

# TAA Benefit Rights & Obligations

UNDER THE  
TRADE ADJUSTMENT ASSISTANCE (TAA) ACT OF 2011 & 2015



Division of Unemployment Insurance  
Division of Employment & Training

Important Information to Record for Reference

|                           |  |
|---------------------------|--|
| Petition Number:          |  |
| Last Day of Work:         |  |
| Enrollment Deadline Date: |  |
| Case Manager Information: |  |

**Statewide TAA Assistance:** 888-258-9966

**Statewide TRA Assistance:** 608-267-7772

Available Monday-Friday 8:00 AM-4:00 PM

**Fax:** 608-327-6172

Go Online:

<http://dwd.wisconsin.gov/trade>

<http://doleta.gov/tradeact>

**Unemployment Insurance**

General UI Questions: 414-438-7713

Hours of operation are available online at  
<http://dwd.wisconsin.gov/uiben/services.htm>

Go Online:

<http://dwd.wisconsin.gov/uiben>

<http://my.unemployment.wisconsin.gov>

**Participant Handbook** can be found online at: <http://dwd.wisconsin.gov/trade/handbook.htm>

Read this information and save it for future reference.

It contains important information and instructions and will help in knowing and protecting rights available under the Federal Trade Adjustment Assistance program.

## OBLIGATIONS

You understand that you must report all information accurately to the best of your knowledge and that you do so with no intent to commit fraud. Furthermore, you understand that falsifying information or using the funds other than for the intended purpose is felony theft, and is punishable under state law.

DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please dial 7-1-1 for Wisconsin Relay Service. Please contact the Unemployment Insurance Division at 414-438-7713 to request information in an alternate format, including translated to another language.

The Trade Adjustment Assistance (TAA) Act of 2011 and 2015 is a federal program that provides reemployment services to workers who have been found to be adversely impacted by increased imports or by a shift of production of articles or the supply of services to a foreign country. The benefits you may receive under this program are:

## TRADE READJUSTMENT ALLOWANCES (TRA)

### Petitions 80,000 and Above – 2011 / 2015 Law Benefits

#### Unemployment Insurance (UI)

Up to 26 weeks paid within a 52 week period

#### Basic TRA

Up to 26 weeks paid within a 104 week period

#### Additional TRA

Up to 65 weeks paid within a 78 week period **while attending Trade approved training**

#### Completion TRA

Up to 13 weeks paid within a 20 week period if it is necessary to complete training and you have met the required 60 Day Training Benchmarks

Your weekly TRA benefit may be reduced by wages you earn from work or other types of income, such as retirement pensions. If you are in a TAA approved training program, certain wages may not result in a TRA benefit reduction. If you are in an approved training program, TRA weekly benefits are not paid for weeks that you do not attend all required classes or are on a break from training that exceeds 30 days. Once your Basic TRA is exhausted, you will not receive further TRA unless you are participating in a TAA approved training program.

## ELIGIBILITY FOR TRA CASH BENEFITS

**In order to be eligible for TRA cash benefits, you must:**

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| Be a member of a certified worker group either separated or threatened with separation.<br><br>The separation must be due to lack of work.<br><br>You must have been employed for at least 26 weeks in the previous 52 weeks in impacted employment at wages of \$30.00 or more per week;<br><br><u>AND</u> | Complete an application for Trade Adjustment Assistance;<br><br><u>AND</u> | Exhaust your regular Unemployment Insurance Benefits and any Federal and/or State Extensions;<br><br><u>AND</u> | <b>Meet at least one of the following criteria:</b>  |  |  |
|   |  |   | Be enrolled in an approved TAA training program by the end of the 26 <sup>th</sup> week after your most recent separation from Trade-impacted employment;<br><br><u>OR</u> | Be enrolled in an approved TAA training program by the end of the 26 <sup>th</sup> week after the TAA Petition has been certified;<br><br><u>OR</u> ,<br>under special circumstances | Be temporarily waived from TAA training.<br><br>However, you must be granted a waiver by the end of the 26 <sup>th</sup> week after your separation from Trade-impacted employment, or by the end of the 26 <sup>th</sup> week after the petition has been certified.<br><br>Other extensions for extenuating circumstances may apply. |

