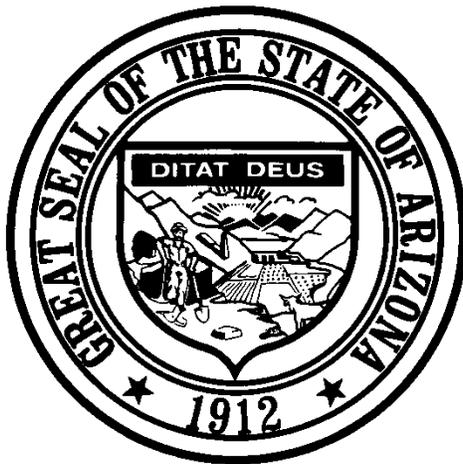


State of Arizona

Trade Adjustment Assistance (TAA) Program Policy Manual

**Revision 03
Effective March 1, 2018**



**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
Division of Employment and Rehabilitation Services
Workforce Development Administration**



100 INTRODUCTION

Provides an overview of the laws governing the Trade Adjustment Assistance (TAA) program, its participants, the petition process, employment and case management services, contact information for policy questions, Rapid Response, the Toll-Free Help Line, and the Health Coverage Tax Credit (HCTC).

200 CERTIFICATION PROCESS

Describes the petition review process by the Office of Trade Adjustment Assistance (OTAA), and certification notification sent to the petitioners by TAA staff.

300 TRAINING

Describes the types and length of training, required criteria for enrollment, attendance requirements, monitoring, funding, performance benchmarks, and eligibility requirements for waivers.

400 TRADE READJUSTMENT ALLOWANCES

Describes the eligibility requirements, levels of Trade Readjustment Allowances (TRA) for participants under the 2011 and 2015 laws, and the maximum amount of time each type of TRA may be received.

500 REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE

Describes the purpose, eligibility, and benefits of Reemployment Trade Adjustment Assistance (RTAA) for participants under the 2011 and 2015 laws.

600 JOB SEARCH ALLOWANCES

Describes the purpose, use, and availability of Job Search Allowances for participants under the 2011 and 2015 laws who are forced to seek employment outside their normal commuting area.

700 RELOCATION ALLOWANCES

Describes the purpose, use, and availability of Relocation Allowances for qualifying participants who must relocate within the United States for new employment.

TABLE OF CONTENTS

800 GENERAL INFORMATION

This section contains policies regarding protecting confidential participant information, information and the link to DES administrative policies and procedures, overpayments, the appeals process, and more.

900 GLOSSARY

This section contains definitions of terms used and hyperlinked from within this policy manual.

TAA staff are required to review the [SharePoint Policy Hub](#) at least monthly to determine if any Policy Broadcasts (PBs) or Informational Broadcasts (IBs) are published that may revise the contents of these policies.

Requests for clarification should be sent by your policy designee via e-mail to DERSTAAPolicy@azdes.gov.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



TRADE ADJUSTMENT ASSISTANCE
(TAA) POLICY MANUAL

PROGRAM INSTRUCTIONS:
SECTION 100

SUBJECT: INTRODUCTION

100 INTRODUCTION

The Trade Adjustment Assistance (TAA) Program is a federal program that helps workers in the United States (U.S.) who have suffered full or [partial separation](#) as a result of foreign trade.

The TAA Program is operated in Arizona under an agreement between the state and the Secretary of the U.S. Department of Labor to carry out the provisions of the program outlined in this policy manual. The Governor of Arizona has designated the Department of Economic Security (DES) as the [Cooperating State Agency \(CSA\)](#), which acts as the agent of the U.S. Department of Labor (DOL) in receiving applications from adversely affected workers and providing benefits and services.

The goal of the program is to provide [adversely affected workers](#) with opportunities to get the skills, credentials, resources, and support necessary to return to [suitable employment](#) as quickly as possible.

This policy manual contains the most current federal and state regulations for TAA staff to understand and apply when assisting [participants](#). Questions may arise regarding policy within this manual that cannot be resolved at the local level and should be sent by the policy designee via email to DERSTAAPolicy@azdes.gov.

This policy manual must be utilized together with the *TAA Program User Guide*, which outlines the procedures for TAA staff to follow regarding the policies contained herein.

All [TAA Forms](#) are available on the DES intranet (select Trade Adjustment Assistance from the drop-down for type of document) and procedures for every form are outlined in the *TAA Program User Guide*. The body of this policy manual includes some definitions including many words or phrases that are hyperlinked to the [Glossary](#).

101 TRADE ACT LAWS

The Trade Act of 1974 created a program to assist workers adversely affected by an increase in imports or a shift in production to foreign countries. The primary objective is to return those workers to suitable employment as soon as possible.

.01 Amendments

There have been five major amendments to the Trade Act of 1974 that include:

- A. Trade Adjustment Assistance Reform Act of 2002 (Division A, Title I of Public Law 107-210);
- B. Trade and Globalization Adjustment Assistance Act of 2009 (Division B, Title I, Subtitle I of Public Law 111-5);
- C. Trade Adjustment Assistance Extension Act of 2011 (Public Law 112-40);
- D. Reversion 2014 which was repealed; and
- E. Trade Adjustment Assistance Reauthorization Act of 2015 (Public Law 93-618 as amended).

.02 Department of Labor Links

More detailed information and guidance for the TAA program is available on the Department of Labor Employment and Training Administration (DOLETA) website:

- A. [Statutes and Regulations](#);
- B. [Directives](#), including Training and Employment Guidance Letters (TEGL) and Training and Employment Notices (TEN); and
- C. [Side-by-Side Comparison](#) of program benefits under the TAA Program for 2002, 2009, 2011, and 2015.

102 ELIGIBILITY

Different industry sectors are eligible for TAA [certification](#) and benefits within the different Trade Act laws. The following worker groups are eligible to apply for and potentially receive TAA Program benefits:

- A. 2002: [Manufacturing sector](#) workers only.

Job search allowances and relocation allowances are not applicable under TAA 2002.

- B. 2009: Manufacturing sector, [service sector](#), and [public sector](#) workers, and those affected by [International Trade Commission \(ITC\) findings](#).

Job search allowances and relocation allowances are not applicable under TGAAA 2002.

- C. 2011 and 2015: Manufacturing sector and service sector workers, and those affected by ITC findings.

Note: *Alternative Trade Adjustment Assistance (ATAA) was only available to participants governed by the 2002 and 2014 laws and replaced by Reemployment Trade Adjustment Assistance (RTAA) by the 2015 law.*

Group eligibility details for each of the Trade Act laws, under which they may qualify, are located on the [Side-by-Side Comparison](#) of TAA program benefits.

103 PETITION PROCESS

Before a group of workers can participate in the TAA program, they must file a [petition](#) with the United States Department of Labor (DOL).

The DOL Office of Trade Adjustment Assistance (OTAA) conducts an investigation to determine whether the petitioning group has a valid claim and may be certified as eligible to apply for TAA benefits and services. Worker groups must contain workers who have been or will be [adversely affected](#) due to increased imports or outsourcing of jobs or production to any foreign country.

.01 Cooperating State Agencies

- A. [Cooperating state agencies](#) (CSAs) are required to advise workers of the TAA Program and:
 - 1. Provide full information regarding benefit allowances, training, and other employment services available; the petition and application procedures, and appropriate filing dates for all benefits; and the procedures and deadlines for applying for TAA benefits.
 - 2. Provide any assistance necessary to enable groups of workers, including unorganized workers, to prepare petitions or applications for program benefits.
 - 3. Mail a written notice of the benefits available to each worker covered by a certification issued when the worker is partially or totally separated, or as soon as possible, after the certification is issued.
- B. During the Rapid Response session (see *TAA Program User Guide*, **Section 200 – RAPID RESPONSE**):

1. Unemployment Insurance (UI) claimants must be provided information regarding:
 - a. Deadlines for applying for TAA program benefits;
 - b. Assistance available as needed from TAA staff for early filing of petitions;
 - c. Applying for training and other [reemployment services](#) before or at the time he or she applies for Trade Readjustment Assistance (TRA); and
 - d. Services available through other federal programs when TAA program funds provided are insufficient to make such services available.
2. TAA staff must begin:
 - a. Outreach, intake, and orientation for adversely affected workers and [adversely affected incumbent workers](#); and
 - b. Employment and case management services available to workers; and
- C. As the CSA in Arizona, DES is encouraged to share the list of firms identified in an ITC determination with Rapid Response staff to assist in notifying workers of the opportunity to obtain TAA certification when a petition is filed.

.02 Filing A Petition

- A. A group of three or more workers may file a petition on their own behalf. Any of the following representatives may file a petition on behalf of a group of workers:
 1. An employer;
 2. A [union](#);
 3. A [State workforce official](#);
 4. An [ARIZONA@WORK Job Center partner](#);
 5. A dislocated worker program; or

6. Any [duly authorized representative](#).
- B. When a petition is filed by three workers, each worker's signature is required. Petitions can be obtained from the DOL website by [downloading a petition](#).
- C. Petitions must be filed with the US DOL OTAA **and** a copy must be submitted to the Arizona Trade Unit.
- D. When the OTAA determines the group of workers on the petition have been adversely affected by foreign trade, the OTAA sends the *Certification Regarding Eligibility to Apply for Worker Adjustment Assistance* notice to the [petitioner](#) (who is usually an employer or other worker representative, such as a union representative) and to the TAA State Coordinator.
- E. Information regarding petitions and certifications is on the [DOL Website](#), including petition denials, judicial review, and/or administrative reconsiderations; as well as conducting a [Search for a Listing of Petitions and Determinations](#).

