

# **WEST VIRGINIA**

## **Trade Adjustment Assistance**



## **BENEFITS BOOKLET**

**PETITIONS: 98,000 +  
Reversion 2021 Rules**

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## I. GENERAL INFORMATION



Trade Adjustment Assistance (TAA) is available to workers who lose their job due to a shift in production of articles to Nations with Free Trade Agreements with the United States; Andean Trade Preference Act, African Growth and Opportunity Act, and the Caribbean Basin Economic Recovery Act... There is no automatic certification under Reversion 2021 for International Trade Commission determinations.

Under the Trade Act of 1974, as amended, workers who meet this condition may apply for benefits necessary to prepare them to obtain new, suitable employment. Workers **may** be eligible for a wage subsidy for workers aged 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 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. You will be given an opportunity to complete an application for a determination of individual eligibility during the meeting or online at [www.workforcewv.org](http://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 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.

## 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.

### Case Management Services

In addition to paid training, job search allowances, and 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 is important you complete the TAA process as soon as possible. The TAA process will be explained at the Benefit Rights Informational Meeting. You will also 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. You must complete the WIOA eligibility 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.

## B. 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 to enhance your current skills and increase employment opportunities.

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 must be listed. Once a training program begins, and you are “enrolled” in training, the plan cannot be changed to reflect additional training. You have one opportunity to select a training program.

It’s important that you choose training that provides you with the greatest opportunity for **reemployment**. Research your 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 only 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 specified 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 (preferred method of 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. **This must be considered before any other training can be approved. 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. 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 your training prior to the 16th week after your separation or the 8th week from your 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.

Requests 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, your 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 pre approved employment interviews.

Time limits for filing a Job Search Allowance application:

1. Must file before the 365th day after the later of the TAA certification or the workers most recent total separation.
- or
2. 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 map 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:

- ❖ Timeline - Must file an application before the later of;  
the 425th day after the date of the petition certification  
or  
the 425th day after the date of the worker's last total separation.  
or  
the 182nd day after the date on which the worker concluded TAA training.
- ❖ You 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.*
- ❖ You have not previously received a relocation allowance under the same certification.
- ❖ You 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 must turn in all receipts (rental truck, moving van, lodging, meals, toll charges, etc.) These receipts should include the following five (5) items:
  - Date
  - Business name
  - Business address

- Service or merchandise received
- Cost of service or merchandise received

NOTE: Job Search and Relocation Allowance are in addition to paid TAA training.

### III. TRA INCOME SUPPORT BENEFITS

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

To be eligible for this program, and potentially qualify for TRA income support you must:

#### Trade Readjustment Allowance (TRA)/Income eligibility

To be eligible for any TRA income support benefits, you must be enrolled in training, or have an approved waiver of training, by:

- ❖ The last day of the 8<sup>th</sup> week after the worker’s most recent total separation from adversely affected employment or the last day of the 16<sup>th</sup> 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.

*“Enrolled in training” means that your application for training has been approved by the State TAA Office and the training institution has furnished written notice to the State TAA Office verifying you have been accepted into the approved program.*

- ❖ 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.

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

<u>65</u>	Weeks of Additional TRA Benefits
117	Weeks of income support
<u>+13</u>	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 or have a training waiver in place within 8 weeks of the petition certification date or the 16th week following the day of the 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 you are attending training, an authorized representative of the training facility **must** sign your 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

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

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

You are required to report all your earnings from employment when they are earned. Earnings from employment will be deducted from your TRA weekly payments in accordance with State Law. You may enroll in part-time training and remain eligible for TRA benefits, however earnings during part-time or full time training will affect your benefit amount.

### 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. The first week of TRA eligibility is the week that begins more than 60 days after the date on which the petition that resulted in such certification was filed.

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

### **C. Additional TRA Eligibility – up to 65 weeks.**

Additional TRA benefits are only available for individuals participating in TAA-approved training. You must have an application for training filed within 210 days of separation to be eligible for Additional TRA. **No waiver can be used to receive Additional TRA.**

You may receive up to 65 weeks of Additional TRA, if such additional weeks are necessary for you 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 begin 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.

To receive 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 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.

### **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; and
- ❖ The participant has met the performance benchmarks established in the approved training plan with the benchmarks identified on the Individual Employability Plan; and
- ❖ The participant is expected to continue to make progress toward the completion of the approved training; and
- ❖ 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.

You do not have to accept any employment offers 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**

You may receive payment of TRA 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 and you were participating in an approved training program before the beginning of the break; 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.

If the scheduled break is less than 30 days, you will be eligible for TRA payments for the entire period. However, 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 immediately after the break, you will be considered overpaid and will be required to repay any amount that you received during the break.

## **IV. ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE (ATAA)**

ATAA is a program that offers wage supplements, 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.
- ❖ Obtain reemployment no more than 26 weeks after the date of separation from adversely affected employment.
- ❖ 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 or work multiple jobs that equal full-time employment. (The state definition of full-time employment is being employed 32 hours or more per week).

**If you choose to receive benefits from the ATAA program, you forfeit access to TAA Training, TRA income support and Job Search assistance. You will not be able to attend training part-time and claim ATAA benefits as well.**

Under ATAA 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.

Please call 1-877-967-5498 or email [TAACoordinator@wv.gov](mailto:TAACoordinator@wv.gov) or [TRA@wv.gov](mailto: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 ATAA 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](mailto: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](mailto:TRA@wv.gov).