## HEALTH COVERAGE TAX CREDIT (HCTC)

HCTC is a 72.5 percent tax credit available monthly or annually through December 31, 2019 for eligible TRA and RTAA recipients. You can check the IRS website for detailed information and updates at: <http://www.irs.gov/HCTC>.

## EMPLOYMENT AND CASE MANAGEMENT SERVICES

**You are entitled to be offered the following Employment and Case Management Services:**

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| <b>Assessment</b>                          | A comprehensive and specialized <b>assessment</b> of your skill level and service needs. This includes diagnostic testing and use of other assessment tools, in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.   |
| <b>Individual Employment Plan</b>          | The development of an <b>Individual Employment Plan</b> to identify employment goals and objectives, and appropriate training to achieve those goals and objectives. A waiver will not be issued unless the Individual Employment Plan includes a valid training plan.  |
| <b>Training Available</b>                  | Information on <b>training available</b> in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.   |
| <b>Short-Term Prevocational Services</b>   | <b>Short-term prevocational services</b> including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills and professional conduct to prepare you for employment or training.  |
| <b>Career Counseling</b>                   | Individual <b>career counseling</b> , including job search and placement counseling, during the period in which you are receiving TRA or training and after receiving such training for purposes of job placement.  |
| <b>How to Apply for Financial Aid</b>      | Information on <b>how to apply for financial aid</b> . The notification that you may request financial aid administrators at institutions of higher education to use their discretion in determining the amount of your need for Federal financial assistance under title IV of 20 U.S.C. 1070 ex seq.  |
| <b>Employment Statistics</b>               | Provision of <b>employment statistics</b> information including the provision of accurate information relating to local, regional, and national labor market areas including job vacancy listings in such labor market areas; information on job skills necessary to obtain jobs identified in job vacancy listings in such labor markets; information relating to local occupations that are in demand and the earnings potential of such occupations and skills requirements for local occupations. |
| <b>Availability of Supportive Services</b> | Information relating to the <b>availability of supportive services</b> , including services relating to child care, travel assistance, dependent care, housing assistance, and needs-related payments that are necessary to enable you to participate in training.  |

## ISSUANCE OF A WAIVER FROM TRAINING

Under certain circumstances, you may receive up to 26 weeks of Basic Trade Readjustment Allowances while being waived from the training requirements. A case manager will assess your individual situation. Criteria established by the Federal government for the approval of a waiver include:

**A Waiver From Training Can Be Issued Based on One of These Criteria:**

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| You are temporarily in poor health (however, this only waives you from training, not from looking for work and accepting offered employment).   | Your first available enrollment date for training is more than 30 days after the date the waiver is granted. | Training funds are not available under TAA or other Federal programs, or suitable training is not available at a reasonable cost.   |
| Once you have been issued a waiver, in order to continue eligibility for TRA benefits, you <u>must</u> make contact with the case manager every 30 days to report your training enrollment efforts. <b>Failure to make contact every 30 days could be reason to revoke your waiver from training resulting in loss of any future TRA payments for this certification.</b> |  |   |
| A waiver will not be issued to any individual that is not interested in a training program.   | A waiver will not be issued unless the Individual Employment Plan includes a valid training plan.            | Up to 65 Weeks of Additional Trade Readjustment Allowances may be payable only if you are participating in TAA approved training (no waivers are allowed for Additional TRA). |

## JOB TRAINING ASSISTANCE

Prior to being approved for job training assistance, a case manager will assess your individual situation. The six criteria established by the Federal government for the approval of a job training plan are as follows:

### Criteria That Must Be Met for Approval of Training:

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| <p><b>1) There is no suitable employment (which may include technical and professional employment) available for an adversely affected worker.</b></p> <p>Suitable employment, as it relates to job training assistance, is employment that pays at least 80% of the weekly wage and involves a skill level at least as great as that of the trade-impacted employment.</p>  | <p><b>2) You would benefit from appropriate training.</b></p> <p>This means that there is a direct relationship between your need for skills training or remedial education and what would be provided by the training program under consideration for you, and that you have the mental and physical capabilities to undertake, make satisfactory progress in, and complete the training.</p> <p>This includes the further criterion that you will be job ready on completion of the training program.</p>  | <p><b>3) There is a reasonable expectation of employment following successful completion of such training.</b></p> <p>This means that, for you, given the job market conditions expected to exist at the time of the completion of the training program, there is, fairly and objectively considered, a reasonable expectation that you will find a job, using the skills and education acquired while in training, after completion of the training.</p>  |
| <p><b>4) Training approved is reasonably available to you from either governmental agencies or private sources.</b></p> <p>In determining whether or not training is reasonably available, first consideration shall be given to training opportunities available within your normal commuting area.</p> <p>Training at facilities outside the your normal commuting area should be approved only if such training is not available in the area or the training to be provided outside the normal commuting area will involve less charges to TAA funds.</p> | <p><b>5) You are qualified to undertake and complete such training.</b></p> <p>Evaluation of the your personal qualifications must include the your physical and mental capabilities, educational background, work experience and financial resources, as adequate to undertake and complete the specific training program being considered.</p> <p>Evaluation of your financial ability shall include an analysis of your remaining weeks of UI/TRA payments in relation to the duration of the training program. If your UI and TRA payments will be exhausted before the end of the training program, it shall be ascertained whether personal or family resources will be available to you to complete the training.</p> <p>When adequate financial resources will not be available to complete a training program which exceeds the duration of your UI and TRA payments, the training shall not be approved and consideration shall be given to other training opportunities available to you.</p> | <p><b>6) Such training is suitable for you and available at a reasonable cost.</b></p> <p>Available at a reasonable cost means that training may not be approved at one provider when, all costs being considered, training substantially similar in quality, content and results can be obtained from another provider at a lower total cost within a similar time frame.</p> <p>It also means that training may not be approved when the costs of the training are unreasonably high in comparison with the average costs of training other workers in similar occupations at other providers.</p> <p>This criterion also requires taking into consideration the funding of training costs from sources other than TAA funds, and the least cost to TAA funding of providing suitable training opportunities to you. However, no training is allowed which requires you to pay a portion of tuition costs from your own funds.</p> |

**Training must be completable within 130 weeks of training attendance and conclude with an Industry Recognized Credential.**