104 APPLICATION OF STATE LAWS

.01 Liable State

- A. The applicable law for a liable state that governs any individual is:
 1. **The state in which the worker is entitled to UI benefits**, whether he or she files a claim or not, immediately following the first separation; **or**
 2. If the worker is not entitled to UI under the law of any state immediately following the first separation, or is entitled to UI under the Railroad Unemployment Insurance Act (RRUI), the applicable state law is **the state in which the first qualifying separation occurred**.
- B. The state law for UI in the liable state remains the same for the worker until he or she becomes eligible for UI under the law of another state, but the liable state remains the same.
- C. A worker is considered to be entitled to UI when he or she satisfies the base period employment and wage eligibility requirements.

1. When a combined-wage claim exists, UI entitlement must be determined under the law of the paying state.
 2. When a federal UI claim or joint federal and state UI claim exists, UI entitlement must be determined under the law of the liable state.
- D. Arizona, as the liable state, is responsible for following the policies and procedures outlined in this *TAA Program Policy Manual* and the *TAA Program User Guide*.

.02 Agent State

- A. An agent state is any other state that is not the liable state for the worker (see Section 104.01.A). Agent states are responsible for fully cooperating with and assisting the liable state to carry out its activities and functions.
- B. Responsibilities of the agent state include:
1. Cooperating with liable states in taking applications and claims for TAA;
 2. Providing reemployment services to certified workers;
 3. Providing interstate claimants with TAA program information and assistance;
 4. Assisting UI applicants or claimants with filing claims for TAA program benefits and services;
 5. Cooperating with the liable state by providing information needed to issue determinations, redeterminations, and decisions on appeals; and
 6. Procuring and paying the cost of any approved training, including subsistence and transportation costs, according to determinations issued by the liable state.

105 EMPLOYMENT AND CASE MANAGEMENT SERVICES

As ***required*** under the 2009, 2011, and 2015 laws, TAA Counselors must offer employment and case management services to adversely affected workers and adversely affected incumbent workers. The purpose of these services is to provide

participants the necessary information and support throughout their participation in the TAA program for obtaining sustainable reemployment.

The TAA program is a required partner in the ARIZONA@WORK one-stop system established under WIOA and integrates participants and resources into ARIZONA@WORK Job Centers to strengthen existing employment and case management structures. Co-enrollment or multiple-enrollment in WIOA partner programs allows worker/participants to receive supportive services that may assist them in making a quicker transition to new employment.

The Counselor must complete the *Referral for Services* (TAA-1025A or TAA-1025AS) when referring participants to an ARIZONA@WORK Job Center. The form should also be used throughout the case management process to refer participants to other community and/or service providers for assistance as appropriate.

.01 Responsibilities

The Counselor’s responsibilities include, but are not limited to:

- A. Comprehensive and specialized assessment of skill levels and service needs through:
 - 1. Diagnostic testing and use of other assessment tools; and
 - 2. In-depth interview and evaluation to identify employment barriers and appropriate employment goals.
- B. Development of an Individual Employment Plan (IEP) to identify employment goals, objectives, and appropriate training;
- C. Provision of information on training, including:
 - 1. Available training in local and regional areas;
 - 2. Individual counseling to determine suitable training;
 - 3. Information on how to apply for training; and
 - 4. Information on how to apply for financial aid, including referring participants to:
 - a. The financial aid administrators at the school or training provider; or

- b. The [U.S. Department of Education, Educational Opportunity Centers](#) where applicable; and
- 5. Notification to each participant regarding deadlines for enrollment.
- D. Referral to short-term prevocational services that may include:
 - 1. Development of learning skills;
 - 2. Learning the importance of punctuality;
 - 3. Personal maintenance skills; and
 - 4. Professional conduct to prepare for employment or training.
- E. Provision of accurate local, regional, and national labor market information (LMI), including:
 - 1. Job vacancy listings;
 - 2. Job skills necessary to obtain jobs identified in the vacancy listings and skills required for local occupations; and
- F. Provision of information regarding the availability of supportive services that may be necessary for participation in training, including:
 - 1. Child care;
 - 2. Transportation;
 - 3. Dependent care,
 - 4. Housing assistance;
 - 5. Other need-related payments.
- G. Documentation in the case record that must show these services were provided or offered.
- H. Contacting the participant on a monthly basis.
- I. Sending the *Trade Participant Follow-Up* (TAA-1053A or TAA-1053AS) if no contact has been made after 60 days.

.02 Training Program Selection

When suitable employment **is not available** to a worker or group of workers:

- A. The CSA must develop and secure training opportunities and establish connections with other public and private agencies, WIOA Title I-B Programs, and employers that assist in returning adversely affected workers to employment as soon as possible.
- B. Whenever possible, the CSA must consult with the worker's adversely affected employer, certified or recognized union, or other authorized representative to develop a retraining program that meets the employer's staffing needs and preserves or restores the employment relationship between the worker and the firm.

.03 Training Methods

Adversely affected workers may be provided one or a combination of the following methods of training:

- A. On-the-Job Training (OJT), which will be given priority to the extent possible. OJT includes obtaining the related education necessary to gain skills needed for a position for employment within a particular occupation rather than a particular job at a specific site; and
- B. Training in public vocational education schools when it is determined the schools are at least as effective and efficient as other alternatives.

.04 Standards and Procedures

When training is approved, the Counselor must document AJC case notes for the standards and procedures used to select occupations and schools or training providers. The occupations and training must offer a reasonable expectation of employment; however, employment is not guaranteed.

- A. **Standards** – Training must be approved for occupations in which an identifiable demand exists either in the local labor market or in other labor markets for which relocation planning has been implemented. When possible, placement rates and employer reviews of curriculum must be used as guides in the selection of schools or training providers.
- B. **Procedures** – Consultation with the following must be made when determining the type(s) of training to be provided:

1. Employers;
2. Labor organizations;
3. ARIZONA@WORK Job Center partners;
4. Educational organizations;
5. Apprenticeship programs;
6. Carl D. Perkins Vocational Education Act advisory councils; and
7. Postsecondary institutions.

.05 Exclusions

Certain occupations must be excluded when determining the types of training to be provided, including instances when:

- A. Employment opportunities do not exist based on job opportunities in the local community and other LMI; or
- B. There is no reasonable expectation of permanent employment.

.06 Eligibility Determinations

TAA staff must promptly determine a participant's eligibility for any TAA program benefits for which he or she has applied or requested and send the appropriate determination notice. TAA staff may also accept information and findings provided by another state agency for this purpose.

- A. The determination notices must inform participants of the:
 1. Reason for the determination or redetermination; and
 2. Right to file an appeal.
- B. The determination notices must include:
 1. A statement that he or she may appeal or request a redetermination;
 2. The period of time allowed for the appeal or request for redetermination; and

3. Either the beginning or ending date of the period.
4. How, where, and to whom the appeal or redetermination must to be filed;
5. An explanation of any circumstances that may extend the period beyond the date(s) identified;
6. Any other information the participant may need to obtain with assistance from TAA staff.

.07 Exit From TAA Program

The Counselor must make every effort to prevent a participant from leaving the program unless they obtain suitable employment. When a participant does exit the program for any reason, the Counselor must complete the *TAA Exit Report* (TAA-1035A).

106 TOLL-FREE HELP LINE

The DOL Employment and Training Administration's (ETA) Toll-Free Help Line (TFHL), **1-877-US2-JOBS (1-877-889-5627)**, is an available resource to provide to the public and workforce development community for access to employment and training information, programs, and services. This service is available in many languages, including TTY capabilities for the hearing impaired, and provides access to a wide range of DOL-specific programs and resources. DOLETA information available through the TFHL includes:

- A. Nationwide American Job Center locations and services;
- B. ETA Programs;
- C. Registered Apprenticeship Programs;
- D. TAA programs including the Health Coverage Tax Credit (HCTC);
- E. Foreign Labor Certifications;
- F. Worker Adjustment and Training Act notices (WARN) and other layoff information;
- G. Federal Bonding Program/Reintegration Programs;
- H. Veteran and Military Programs;

- I. Older Worker Programs, including the Senior Community Service Employment Program (SCSEP);
- J. Youth Programs;
- K. Unemployment Insurance and Disaster Unemployment Assistance; and
- L. National Programs such as National Dislocated Worker grants, Migrant and Seasonal Workers, Work Opportunity Tax Credit Program, and Indian and Native American Programs.

107 HEALTH COVERAGE TAX CREDIT

Federal guidelines require Counselors to ensure participants are aware of the Health Coverage Tax Credit (HCTC). The HCTC is a program that offers tax credits for health insurance premiums to participants who are eligible for [Trade Readjustment Assistance \(TRA\)](#), receiving UI benefits, or participating in [Reemployment Trade Adjustment Assistance \(RTAA\)](#).

