TRA benefits.

Additional TRA benefit payments stop when the training stops. Once your approved training stops, you cannot add more training to collect any remaining benefit balance.

D. Completion TRA- Up to 13 Weeks

Provides participants with up to 13 weeks of TRA benefits within the final 20-week period in order to complete the training plan. The following conditions are required to access Completion TRA benefits:

- ❖ The requested weeks are necessary for the participant to complete a training program that leads to a degree or industry-recognized credential.
- ❖ The participant is enrolled in training in each such week.
- ❖ The participant has met the performance benchmarks established in the approved training plan with the benchmarks identified on the Individual Employability Plan.
- ❖ The participant is expected to continue to make progress toward the completion of the approved training.
- ❖ The worker will be able to complete the training during the authorized period for receipt of Completion TRA.

E. Subsequent Employment & Job Offers

Work is not suitable unless it is of a substantially equal or higher skill level than your past adversely affected employment and pays wages of at least eighty (80) percent of your average weekly wage. A temporary assignment makes the work offer unsuitable.

Any employment offers do not have to be accepted once you meet the definition of being enrolled in training. If you have accepted unsuitable work since your separation from the affected employer, you can potentially quit that job without any disqualification. In addition, if you are offered unsuitable work, you may refuse it without fear of any penalty.

Always contact the TRA Coordinator at either 304-558-2611 or via email at TRA@wv.gov to discuss job refusals or job separations prior to making your decision.

F. Scheduled Breaks in Training

TRA benefits may be received during scheduled breaks in training if the following three (3) conditions are met:

- ❖ The break in training does not exceed 30 days, excluding weekends and Federal or State holidays.
- ❖ Participating in an approved training program before the beginning of the break and resume participation in the training immediately after the break ends.
- ❖ The break is provided for in the published schedule of the training facility or the approved training plan.

No TRA benefits will be paid for weeks during scheduled breaks, which exceed the 30-day period.

When a training program involves more than one component and involves breaks in training (within or between components, or within or between terms, quarters, semesters, and academic years), all breaks are subject to the 30-day break in training rule.

If you receive TRA benefits during a break in training, and do not return to training immediately after the break, you will be considered overpaid and will be required to repay any amount that you received during the break.

IV. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)

RTAA is a program that offers wage supplements, in addition to or instead of reemployment training, as an option for reemployed older workers.

To participate in this program, you must satisfy **all** the following individual qualifying criteria:

- ❖ Be covered under an approved TAA Petition.
- ❖ Be at least 50 years of age at the time of re-employment.
- ❖ Earn not more than \$50,000.00 per year.
- ❖ Must be employed on a full-time basis as defined by State law. (the state definition of full-time employment is being employed 32 hours or more per week).
- ❖ If enrolled in full-time TAA training, you can work part-time, but at least 20 hours per week.

If you choose to receive benefits from this program, you are still eligible to receive training. However, once you receive RTAA benefits you will no longer be eligible to receive TRA Benefits.

Under RTAA you will receive 50% of the difference between the wages you received at your Trade Affected Employer and the wages you receive from your new employment, limited to a period of two (2) years and not to exceed \$10,000.00. **Any TRA benefit weeks received prior to receiving RTAA will reduce your RTAA benefit period and entitlement amount.**

Please call 1-877-967-5498 or email TAACoordinator@wv.gov or TRA@wv.gov and ask for the RTAA Coordinator if you have questions or need the forms to apply for this program.

V. TAXABLE INCOME

Unemployment benefits, Basic TRA, Additional TRA, Completion TRA as well as RTAA are all taxable incomes. A 1099G will be issued at the end of each calendar year.

TAA expenditures such as reimbursements, relocation and job search allowances, travel payments, and other training reimbursements are nontaxable.

VI. OVERPAYMENTS

The preceding is a direct quote from Federal Regulations at 20 CFR, Part 618.832, dated September 21, 2020. State Law applies to the proper reporting of earnings, deductible incomes, and all eligibility issues. Failure to comply with State Law will result in overpayments that will be recovered in accordance with the U.S. Department of Labor regulations.

If you dispute your overpayment, you must submit a **written request** to the TAA/TRA Unit, stating your reason(s) the overpayment should be dismissed.

If an individual commits fraud against the TAA/TRA programs, they will be disqualified for the rest of their life from receiving benefits under these programs .

VII. CONTACTS

Should you have any specific questions regarding your entitlement to **training, employment & case management services, job search allowances, relocation allowances, travel allowances, and/or waiver of training participation**, contact the State TAA office at 304-558-8414 or by email at TAACoordinator@wv.gov.

Should you have any specific questions regarding your entitlement to **RTAA, Basic, Additional, and/or Completion TRA** please contact the TRA Coordinator at 304-558-2611 or by email at TRA@wv.gov.