## ADDITIONAL TRAINING REQUIREMENTS

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| <b>Part Time vs. Full Time Training</b>    | <p>You are allowed to choose to attend training either part-time or full-time, although if you are attending part-time training <b>you are not eligible for TRA</b>. The training approval criteria apply to both the approval of full-time and part-time training. Additionally, participation in part-time training can allow you to participate in full-time work, even if that work is not suitable employment.</p> <p>Full time enrollment / attendance is defined by the training institution.</p>   |
| <b>Training Attendance</b>                 | <p>All absences must be reported. <b>Unjustified absences may result in the loss of a full week of benefits and are determined on a case-by-case basis.</b></p>  |
| <b>Training Benchmarks</b>                 | <p>If you attend any training, every 60 days you must meet established benchmarks. Those benchmarks mandate that you remain in satisfactory academic standing and on track to complete training within the agreed upon timeframe.</p> <p>The 1<sup>st</sup> Failure to Meet Established Benchmark(s) results in a warning and instruction to contact your case manager immediately.</p> <p>The 2<sup>nd</sup> Failure to Meet Established Benchmark(s) results in a warning and the modification of the training plan if that is possible or the forfeiture of Completion Trade Readjustment Allowances (TRA) eligibility.</p>   |
| <b>Cost of Training</b>                    | <p>The cost of your training includes tuition, fees, books, the usual and customary tools, equipment, supplies and uniforms required for the program of study. All fees, books, the usual and customary tools, equipment, supplies and uniforms must be listed in the syllabus as a requirement for all students in the training program. Also, certain training related consumables are an allowable expense that reimbursement may be requested.</p> <p>Requests for tools and equipment, supplies and uniforms for elective courses will be evaluated on a case-by-case basis.</p> <p>If your one way training commute is 25 miles (15 in WDA 4) or more, you may be eligible for travel assistance to and from the training institution. Subsistence in lieu of travel assistance may be available if the approved training is outside your normal commuting distance.</p> |
| <b>Training Documents You Must Provide</b> | <p>You must ensure the case manager has been provided all cost estimates, class schedules, grades, progress reports, attendance reports, billing information, program outcome documentation (diploma, certificate, industry recognized credentials), and any other training related documentation requested. If these are not provided by the training institution, then it is mandatory they be provided by you.</p>  |
| <b>Other Training Funds</b>                | <p>Prior to the approval of any training program, you are required to enter into a written agreement with the State under which TAA funds will not be applied for or used to pay any portion of the costs of the training you have reason to believe would otherwise be paid by any other Governmental, Institutional, or Private source.</p>  |
| <b>Recall to Trade Employment</b>          | <p>If you are in training and receive a recall notice from your former employer, you have the right to refuse the recall and to complete the originally approved training program in which you are enrolled.</p>   |
| <b>Warnings</b>                            | <p><b>Changes to your training may NOT be made by either you or the training institution without prior approval from your case manager.</b></p> <p><b>If you drop or add courses, or otherwise change your training plan in any way (including training end date), you are required to notify your case manager immediately; otherwise, you may be liable for repayment of any or all TRA benefits and training costs.</b></p> <p><b>If you drop out of training completely, or you drop below the level considered full-time without justifiable cause, or you do not successfully complete the agreed upon training plan, you may be liable for repayment of any or all TRA benefits and training costs.</b></p>   |

## ADVERSELY AFFECTED INCUMBENT WORKER TRAINING

An adversely affected incumbent worker is defined as:

- A member of a group of workers who have been certified as eligible to apply for TAA;
- Has not been totally or partially separated from adversely affected employment; and
- Is determined, on an individual basis, to be threatened with total or partial separation within 180 days.

Training may be approved for adversely affected incumbent workers before separation. TAA pre-separation case management and training services are intended to allow earlier intervention where layoffs are planned in advance and the employer can specifically identify which workers will be affected.

The state must evaluate whether the threat of total or partial separation continues to exist for the duration of the pre-layoff training. This can be accomplished by verifying with the employer that the threat of separation still exists before each subsequent portion of the training is funded.

If the threat of separation is removed during the training program, funding of the training must cease. You would be eligible to complete any portion of the training program where TAA funds have already been expended, but would not be eligible for further TAA funding of the training program in the absence of a threatened or actual separation from the adversely affected employment. TAA permits you approval of one training per certification. A training program begun prior to separation counts as that one training program and the training plan should be designed to meet your long-term needs based on the expectation that you will be laid off.

## REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)

RTAA is an alternative assistance program for older workers certified eligible to apply for Trade Adjustment Assistance. RTAA is designed to allow TAA eligible workers who find reemployment, to receive a wage subsidy of 50% of the weekly difference to help bridge the salary gap between your old and new employment. You may be eligible for the RTAA subsidy for a period of up to two years or total payments of up to \$10,000, whichever comes first (reductions may apply).