The credit is 72.5 percent for qualifying health insurance premiums for all [eligible TAA recipients](#) (see *Special Rule in definition*) or [eligible RTAA recipients](#). Participants need not be [enrolled in training](#) or have received a waiver to be eligible for the HCTC. However, the participant must be eligible for TRA.

Information regarding HCTC is on the *Trade Adjustment Assistance Information Notice* and the *Trade Adjustment Assistance Overview* forms. (See page 2-1 for these forms).

The Internal Revenue Service (IRS) automatically sends information about the HCTC to participants once they have received UI and have begun receiving TAA benefits. Eligibility must be documented in AJC.



TRADE ADJUSTMENT ASSISTANCE (TAA) POLICY MANUAL	PROGRAM INSTRUCTIONS: SECTION 200
SUBJECT: CERTIFICATIONS	

200 CERTIFICATIONS

The investigation by the OTAA revolves around proving or disproving the group of workers on the petition were adversely affected by foreign trade. When a group is certified, they may apply for TAA benefits.

.01 Certification Purpose

The certification:

- A. Describes the workers who are eligible;
- B. Identifies the workers beginning (impact) and ending (expiration) dates for determining eligibility; and
- C. Provides a corresponding petition number.

.02 Certification Notification

Petition [certifications](#) are published in the [Federal Register](#), posted on the [DOL website](#), sent to the TAA Coordinator in the state in which the worker applied, and to the [petitioner](#). TAA-eligible workers apply for benefits and services at an Employment Service office or [ARIZONA@WORK Job Center](#). Depending on the state in which the worker applied for UI, Arizona may be considered an [agent state](#) or a [liable state](#).

- A. When a [petition](#) is certified, the TAA State Coordinator must:
 1. Notify [field offices](#) and the Rapid Response Unit of the certification;
 2. Obtain the names, addresses, dates of hire, and [separation dates](#) of the affected workers from the employer; and
 3. Publish a notice of the certification in a newspaper of general circulation in areas where the [adversely affected workers](#) reside. While a newspaper notice is not required to be published, the CSA must record evidence that all workers covered by the certification have received written notice. A published notice must include the following information:

- a. Worker group(s) covered by the certification and the product(s) produced as specified in the certification;
 - b. Name and address or location of workers' company;
 - c. [Impact, certification](#), and [expiration](#) dates in the certification document;
 - d. Benefits and [reemployment services](#) available to eligible [participants](#); and
 - e. An explanation of how and where to apply for benefits and services.
- B. TAA staff must send the following notifications to affected workers:
1. *Trade Adjustment Assistance (TAA) Information Notice* (TAA-1063A or TAA-1063AS)
 2. *Notice of Potential Eligibility and Application* (TAA-1065A or TAA-1065AS)
 3. When the worker returns the application, TAA staff must send the *Trade Adjustment Assistance Determination Notice* (TAA-1009 or TAA-1009AS) to inform the worker of the decision regarding the application.
- C. When an applicant is not listed on the separation log, the TAA Coordinator may send the *Request for Employment Information* (TAA-1046A) to the trade-affected employer.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



TRADE ADJUSTMENT ASSISTANCE
(TAA) POLICY MANUAL

PROGRAM INSTRUCTIONS:
SECTION 300

SUBJECT: TRAINING

300 TRAINING

Training, whether full-time or part-time, is available to TAA [participants](#) who do not have the skills to secure [suitable employment](#) in the existing labor market. [Counselors](#) must create a training plan that targets a specific occupation and helps the participant secure suitable employment at the best wage available.

The Counselor is responsible for approving or denying the request for training, and forwarding the recommendation to TAA staff for second-level approval or denial.

301 TRAINING DETAILS

Under the 2009 law, the maximum duration for regular training is 130 weeks. Eligible participants can receive up to 26 weeks of remedial training for a maximum of 156 weeks.

Under the 2011 and 2015 laws, the maximum duration for regular training is 130 weeks.

302 TRAINING FUNDING

Arizona has a "[soft training cap](#)" per participant for training expenses. These expenses include tuition fees, books, supplies, tools, mileage, [subsistence](#), and other costs required by the training program. Any approved funds must be sufficient to cover the [reasonable cost](#) of suitable training for high growth, demand, and green occupations to which those caps apply.

The Counselor must complete the required forms in the **training plan packet** (see *TAA Program User Guide*, section 401.02) and must take into account all fees, mileage, subsistence, materials, and other items needed to complete the training plan at the time of request. Unexpected expenses that occur must be fully documented and approved prior to purchase.

If the proposed training plan exceeds the soft training cap maximum, the Counselor must complete the *Exception to Cost Limit* (TAA-1029A), provide justification why the request should be approved and how it will benefit the participant, and forward the request with the training plan packet to TAA staff at TAAProgram@azdes.gov.

.01 Reasonable Costs

When determining reasonable costs of training, the following factors are considered:

- A. Costs of a training program must include tuition and related expenses (books, tools, and academic fees), travel or transportation expenses, and subsistence expenses.
- B. First consideration must be given to training with the lowest cost similar in quality, content, and results, and the lowest cost approved if offered at more than one training provider; and
- C. Training at facilities outside the worker's [normal commuting area](#) involving transportation or subsistence costs that add substantially to the total costs must not be approved if other appropriate training is available.

.02 Funding Allowances

The TAA program covers the cost of tuition, books, and typical educational supplies. When applicable, the program also pays for specialized tools, equipment, supplies, transportation, and secondary residence expenses. These expenses must be included in the training plan budget.

Transportation and subsistence payments may be included in the participant's training plan when necessary. The Counselor must complete the *Request for Transportation/Subsistence Allowance* (TAA-1020A or TAA-1020AS) together with the participant. After review of the request, the Counselor must send the *Transportation Allowance Determination* (TAA-1003A or TAA-1003AS) to notify the participant of the decision of the request.

- A. Tools, Equipment, and Supplies
 - 1. Tools, equipment, supplies, and other materials paid for with TAA funds must be directly related to the training program and are required of **all** participants. The required materials must either be verified through the school catalog or by a note from the class instructor. If the instructor provides a note, the Counselor must contact them directly to verify the note and confirm the materials are required for all course participants.
 - 2. Items purchased with TAA funds are property of the State of Arizona until the participant completes the training program. If the

participant drops out of the training regardless of the reason, the items must be immediately returned. The participant may buy the items from the state at the same price they were purchased.

3. Counselors must complete an itemized list of all returned items and forward the list to the TAA staff. TAA staff must route this information to all Counselors so that equipment may be reissued to another participant.

B. Subsistence

1. Participants approved for training outside their normal commuting area may receive supplemental financial assistance for the costs of maintaining a second residence while they are in training. **Original receipts** must be included with all requests for reimbursement.
2. Subsistence only assists with the costs of maintaining the participant in the out-of-area locality during the training period and is paid based on a seven-day week if:
 - a. The participant is renting on a monthly or weekly basis;
 - b. The participant is renting by the day and returning home for weekends;
 - c. A break in training is less than 30 days and receipts for expenses are provided; or
 - d. A break is over 30 days, such as a summer break, then the TAA State Coordinator makes the final decision on how and what subsistence may be paid.
3. Other than the [transportation allowance](#) for the trip home, subsistence must not be paid for any day(s):
 - a. Following completion of the training plan;
 - b. The participant receives a transportation allowance for commuting to the training [institution](#); nor
 - c. Of unexcused absence as certified by the training institution.

4. TAA may pay one round-trip mileage in addition to the subsistence. (See *TAA Program User Guide*, Section 401.05.F.3)

C. Transportation Allowance

1. When training is outside the participant's normal commuting area, he or she may receive a transportation allowance. The allowance is based on either of the following scenarios that is the least expensive:
 - a. The actual cost of travel by the least expensive means [reasonably available](#) between the participant's home and the training facility;
 - b. The reimbursable [cost per mile](#) at the rate authorized under federal travel regulations; or
 - c. The scenario determined to be least costly and must only be paid for days the participant actually traveled to the training institution.
2. Allowable travel for which the transportation allowance may be paid includes:
 - a. Travel at the beginning and end of the training program;
 - b. When the participant fails to complete the training program but good cause is provided; and
 - c. For daily travel instead of subsistence but must not exceed the amount otherwise payable as subsistence for each day of travel.
3. The transportation allowance must not be paid when:
 - a. Transportation is arranged for the participant as part of a group and paid for by the TAA program; or
 - b. The participant is eligible to be paid or reimbursed from any other source.

.03 Funding Restrictions

TAA funds must not be used to pay childcare costs. The participant should be referred to the [DES Child Care Administration](#), [ARIZONA@WORK Job Center partners](#), or other community resources for assistance.

- A. The training cannot be approved if the training plan includes substantial transportation or subsistence added to the total cost when a similar training is available locally.
- B. The participant's personal funds must not be used to pay for any part of the training program. Personal loans may be used for a participant's personal expenses, but not to subsidize any part of the training program.
- C. No part of the training program may be funded from any non-governmental program or plan if the participant is required to reimburse the program or plan. TAA funds may not be used to reimburse the additional funding source.

