

TECHNICAL ASSISTANCE

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Contact: TAATrainingPlans@dwd.in.gov
Program: Trade Adjustment Assistance (TAA)
Subject: DWD Technical Assistance 2022-01
TAA Program Sunset Provisions

Purpose

To provide guidance on the TAA program expiration and Sunset provisions that took place on July 1, 2022.

References

- *TEGL 13-21 Trade Adjustment Assistance (TAA) for Workers and Alternative Trade Adjustment Assistance (ATAA) and Reemployment Trade Adjustment Assistance (RTAA) Program Operations after June 30, 2022*

Content

The Sunset provision occurs when the current TAA legislation expires without reauthorization. During Sunset, the TAA program expires, and USDOL will not issue any new TAA certifications during that time. However, TAA participants that are currently being served through an active petition or that meet new eligibility requirements will continue to access benefits, some limitations may apply as described within this guidance. At such a time the TAA program is reauthorized, DOL will resume evaluating and certifying new petitions.

Petition Eligibility

Any TAA petition filed with USDOL that did not receive a determination (certification or denial) on or before June 30, 2022, will remain in "Investigation in Process" status until such time the TAA program is reauthorized. USDOL will not issue any new petition determinations during Sunset. Petitions filed after June 30, 2022, will not receive a TAW petition number, and will not appear on the USDOL website as a pending petition until reauthorization is received. The TAA Unit is still a required partner of Rapid Response and must receive notification of all potential trade-related layoffs. The TAA Unit will work with the company to ensure they are aware of the current status of the TAA program and collect preliminary petition information so a petition can be filed if reauthorization is received.

Individual Eligibility

Individual worker eligibility must still be determined. Workers who have a petition filed and certified under the 2015 law provision (petition numbers 90,000-97,999) must meet the following criteria in order to be entitled to apply for TAA benefits and services after July 1, 2022:

- Be covered under a TAA petition filed and certified on or before June 30, 2022; and
- Have received a total or partial separation from the TAA-certified employer by June 30, 2022, or be under threat of separation from the TAA-certified employer (verified by a separation letter from the company or a company provided worker list) with an estimated layoff date prior to the petition expiration date; and
- Meet or continue to meet individual eligibility requirements for the specific TAA benefits and services, including any applicable deadlines.

Workers who have a petition filed and certified under the Reversion 2021 law provision (petition numbers 98,000+) must meet the following criteria in order to be entitled to apply for TAA benefits and services after July 1, 2022:

- Be covered under a TAA petition filed and certified on or before June 30, 2022; and
- Have received a total separation from the TAA-certified employer on or before June 30, 2022; and
- Meet or continue to meet individual eligibility requirements for TAA benefits and services, including any applicable deadlines.

Under Reversion 2021, workers must be totally separated from the TAA-certified employer on or prior to June 30, 2022, to be eligible. Adversely affected incumbent workers are not covered under the Reversion 2021 program. Workers who were not totally separated from the TAA-certified employer by June 30, 2022, are not eligible for TAA benefits and services during Sunset, regardless of certification status.

Specific Benefit Eligibility

Notwithstanding the exceptions listed in the *RTAA/ATAA Exceptions* section below, the Sunset provision does not impact individual eligibility for workers laid off prior to June 30, 2022, who are engaged in services or benefits such as training, Trade Readjustment Allowance (TRA), job search allowance, and relocation allowance.

Individuals currently receiving benefits and services that meet the conditions in the *Individual Eligibility* section above will see no interruption in their benefits if the participant meets the continuous eligibility requirements of the benefit/service.

During Sunset, staff must continue to administer the 2002 program, 2009 program, 2011 program, 2015 program, and Reversion 2021 program in accordance with existing regulations and prior administrative guidance. States are required to continue to serve all trade-affected workers certified prior to July 1, 2022, within the limitations provided above.

RTAA/ATAA Exceptions

Under the Sunset provision, individuals who have applied for Reemployment Trade Adjustment Assistance (RTAA) or Alternative Trade Adjustment Assistance (ATAA), benefits and services must meet the additional eligibility criteria outlined below:

- Have a total separation from the TAA-certified employer by June 30, 2022; and
- Be enrolled and are currently active in the TAA program; and
- Have submitted an eligible RTAA application and received approval from the TAA Unit on the RTAA application; and
- Have received their first RTAA payment on or before June 30, 2022.

Any participant who has been approved for and has received at least one payment under RTAA or ATAA before June 30, 2022, payments will not be interrupted, and they will continue to receive payments if they meet continuous eligibility requirements for the benefit.

Case Management

Under the 2015 law, case management funding is available to allow staff to provide employment and case management services to trade-affected workers. Under Sunset provisions, any worker certified under a 2015 certification (90,000- 97,999 petition number) will continue to receive case management services. The TAA program shall provide and fund all case management services, including staffing costs to provide these services.

Under 2021 Reversion certifications (98,000+ petition number), TAA-funded case management services are not allowable, but must be provided and funded through partner programs such as Wagner-Peyser or Workforce Innovation and Opportunity Act (WIOA). This includes staffing costs to provide these services.

Co-Enrollment¹

Co-enrollment is still a regulatory requirement for all TAA participants served, regardless of petition number. While co-enrollment is a requirement for all TAA participants, co-enrollment is especially impactful to those workers certified under a 2021 Reversion petition who did not have a qualifying separation prior to July 1, 2022. These workers still meet requirements for the WIOA Dislocated Worker program and should be engaged with the appropriate services.

Funding

Unexpended funds from previous, but active, fiscal years will be available for expenditure. Funding from FY2020 will be available for expenditure until September 30, 2022. Funding from FY2021 will be available for expenditure until September 30, 2023. Funding awarded in FY2022 will be available for expenditure until September 30, 2024. This funding pays all TAA staffing, administrative, and programmatic costs (training, TRA, job search, relocation, and A/RTAA).

¹ Please see DWD's *Trade Adjustment Assistance (TAA) Co-Enrollment in the Workforce Innovation and Opportunity Act (WIOA) Dislocated Worker (DW) Program* and *Co-Enrollment and Common Exit* policies for additional guidance.

Additional Information

Questions regarding the content of this publication should be directed to TAATrainingPlans@dwd.in.gov.