**To be eligible for RTAA, you must meet the following conditions at the time of reemployment:**

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| <p>You must be at least 50 years of age at the time of application;</p> <p>Your earnings are not more than \$50,000 each year in wages from reemployment;</p> | <p>You must be employed on a full-time basis as defined by the law of the State in which you are employed (currently 32 hours/week in Wisconsin)</p> <p><u>OR</u></p> | <p>You must be employed at least 20 hours per week and enrolled in a full time TAA approved training program;</p> <p><u>AND</u></p> | <p>You can't be employed at the firm from which you were separated.</p> <p>Accordingly, this requirement means that, if the certification is issued for a worker group in a specified subdivision of a firm, you may not return to employment with that subdivision, but may return to work at another subdivision of the firm.</p> <p>If, however, the certification is issued for workers in the entire firm, you may not return to employment in any subdivision of that firm.</p> | <p>You may collect RTAA after a period of TRA but the amount and duration of RTAA will be reduced proportionally by the number of weeks of TRA received.</p> <p>Qualifying employment that was commenced prior to separation from adversely affected employment may be considered RTAA qualifying employment.</p> |
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## OUT-OF-AREA JOB SEARCH ALLOWANCES

If you have a job interview outside the commuting area, 90% of the allowable cost of necessary job search expenses may be reimbursed, up to a maximum of \$1,250. **The application for Job Search Allowances must be made in advance.** Criteria for which the approval of job search allowances can be made include:

You must be registered with the Local Workforce area;

You must be completely separated from the adversely affected employment at the time the job search commences;

A determination by the case manager that you have no reasonable expectation of securing suitable employment in the commuting area, and have a reasonable expectation of obtaining suitable employment of long-term duration outside the commuting area and in the area where the job interview will be conducted. The term "suitable employment" is defined in Unemployment Insurance law;

A timely filed Application for Out-of-Area Job Search Assistance. The time limitations for applying for job search allowances are 365 days (one year) after the petition certification date or your last total separation from work (whichever is later); or 182 days (6 months) after the completion of your TAA-approved training;

Completion of the job search within a reasonable period not to exceed 30 days after the day on which the job search began. A job search is deemed completed when you either secure employment or have contacted each employer to whom you were referred by the case manager in connection with a job search;

Verification of employer contact. The case manager will verify contact with the employer certified by you. Proof of a bona fide job interview (required from the employer conducting the interview);

Travel must be the least expensive method, for the shortest duration of time.

You may be allowed up to 50% of the Federal allowable rates for lodging, meals and travel expenses at the prevailing mileage rate.

## OUT-OF-AREA RELOCATION ALLOWANCES

If you obtain a bona fide offer of work outside the commuting area, and desire to move your possessions, you may file for a relocation allowance. You may be eligible for reimbursement of 90% of eligible moving costs for your family including one-way travel and commercial carrier or truck rental costs, plus a lump sum payment equivalent to three times your average weekly wage from the adversely affected employment up to a maximum payment of \$1,250. **The application for Relocation Allowances must be made in advance.** Criteria for which the approval of relocation allowances include:

A timely filed application for TAA Out-of-Area Relocation Allowances;

Total separation from adversely affected employment at the time relocation commences;

No prior receipt of a relocation allowance under the same certification;

Relocation within the United States and outside your present commuting area;

A determination by the case manager that you have no reasonable expectation of securing suitable employment in the commuting area and has obtained suitable employment affording a reasonable expectation of long term duration, or a bona fide offer of such employment, outside the commuting area in the area of intended relocation;

There are time limitations on the application for relocation allowance: 425 days (14 months) after the certification date of the petition; or 425 days after your last total separation from affected employment, whichever is later; or 182 days (6 months) after you successfully complete your TAA training. The relocation must complete within 182 days after filing the application for relocation assistance;

Documentation of the job offer is required, including position, pay, start date, and any relocation benefits offered by the new employer. TAA must not replace costs that would otherwise be paid for by the employer;

Applications for relocation allowance and a job search allowance may not be approved concurrently, but the prior payment of a job search allowance shall not otherwise preclude the payment of a relocation allowance.