.04 Joint Funding

Sharing the cost of training with other organizations or sources is permitted only when the participant will not be required to reimburse the funding source. Contributions from [Workforce Innovation and Opportunity Act \(WIOA\)](#) Title I-B programs, scholarships, grants, the employer, and other sources may be used. The Counselor must explore joint funding whenever possible, especially if a proposed plan exceeds the soft training cap.

Participant files must contain documentation related to the joint funding sources whenever the cost of approved training is co-funded. A copy of the award letter or similar document meets the documentation requirements.

A. Educational Grants

Educational grants provide financial assistance to eligible postsecondary (community college, college or university) participants. If a participant receives a Pell Grant, a copy of the award letter must be kept in the participant's file. Depending on the type of grant, the funds are either paid directly to the institution or to the participant.

- 1. Pell Grants that state a specific allocation for tuition and books must be allocated to those costs prior to the use of TAA funds. TAA must not require a participant to allocate his or her personal

funds to training, only those specified under the grant for tuition and books.

2. When funds are disbursed directly to the school to pay some or all of the training costs *and* no funds are disbursed to the participant, the balance of training costs not covered by the grant must be paid to the institution by TAA funds.
3. When funds are disbursed directly to the school and exceed the cost of training, the remaining funds are returned to the participant. TAA must not reimburse the participant for the cost of training paid for by the grant. TRA allowances are not affected by this circumstance but UI payments may be affected.
4. When funds are disbursed directly to the participant for personal use, there is no deduction in the participant's TRA.

303 TRAINING ELIGIBILITY REQUIREMENTS

.01 Training Selection

- A. The Counselor must assist the participant in finding appropriate a training program and provide the *Training Program Comparison Worksheet* (TAA-1064A or TAA-1064AS).
- B. When the school or training provider has been selected and the worksheet is returned, the Counselor and participant must complete the following forms:
 1. *Individual Employment Plan (IEP)* (TAA-1016A or TAA-1016AS);
 2. *Participant Responsibilities While In Training* (TAA-1023A or TAA-1023AS);
 3. *Training Benchmarks* (TAA-1072A or TAA-1072AS); and
 4. *TAA Financial Worksheet* (TAA-1019A or TAA-1019AS).

.02 Six Criteria

The Counselor must complete the *Application and Justification for TAA Approved Training* (TAA-1017A or TAA-1017AS) together with the participant. Page 2 of this form contains the fields for the Counselor to complete regarding the six criteria.

- A. To be eligible for full-time or part-time training, participants **must** meet these **six criteria**:
1. **There is no suitable employment available at the time for the participant in the normal commuting area, and there is no reasonable expectation of suitable employment becoming available in the foreseeable future.** Use the suitable employment calculation to determine availability of suitable employment and document the calculation used (see *TAA Program User Guide*, Section 400.05.A.5). Use current job search resources to determine if reasonable job prospects exist ([Arizona Job Connection](#) or web search engines such as [simplyhired.com](#), [Monster](#), [Indeed.com](#), [Career Builder](#), etc.).
 2. **There is benefit from appropriate training**, meaning the participant will be job-ready at completion of the training program. The training plan should describe the skills and educational barriers to employment that exist for the participant; how the training will eliminate those barriers; and that the worker has the mental and physical capacity to undertake, make satisfactory progress in and complete the training.
 3. **Reasonable expectation of employment following completion of training**. Use web-based job search resources, [Labor Market Information \(LMI\)](#), and job postings to determine if the proposed training provides the participant with skills applicable to jobs currently in demand. The goal is to place the participant in an ideal position to obtain employment upon completion of the training.
 4. **Training is reasonably available to the participant** and should be within the participant's normal commuting area. Training outside the normal commuting area should only be considered if there is no suitable training available in the commuting area.

5. **The participant is qualified to undertake and complete the training program.** The Counselor must evaluate the participant's qualifications, including mental and physical capabilities, educational background, work experience, and financial resources. For example, a lack of income or ability to pay for living expenses is a barrier that would hinder the participant's ability to successfully complete the training.

Note: The TAA Coordinator may approve training for a longer period than the participant's TRA eligibility period only when the participant can demonstrate the financial ability to complete the training after his or her TRA expires. However, a training plan **must not be approved** under the 2015 program that exceeds 130 weeks.

6. **Training is suitable and available at a [reasonable cost](#).** Documentation must include a comparison of the following costs:
- a. Tuition;
 - b. Books, tools, and academic fees;
 - c. Registration;
 - d. Supplies;
 - e. Travel expenses;
 - f. Subsistence (living) expenses; and
 - g. Any other training-related expenses.

- B. When determining reasonable cost, a participant may volunteer to commit to using other approved funds to supplement the TAA training funds when the cost of training is otherwise not reasonable. When the participant demonstrates those funds are available, the training program may be approved when all other training approval criteria are met. A participant must not be required to obtain other funds as a condition for approval of training.

Approved funds may include:

1. Grants (with the exception of certain student financial assistance),

2. Scholarships,
 3. Employer funding, or
 4. Other sources available to the participant not requiring the use of funds personal to the worker, relatives, or friends.
- C. Certain types of student financial assistance must not be taken into account when determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance under any federal program which may include:
1. Pell Grants;
 2. Benefits under Supplemental Educational Opportunity Grants (SEOG)
 3. Federal educational loan programs;
 4. Presidential Access Scholarships;
 5. Federal student work-study programs; and
 6. Bureau of Indian Affairs Student Assistance.
- D. Student financial assistance may not be considered in determining whether to approve training, thus allowing participants to use the assistance for living expenses instead of tuition, and providing them with income support during long-term training.
- E. When approving training, the cost and suitability for the worker, as well as quality and results, are factors that must be considered. A more expensive training program may be approved when it is expected to produce better results for the worker to obtain suitable employment.

.03 Immigration Status

UI staff completes the **initial verification** of the immigration status to determine eligibility for noncitizens when the trade affected worker applies for or receives UI benefits and Trade Readjustment Allowances (TRA). UI staff completes the verification through the Systematic Alien Verification for Entitlement (SAVE) Program through the U.S. Customs and Immigration Service (USCIS).

- A. TAA Counselors and staff must re-verify the immigration status of participants enrolled in training or receiving TAA benefits to determine if:
 - 1. The expiration date has changed from that which UI staff initially verified;
 - 2. The participant remains in a satisfactory immigration status as verified through SAVE; **and**
 - 3. Ongoing eligibility for TAA is met.
- B. When a participant is not in a satisfactory immigration status, a training program must not be approved when he or she does not meet the criteria for reasonable expectation of employment outlined in [Section 302.01.A.3.](#)
- C. TAA Counselors and staff must follow the procedures outlined in the *TAA Program User Guide*, Section 300.05.

Note: This requirement applies to **all** benefits under the TAA program.

.04 Training Determination

- A. When the Counselor has completed the *Training Plan Checklist* (TAA-1021A) to ensure all documentation is included in the training plan packet, all information is forwarded to TAA staff, who must review the training plan and notify the Counselor of the training plan determination.
- B. Based on the decision of TAA staff regarding the training plan, the Counselor must complete and send the *Training Plan Determination* (TAA-1001A or TAA-1001AS) to the participant.
- C. When the training plan is approved by TAA staff, the Counselor must also forward the *TAA Approved Training and Transportation Reimbursement Eligibility Certification* (TAA-1022A or TAA-1022AS) as outlined in the routing information on the form and the *TAA Program User Guide*, Section **402 – TRAINING DETERMINATION.**
- D. A modification to a training plan may be needed after it has been submitted and the Counselor must complete the *Training Plan Changes* (TAA-1024A) and forward as outlined in the routing information on the form and the *TAA Program User Guide*, Section **404 – MODIFYING THE TRAINING PLAN.**

304 ENROLLMENT

The deadlines for enrollment in training vary by the law governing the participants if they choose to apply for the Trade Readjustment Allowance (TRA). Participants are given ample time to actively engage in a job search and participate in [employment and case management services](#), job counseling, and assessments before having to make a decision on a training program.

- A. The Counselor must review the *Trade Adjustment Assistance (TAA) Overview* (TAA-1062A or TAA-1062AS) with the participants to inform them of all training enrollment deadlines. The Counselor and participant must sign and date the form to acknowledge the information provided based on the participant's governing law.
- B. Case records must contain a written notice from the training provider to verify that the individual participating in TAA-approved training is accepted by the applicable TRA deadline. When the participant does not wish to apply for TRA, there is no time limit to apply for training.
- C. The Counselor must select, complete, and send the appropriate *Authorization Letter* (TAA-1054A) to the school/training provider or community college/university together with the *Training Invoice* (TAA-1056A).

305 ATTENDANCE

The length of a training program has a direct impact on a participant's TRA payments. The allowable length of time varies by the Trade Act law governing the participant.

.01 Attendance Requirements

- A. Participants must attend school as defined by the training [institution](#). College catalogs outline the courses required to obtain a degree or certificate. The courses should be listed by term, clearly showing what is required to be considered full-time for each term. If not, the advisor of the institution must outline the courses for the participant.
- B. When only one or two classes are required in the final semester for the participant to complete the training program, those classes are considered full-time for that last term.
- C. When a participant is approved for classes that are less than full-time, there must be documentation in the file to justify this decision. [Part-time](#)

status is allowed only under the 2009, 2011, and 2015 amendments and only when an individual is not receiving an income support payment (UI or TRA).

- D. Participants may choose either part-time or full-time training, although **participants attending training only part-time are not eligible for TRA.**

306 PARTICIPANT PLANS

Only one training program can be approved per [certification](#) for each participant. This does not prohibit the Counselor from developing a training plan that has both remedial coursework and an occupational program.

There are rare exceptions for approval of more than one training program.

Example: A participant received training under a certification. He or she obtained employment and is eligible under a subsequent certification and now may be able to receive a second training plan under the new certification.

- A. Training plans identify the occupational goal of the participant. The Counselor and participant must ensure the proposed training plan is accurate and best suited to the participant's needs prior to approval.
- B. Remedial classes, when required, must be included in the original training plan and are not considered as a separate training plan.
- C. Occasionally, two related courses of study are required to find employment in an occupation. For example, if the occupational goal is to be a heavy equipment operator, it will require a commercial driver's license in addition to heavy equipment training in order to be job ready upon completion of the training plan.
- D. Both courses may be approved under one training plan in these instances. The Counselor must contact TAA staff for approval whenever there is more than one course of study in a training plan.

307 TYPES OF TRAINING

The types of training eligible within the TAA Program fall under the following categories.

.01 Classroom-Based Training

Classroom-based training is provided by public or private educational institutions such as universities, community colleges, and private trade/technical schools. This type of training might conclude with the participant earning a career-specific certificate or a degree.

A. Distance Learning

1. With distance learning, a participant completes all or part of the coursework in a satellite location or online. Distance learning is considered classroom training when the degree or certificate received is equivalent to that which would have been received if the training had been conducted in a traditional classroom on the main campus. For instance, if the participant earns an Associate of Applied Science (AAS) through an online training that is identical to the AAS another participant earned through traditional classroom training, that online training would be considered classroom training. The final degree or certificate must offer the same accreditation regardless of where the coursework is completed.
2. Distance learning is generally more self-paced than traditional classroom training. The Counselor must work with distance learning providers to understand the specific requirements or milestones of the distance learning program and ensure that the training provider keeps the agency informed of the participant's adherence to those requirements.

B. Remedial, GED, HSE, and ESL Education

1. This training is designed to prepare the participant for occupational and higher education training. It may include English as a Second Language (ESL), the General Educational Development (GED) test, High School Equivalency (HSE) diploma, or remedial language and math classes.
2. Remedial education may run concurrently with the occupational training program.

3. ESL can be approved as a stand-alone training only if the participant has a [marketable skill](#) and only needs to learn English to secure employment.

.02 Employer-Based Training

An employer provides this training to participants for a specific position within the company. The training can be either on-the-job or can be combined with classroom instruction to create a customized training plan. Counselors must communicate with both the employer and the participant to develop an effective training plan. The employer knows what skills are needed for the job and the Counselor determines the transferable skills of the participant.

The participant must demonstrate [satisfactory participation](#). Absences are only excused when there is a [justifiable cause](#). The Counselor must review each absence and determine whether the cause is justifiable.

A. Customized Training

1. Customized training is designed to meet the special requirements of an employer or group of employers.
2. There must be a commitment by the employer(s) to hire the participant upon successful completion of the training.
3. The employer is expected to pay no less than 50 percent of the cost of training.

B. On-The-Job-Training

1. On-the-Job Training ([OJT](#)) is conducted at the job site to teach the participant the necessary skills for a specific occupation while paying the participant full time wages. Because the participant is earning wages, neither UI nor TRA benefits are payable during OJT. TAA will pay up to 50 percent of OJT expenses to the employer.
2. OJT can be combined with classroom training as part of the training plan and should be given priority over other types of training. OJT may lead to employment with the OJT employer; however, a guarantee of employment is not required.

3. When specific skills to be acquired have been identified, a timeframe to learn and perform these skills proficiently must be established. The employer, the participant, and WIOA assessments may provide input into the time needed to acquire those skills.
4. Tools or other supplies that the employer normally supplies to a participant may be included as part of the contract either as additional costs or as items of no cost to TAA. When tools or other supplies are normally supplied by the participant and are a necessary and normal part of the position, they may be purchased with TAA funds.

Note: Because OJT is full-time work, no subsistence or mileage can be paid for an OJT training plan and the participant is **not eligible** to receive UI or TRA benefits.

5. OJT-Specific Approval Criteria

OJT participants must meet the [six criteria for training](#) as well as OJT-specific criteria. It is the employer's responsibility to ensure prospective OJT participants meet the following criteria:

- a. Participants cannot fully or partially displace any currently employed worker;
- b. The training must not impair existing contracts for services or collective bargaining agreements;
- c. When the training is in any way inconsistent with the terms of a collective bargaining agreement, the labor organization must give written agreement;
- d. The participant's position or equivalent position cannot be available due to the layoff of another employee;
- e. The participant's position must not interfere with the advancement opportunities of currently employed participants; and
- f. The position or training must not be in the same occupation as the participant's [adversely affected employment](#).

6. The OJT Contract

- a. Approval of an OJT program is limited to a **maximum of 104 weeks** and requires negotiating a binding contract, the *On-the-Job (OJT) Contract* (TAA-1075A or TAA-1075AS) between the TAA program and the employer, which is completed by the Counselor and describes in detail:
 - i. The expectations of the employer, the participant, and the TAA program;
 - ii. Occupational goal;
 - iii. Curriculum;
 - iv. Number of hours per week;
 - v. Wages to be paid;
 - vi. Length of the training;
 - vii. Additional costs for acceptable tools, supplies and/or equipment; and
 - viii. Specific billing and TAA payment instructions.
- b. **Employers are excluded from receiving OJT contracts when** they exhibit a pattern of failing to provide workers with continued long-term employment and adequate wages, benefits, and working conditions as regular employees.
- c. When the *On-the-Job (OJT) Contract* (TAA-1075A or TAA-1075AS) is returned and the employer agrees to all terms, the Counselor must complete the *On-the-Job Training (OJT) Invoice* (TAA-1076).

7. Length of Training

- a. OJT participants must be in full-time training defined as a 40-hour workweek, or the equivalent of hours considered full-time work in accordance with established hours and days of the training provider.

- b. The length of training is based on industry specifications up to a maximum of 104 weeks.
8. OJT Reimbursement
 - a. The employer determines the wages paid during the training period.
 - b. TAA may reimburse the employer for up to 50 percent of the participant's regular wages. Reimbursements are not made for fringe benefits (i.e., bonuses), holidays, overtime hours, or hours in excess of 40 per week.
 - c. The employer pays all appropriate payroll taxes as they would for any other employee.

.03 Registered Apprenticeship

Registered Apprenticeship programs offer participants employment and a combination of on-the-job learning and related instruction. Participants are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their programs.

- A. The length of Registered Apprenticeship varies depending on the specific occupation. Registered Apprenticeship combines classroom instruction with employment and in most cases, [adversely affected workers](#) enrolled in the program will not be able to access TRA income support due to their income earned through wages.
- B. TAA funds can be used to pay for expenses associated with related instruction (e.g., classroom and distance learning), tools, uniforms, equipment, and books for an adversely affected worker participating in Registered Apprenticeship. During participation, TAA funds can be used until the worker reaches suitable employment or 130 weeks, whichever comes first.
- C. Reemployment Trade Adjustment Assistance (RTAA) funds may only be used considering the wages for the worker's past adversely affected employment; as compared to his or her current wages while employed in a Registered Apprenticeship program and meeting the age requirement of being age 50 or older. RTAA benefits may be an option for those in training and employed through Registered Apprenticeship if they are employed for at least 20 hours per week.

- D. Adversely affected workers can access the Registered Apprenticeship programs by contacting:

Arizona Apprenticeship Office
Arizona Department of Economic Security
P.O. Box 6123 – Mail Drop 5771
Phoenix, AZ 85005
Telephone: 602-542-5641
Fax: 602-542-2491

.04 Higher Education and WIOA Programs

TAA-approved training may be authorized for participants to obtain a two-year certificate or degree, or to complete a four-year (or more) degree that has been started and can be completed in 130 weeks of approved training.

Training approved through WIOA is allowed as a TAA-approved training option; however, training options available under the TAA Program are not limited to training programs under WIOA Title I-B.

.05 Pre-Separation Training

[Pre-separation training](#) is training for [adversely affected incumbent workers](#) and is intended to allow earlier intervention where layoffs are planned in advance allowing the employer to specifically identify which workers will be affected.

- A. Before their separation, adversely affected incumbent workers may begin TAA-approved pre-separation training under the 2011 and 2015 laws. Adversely affected incumbent workers may begin training before a layoff that can reduce the period of time needed to complete the training program after separation occurs and in turn, reducing the duration of the worker's weeks of unemployment.
- B. The criteria and limitations for training approval are the same as for adversely affected workers, as well as eligibility for employment and case management services.
- C. It is important to note that pre-separation training **must not be approved** when it consists of or includes on-the-job training (OJT). The TAA State Coordinator may not approve customized training for an adversely affected incumbent worker unless such training is for a position other than his or her position in the adversely affected employment.

- D. An adversely affected incumbent worker may receive pre-separation training for another position with his or her current employer only if the position is not similarly threatened by trade (i.e., the new position is outside of the firm, or appropriate subdivision of the firm if applicable, that employed the workers in the certified worker group).
- E. When the threat of separation is removed during a training program, funding of the training must cease. The worker would be eligible to complete any portion of the training where TAA funds were spent but would not be eligible for further TAA funding of the training program without a threatened or actual separation from the adversely affected employment.
- F. The TAA State Coordinator:
 - 1. Must ensure that, if training is being provided under agreement with the current employer, the training is for a different position.
 - 2. Must verify with the employer, before funding each subsequent portion of the training, if the threat of total or [partial separation](#) continues to exist for the duration of the pre-layoff training.
 - 3. May resume funding in the event of a total qualifying separation if the [six criteria](#) for approval continue to be met.

Note: While a pre-separation training program *may* be resumed, a worker who has participated in pre-separation training will not be eligible for a new and different training program, and the duration of the training program continues to be limited to a total of 130 weeks.

308 TRAINING COMPLETION

The participant must provide evidence of satisfactory completion of the training program in the form of a diploma or certification. The Counselor must ensure that the participant has full use of all [reemployment services](#) to help them secure employment in the occupation associated with his or her training.

Participants who have completed training and have some Basic TRA benefits remaining must:

- A. Meet the requirements of the [Extended Benefits Work Test](#) in order to qualify for the remainder of those benefits;

- B. Be able to work;
- C. Be available for work;
- D. Accept referral to and apply for suitable work;
- E. Accept any offer of suitable work; and
- F. Actively engage in seeking work and provide tangible evidence to the Trade Unit of a minimum of four work searches each week. These work searches must each be on four different days of the week.

The Counselor must also notify TAA staff if the participant fails or refuses to meet these requirements.

309 PERFORMANCE BENCHMARKS

Benchmarks are established at the beginning of the participant's training to determine eligibility for [Completion TRA](#), if needed, and the approved training will extend beyond payable weeks of Basic TRA and Additional TRA,

.01 Establishing Benchmarks

Counselors must establish performance benchmarks for participants governed by the 2011 and 2015 laws when they enroll in training to monitor their progress toward completing the training within the 130-week maximum duration.

- A. A training plan cannot be approved before a participant is determined eligible for TAA benefits and services. Training is not approved retroactively and payments are not authorized for any expenses incurred before the actual date the training is approved.
- B. Participants governed by the 2011 and 2015 laws, and who are not in short-term training, must substantially meet the performance benchmarks set by the Counselor at the time their training plan was developed in order to qualify for [Completion TRA benefits](#).
- C. Benchmarks must be included in all but very short-term training plans, such as a three-month certificate program, to ensure participants have access to Completion TRA, if needed

.02 Documenting/Monitoring Performance Benchmarks

Counselors must document the established *Training Benchmarks* (TAA-1072A or TAA-1072AS) signed by both the Counselor and participant.

- A. The benchmarks must allow for some flexibility, but still be both practical, measurable, and evaluated for satisfactory progress. In the ***unusual*** event that benchmarks are not included in the initial plan, they must immediately be established upon discovery.
- B. Participants who do not meet the performance benchmarks will not be eligible to receive Completion TRA benefits.
- C. As part of monitoring, Counselors must conduct performance reviews of these benchmarks every 60 days.
 - 1. Upon one substandard review of the above benchmarks, the participant is given a warning.
 - 2. Two substandard reviews indicate the participant will not be able to meet both benchmark reviews and a modification of the training plan may be needed.
 - 3. This may be the only way for participants to complete the training or they will no longer be eligible for Completion TRA.
- D. Training benchmarks used in this way may offer early intervention that will provide the opportunity to determine whether the training plan in place is appropriate for the participant or should be revised.
- E. A training plan may be revised when a participant fails to satisfy one or both benchmarks for the first time but before a second substandard review.
 - 1. When a participant fails a first benchmark review and documentation from the school/training provider indicates that failure at a later benchmark is likely, and the participant may no longer qualify for Completion TRA, then the Counselor must:
 - a. Reevaluate the training plan with the participant; and
 - b. Amend the training plan if necessary to improve the likelihood the participant will complete the training program.

2. When the participant is failing two courses in one benchmark assessment period, this results in only one substandard review.

Note: When the participant is failing two courses and timely completion of training is unlikely, the training plan must be amended.

310 WAIVERS

Under certain circumstances, participants who are **enrolled and participating** in TAA approved training may be excused from participation in training and still receive Basic TRA. However, training waivers do not exempt participants from active work search requirements. If a participant claims he or she is unable to participate in training under one of the qualifying reasons described below, or that training is not reasonably available, the Counselor must complete a *Request for Waiver from Training* (TAA-1031A or TAA-1031AS). All dates, conditions, and deadlines must be clearly explained to the participant before he or she signs the waiver.

.01 Waiver Conditions

- A. For training waiver eligibility under the 2011 and 2015 laws, **at least one** of the following conditions must exist:
 1. The participant is unable to participate in or complete training due to his or her own health condition;

Note: TRA must not be paid for a health condition when the participant is not able to work and not available for work.
 2. Enrollment in training is NOT reasonably available or there are extenuating circumstances for the delay in enrollment; or
 3. Training is not reasonably available from either public agencies or private sources, is not suitable at a reasonable cost, or training funds are not available.
- B. Participants who meet the requirements of these three waiver provisions may still be eligible for Basic TRA without enrolling in training if a waiver is issued within 26 weeks of the date of certification or date of qualifying separation, whichever is later.
 1. The deadline to obtain a waiver from training is 26 weeks after [certification](#) or 26 weeks from [separation](#), whichever is later.

2. The participant must be issued a *Training Waiver Determination* (TAA-1006A or TAA-1006AS) to notify them of approval, denial, or revocation and a date for renewal of the waiver, if approved. The Counselor must review the waiver 90 days after issuance, then every 30 days for the duration of the waiver.
3. A waiver review ensures the reason for the waiver is still valid. The maximum length of time for a waiver is 6 months.
4. A waiver must be revoked when the participant begins training or if the participant does not make contact with the Counselor at the intervals required to maintain the waiver.
5. There must be a valid reason for granting, denying, or revoking a waiver. This reason must be recorded in the participant's case notes in AJC.
6. The TAA State Coordinator must determine that there is good cause for issuing a waiver, with respect to time limitations governing TRA and training enrollment, and must consider [Arizona UI good cause](#) and [federal good cause](#) guidelines before waiving time limitations.
7. A waiver is NOT appropriate due to, but not limited to:
 - a. The duration of training exceeds the participant's maximum entitlement to Basic and Additional TRA payments and he or she financially cannot complete the training program; or
 - b. The participant possesses skills for suitable employment and there is a reasonable expectation of employment in the foreseeable future.

.02 Good Cause

- A. **Arizona UI Good Cause** provisions include that the participant:
1. Was ill;
 2. Lacked transportation to the appointment;
 3. Had a job interview or work which precluded them from keeping the appointment; and

4. Other circumstances beyond his or her reasonable control.

B. **Federal Good Cause** provisions include whether the participant:

1. Acted in a reasonable manner under the same circumstances;

2. Received untimely notice of the need to act before the deadline passed;

3. Lacked reasonable control that prevented him or her from taking timely action to meet the deadline;

4. Made sufficient effort to promptly seek an extension;

5. Unable to physically take timely action to meet the deadline;

6. Failed to meet a deadline due to:

a. Warning, instruction, or coercion by the employer that in any way prevented him or her from filing a timely application timely for TRA or to enroll in training;

b. Relying on misleading, incomplete, or erroneous advice provided by DES, or DES failed to provide advice reasonably necessary for the protection of his or her entitlement to TRA;

c. [Extenuating circumstances](#), including:

i. Neglect, a mistake, or administrative error by DES;

ii. Illness or injury of the worker or an immediate [family](#) member;

iii. Natural disaster, such as earthquake, fire, or flood;

iv. Failure by the employer or delay in providing documentation (i.e., instructions, determination or notice, or other pertinent information);

v. Compelling personal affairs that could not reasonably be postponed (i.e., court appearance, administrative hearing or proceeding);

- vi. Failure by DES to effectively communicate in the worker's native language if he or she is [limited English proficient \(LEP\)](#);
 - vii. Loss or unavailability of records due to fire, flood, theft, or similar reason. Documentation may include police, fire, or insurance report that contains the date of occurrence and extent of loss or damage.
- C. The TAA State Coordinator must also determine if there were other compelling reasons or circumstances preventing a person from meeting a deadline for filing an application for TRA or enrolling in training.

.03 No Good Cause

The TAA State Coordinator may determine good cause **does not exist** due to the participant's own negligence, carelessness, or procrastination.

- A. A time limitation waiver may not be granted if the worker failed to meet the deadline to apply for TRA or enroll in training.
- B. ***If the waiver is revoked or expired, Basic TRA benefits must immediately cease.***



TRADE ADJUSTMENT ASSISTANCE (TAA) POLICY MANUAL	PROGRAM INSTRUCTIONS: SECTION 400
SUBJECT: TRADE READJUSTMENT ALLOWANCE (TRA)	

400 TRADE READJUSTMENT ALLOWANCES

Trade Readjustment Allowance (TRA) provides financial support to [participants](#) while they are in **full-time** TAA approved training or are searching for work. Participants enrolled in **part-time** training are NOT eligible for TRA.

Note: Payments must not be made retroactively for weeks of unemployment that occur before the certification was issued.

There are three levels of TRA available to participants that include Basic, Additional, and Completion; and each varies according to their governing law.

401 TRA DETAILS

Under the **2011** and **2015** laws, participants must enroll in training within 26 weeks of either certification or [first qualifying layoff](#), whichever is later. Participants enrolled in full-time training are eligible to receive up to a maximum of:

- A. 52 weeks of [Basic TRA](#), reduced by the number of weeks in which UI benefits were received
- B. 65 weeks of [Additional TRA](#), to be used within no more than 78 weeks after Basic TRA is exhausted
- C. 13 weeks of [Completion TRA](#), to be used within no more than 20 weeks beginning the first week in which a participant files an application for Completion TRA, regardless of when the first payment is received .

.01 Basic TRA

- A. Participants must have exhausted all regular or extended UI benefits before they are eligible to receive Basic TRA.
 1. The amount of TRA benefits a participant may receive is based on their weekly UI benefits.
 2. Participants can receive up to 52 weeks of Basic TRA minus the number of weeks the participant has already received UI benefits.
 3. Participants must:

- a. Be [enrolled](#) or participating in an approved training,
 - b. Have completed such training following a qualifying separation; or
 - c. Have obtained a timely [waiver](#) of the training requirement.
4. Participants conducting work searches after training or in lieu of training (with a waiver) may also receive Basic TRA and the Counselor must:
- a. Complete the *Trade Readjustment Allowance (TRA) and Eligibility and Work Search (TAA-1026A or TAA-1026AS)*; and
 - b. Review the forms with the participant and explain how to complete page 2, *TRA Work Search Claim*.
- B. Basic TRA is payable during the 104-week period beginning with the first week in which the participant experienced a [total separation](#) from the [adversely affected employment](#), provided the participant meets the criteria for a valid TRA claim.
1. The TRA weekly benefit amount is always the same as the UI weekly benefit amount from the parent claim even when the [eligibility period](#) is reset.
 2. The Basic TRA eligibility period could end before the maximum cash benefit is reached.
- C. Participants who have completed training and have some Basic TRA benefits remaining may receive these benefits as long as an active work search is being conducted.
- D. The participant should be **fully** registered in the [Arizona Job Connection \(AJC\)](#) and the [Counselor](#) should take an active part in helping the participant find reemployment.

.02 Additional TRA

- A. Additional TRA is payable for a maximum of 65 weeks. The participant is eligible only if he or she has exhausted all rights to Basic TRA and must

be participating in an approved training program full-time within the time stipulated by the law governing them.

- B. Additional TRA allows workers to participate in longer training, such as a two-year associate's degree, a nursing certification, or completion of a college degree, advanced degree, or certification.
- C. Payment of 65 weeks of Additional TRA is permitted over a period of 78 weeks to allow for breaks in training and temporary periods of employment where Additional TRA is not paid.

.03 Completion TRA

Completion TRA is governed by the 2011 and 2015 laws and is only available to participants who have exhausted their UI, Basic TRA, and Additional TRA benefits; and Completion TRA benefits are needed to finish the training plan. The TRA payment amount is based on the weekly UI benefits the participant has received.

- A. The participant must substantially meet the following two benchmarks to receive Completion TRA:
 - 1. Maintain satisfactory academic standing, as determined by the instructor or training provider (e.g., must not be on probation or determined to be "at risk"); and
 - 2. Be on schedule to complete training within the timeframe identified in the approved training plan.
- B. A participant is eligible to receive up to 13 weeks of Completion TRA benefits that may be paid within 20 consecutive weeks of the Completion TRA application when:
 - 1. The requested weeks are necessary to complete the training that leads to completion of a degree or [recognized postsecondary credential](#);
 - 2. Participation in training continues during each additional week;
 - 3. Performance benchmarks established in the approved training plan and the participant is making [satisfactory progress](#);

4. Continued progress is achieved, as expected, toward the completion of the approved training; and
 5. The ability to complete training during the period authorized for receipt of Completion TRA.
- C. The participant may experience a break in training that may last up to but no longer than seven weeks as long as he or she completes the training by the end of the 20-week eligibility period.
 - D. Payment for breaks in training are **not** allowed and the participant can only be paid Completion TRA for each week of full-time training when he or she also meets the criteria in B.
 - E. When the participant fails to meet any of the above conditions, Completion TRA may no longer be paid.

.04 Determining the Parent Claim

The parent claim is the weekly benefit amount for TRA (both Basic and Additional) that is the same as the participant's weekly UI benefit amount in effect at the time of the [first qualifying layoff](#).

- A. The first qualifying layoff is the first layoff, either partial or full, of at least seven consecutive days after the [impact date](#) of the petition.
- B. The most recent claim is not always the TRA parent claim. The TAA State Coordinator must determine the TRA parent claim when determining eligibility for TRA.

402 TRA ELIGIBILITY

To be eligible for TRA, the participant must be [enrolled in approved training](#) or have a waiver, and be scheduled to start a training program within 30 calendar days of the expiration or revocation of the waiver.

- A. A participant may be eligible to receive a payment of Basic TRA immediately upon certification of a petition when his or her UI benefits have been exhausted.
- B. The Counselor and participant must complete the *Trade Readjustment Allowance (TRA) Request* (TAA-1069A or TAA-1069AS).

- C. When the participant is not eligible for TRA benefits, he or she is still eligible to apply for training, job search allowances, relocation allowances, and [reemployment services](#).
- D. When the Counselor determines a participant may qualify for Completion TRA based on the *Trade Readjustment Assistance (TRA) Request* (TAA-1069A or TAA-1069 AS), the Counselor and participant must complete the *Completion Trade Readjustment Assistance (TRA) Application* (TAA-1074A or TAA-1074AS), and the Counselor must scan and e-mail a copy to TAAProgram@azdes.gov for review.
- E. The Counselor must send the *Trade Readjustment Assistance (TRA) Determination* (TAA-1073A or TAA-1073AS) to the participant to inform the him or her of the decision on the request for Basic, Additional, or Completion TRA.

.01 Eligibility Requirements

Participants must meet the following requirements to be considered eligible for TRA:

- A. **Certification** – The participant must be covered by a certification.
- B. **Separation** – The participant’s first qualifying separation must have occurred on or after the impact date of the certification and before the [expiration date](#) of the certification.
- C. **Wages** – In the 52-week period ending with the week of the participant’s first qualifying separation, he or she must have had at least 26 weeks of [qualifying employment](#) with wages of at least \$30 or more per week in the same company or subdivision of a company.
 - 1. Employment and wages covered under more than one certification must **not** be combined to qualify for TRA.
 - 2. The following will also be counted as a week of employment at \$30 or more when the participant:
 - a. Is on employer-authorized leave from adversely affected employment for not more than seven weeks for vacation sickness, injury, maternity, or inactive/active duty military service for training;

- b. Does not work because of a disability covered under workers' compensation or other law or plan in the U.S.;
 - c. Had adversely affected employment interrupted for not more than 26 weeks to serve as a full-time representative of a labor organization; or
 - d. Is on call-up for the purpose of active duty and not more than 26 weeks in a reserve status in the Armed Forces of the U.S. that is considered federal military service.
- 3. Wages and employment in this section must not include any earned or paid wages that is contrary to or prohibited by any federal law.
- D. **Entitlement to UI Benefits** – The participant must have been entitled to UI benefits for at least one week within the benefit period, or would have been entitled if he or she would have applied:
 - 1. In which the first qualifying separation occurred; or
 - 2. Which began or would have begun by filing a claim for UI after the first qualifying separation.
- E. **Exhaustion of UI Benefits**– The participant must:
 - 1. Have exhausted all UI benefits to which he or she was entitled; and
 - 2. Not have an expired applicable UI waiting period.
- F. **Extended Benefits Work Test** – The participant must not be disqualified for extended compensation payable under the Federal-State Extended Compensation Act of 1970 because of its work search and job search requirements, if applicable. The participant must:
 - 1. Register for work in AJC, and must actually apply for suitable employment, including job referrals for employment provided by the Counselor;
 - 2. Actively engage in job search and provide verification of these efforts to the Counselor each week; and
 - 3. Accept any offer of suitable employment.

Note: The Extended Benefit Work Test does not apply to TRA claims for weeks of unemployment beginning prior to the filing of an initial claim for TRA, nor for any week beginning prior to the participant being notified he or she is covered by a certification. The participant **MUST** be unemployed, able to work, and available for work except for participants who are enrolled or participating in TAA-approved training.

G. **Participation in Training** – The participant must:

1. Be enrolled or participating in TAA-approved training;
2. Have completed TAA-approved training after a total or partial separation from adversely affected employment within the certification period; or
3. Have received a written statement from the CSA waiving the training requirement.

Note: The participation in training requirement **does not** apply to claims for TRA during weeks of unemployment that began before an initial claim for TRA was filed, nor for any week that began before notification that an individual is covered by a certification and is fully informed of this requirement.

Participation in training **does** apply as a qualifying requirement for TRA claims during weeks of unemployment beginning with the first week following the certification week in which a certification is issued, unless the CSA has issued a written statement waiving the requirement.

H. **Completed Training** – A participant is considered to have completed a training program:

1. When the training was approved and completed following total or partial separation within the certification period; and
2. The school/training provider certifies all the conditions for completion of the training have been satisfied.

.02 Eligibility Verification

- A. When a participant submits an application for TRA, the CSA must obtain information to establish:
 - 1. Whether the participant meets the qualifying requirements;
 - 2. The participant's average weekly wage; and
 - 3. The participant's average weekly hours and average weekly wage from adversely affected employment if he or she claims to be partially separated.

- B. When this information is not available from DES records or from any employer, the CSA must request that the participant submit a signed statement to include the information. A statement submitted by a participant must be:
 - 1. Certified to be true to the best of his or her knowledge and belief; and
 - 2. Supported by W-2 forms, check stubs, union records, income tax returns, or statements from coworkers; and
 - 3. Verified by the employer.

- C. TAA staff must make the determinations on the verification obtained/provided. When, after review of agency records and other available data, it is determined the verification is not reasonably accurate, TAA staff must:
 - 1. Make appropriate adjustments; and
 - 2. Make the determination based on the adjusted data.

.03 Deadlines

The deadline for enrollment in training varies depending on which law governs the participant.

- A. The enrollment period may be extended up to 30 calendar days for [justifiable cause](#).

- B. There is no waiting period after certification to receive TRA payments. For example, if a worker is laid off on January 1st and applies for UI benefits, but the company does not file for certification until July 1st, the worker's UI benefits will have been exhausted and he or she can claim TRA benefits as soon as the certification is awarded.
- Note:** Payments cannot be made retroactively for weeks of unemployment that occur before the certification was issued.
- C. A participant may elect to receive TRA instead of UI benefits for any week when these two conditions are met:
1. The participant is entitled to receive UI benefits as the result of a new [benefit year](#) based on short-term or part-time employment in which he or he engaged after establishing TRA eligibility, following a total separation and when the UI benefit amount will be less than the TRA amount; and
 2. The participant meets [eligibility requirements for TRA](#).
- D. The following are exceptions and adjustments to the eligibility period and qualifying criteria for participants seeking TRA:
1. Enrollment deadlines may be extended to accommodate for time spent on administrative and judicial appeals (See [tolling of deadlines](#)).
 2. The time to meet the deadline may be suspended and additional time allowed for Basic TRA so that the eligibility period does not lapse by the time certification is issued.
 3. The TAA State Coordinator has the authority to extend TRA payments under justifiable cause:
 - a. The eligibility period may be adjusted for participants called up for active military service; and
 - b. Application of [Arizona's UI good cause](#) statutory deadlines to TRA.
- E. A participant may NOT be determined ineligible or disqualified for UI benefits or program benefits if the he or she:

1. Is enrolled in approved training;
 2. Left work that was not [suitable reemployment](#) to enroll in approved training;
 3. Engaged in work on a temporary basis during a break in training or a delay in the commencement of such training;
 4. Left [OJT](#) less than 30 days after commencing such training after learning that the training did not meet the plan requirements; or
 5. Applied for work during any week while in training.
- F. When the participant is not eligible for TRA benefits, he or she is still eligible to apply for training, job search allowances, relocation allowances, and [reemployment services](#).

.04 Ineligibility and Disqualifications

- A. A participant is **not eligible** for TRA when a justifiable cause does not exist and he or she:
1. Fails to begin participation in TAA approved training and attend all scheduled classes in the first week of training;
 2. Ceases to participate by not attending all scheduled training classes and other training activities scheduled by the school or training provider in any week; or
 3. Has had a waiver revoked.
- B. A participant **may not** receive TRA for any week while engaged in OJT under any circumstance.

403 TRA SPECIAL RULES

.01 Judicial or Administrative Appeal

During a pending judicial or administrative appeal of a [certification](#) denial, the weeks of the eligibility period are not counted when calculating the period of separation and the worker is provided additional time to meet Basic TRA deadline.

- A. This [tolling of deadlines](#) is necessary or a worker could exhaust his or her eligibility period by the time the certification is issued.
- B. When a negative certification determination is issued as a result of an appeal and certification is denied, the 104-week eligibility period for Basic TRA will begin with the week following the week in which the group was certified.
- C. Enrollment deadlines may be extended due to extenuating circumstances or [federal good cause](#) provisions.

.02 Justifiable Cause to Extend Period for Basic TRA and Additional TRA

When a justifiable cause exists, a participant's TRA benefit period may be extended. Justifiable cause is determined by using the guidelines set forth in the Arizona UI good cause provisions.

The participant must not be determined ineligible when:

- A. The participant reports within three workdays of the scheduled interview or the end of the same calendar week, whichever occurs first;
- B. The participant had good cause for the failure to report; or
- C. The lack of timeliness was due to DES error.

.03 Justifiable Cause to Extend Period for Completion TRA

- A. The eligibility period for Completion TRA may be extended when:
 - 1. The provider changes the requirements of a training program while it is still in progress;
 - 2. Courses were cancelled;
 - 3. Required courses are not offered in accordance with the originally anticipated schedule and the TAA State Coordinator is unable to identify an alternative that will allow for the completion of the training within the 20-week period; and
 - 4. When the participant has not yet filed a claim for Completion TRA.
- B. An extension **will not** increase the amount of payable Completion TRA above 13 weeks or beyond the 20-week eligibility period.

.04 Military Service

Veterans and returning service members must be given priority of service.

- A. Eligibility timelines for participants who served in active duty before completing training must be considered as if the period of military service had not occurred when they served:
 - 1. More than 30 days in the U.S. Armed Forces under a call or order of more than 30 days; or
 - 2. Consecutively for 30 days or more full-time in the National Guard or Air National Guard for required drills and field exercises, or when responding to a national emergency declared by the President and supported by federal funds.
- B. Participants who are called up for active military duty or full-time National Guard service are allowed to restart the TAA enrollment process after completion of military service.
- C. When the participant began training prior to active duty call-up, the participant is allowed to complete that training. The TAA program must toll the deadlines for all TAA and RTAA benefits and services, including TRA eligibility periods, during a service member's period of duty occurring before completion of TAA-approved training.
- D. The TAA State Coordinator must receive permission from DOL prior to waiving any other TAA requirement.

Note: Through WIOA Title I-B programs, each Local Workforce Development Area (LWDA) must inform veterans who are eligible to receive training services and plan on attending a community college or university program that they may be eligible to obtain academic and vocational credits based on skills, knowledge, and competencies acquired during military service.

.05 Breaks in Training

A break in training may be allowed when the following criteria are met. The Counselor must complete the *Temporary Leave of Absence from TAA Approved Training* (TAA-1034A or TAA-1034AS) form together with the participant.

- A. Eligibility for Basic TRA and Additional TRA continues during a scheduled break in training when the break is 30 days or less (not counting weekends and holidays) and all of these additional conditions are met:
 - 1. The participant was in an approved training immediately before the beginning of the break;
 - 2. The break is listed in the published schedule or in the schedule of training issued by the training provider; and
 - 3. The participant resumes participation in the training immediately after the break ends.
- B. A scheduled break in training must include all periods within or between courses, terms, quarters, semesters, and academic years of the approved training program.
- C. The maximum amount of Basic TRA is not affected when the participant does not receive TRA while on a break period; however, the weeks **will** count against the 104-week eligibility period.
- D. Any weeks of Additional TRA for which TRA is not paid **will** count against the continuous 78-week eligibility period and the number of weeks payable.

.06 Payment During a Break

- A. The following formula is used to determine a participant's eligibility for payment during a break:
 - 1. The break begins with the day following the last day of scheduled training and ends the last day of the break preceding the next scheduled day of training. Weekends are counted only when those days are part of the normal training schedule.
 - 2. Official state and federal holidays are not counted.
 - 3. When the break is 30 days or less, the participant can be paid during the entire break period.

4. When the break is more than 30 days, the participant cannot be paid Basic or Additional TRA during the full weeks of the break. This includes summer breaks.
 5. The participant can be paid for any week during which at least one day of training is scheduled and attended.
 6. Days that the training facility is closed due to an emergency are not counted as part of a break.
 7. When a participant attends classes only two or three days in a week, the break is counted in the same manner outlined in this section.
 8. The counting of break days is dependent on the schedule of the training facility, **not** the schedule of the participant in training.
- B. TAA staff must send the *Notice of Determination* (TAA-1000A or TAA-1000AS) to the participant informing him or her of the decision made regarding the request for temporary leave.

404 TRA PAYMENTS

.01 Weekly TRA Amounts

When the participant submits the *Trade Readjustment Allowance (TRA) Request* (TAA-1069A or TAA-1069AS) to the Counselor, the Counselor submits the form to appropriate TAA staff, who determines the weekly amount of TRA a participant may receive. The participant must be enrolled and participating in full-time TAA approved training, excluding OJT.

- A. The Counselor must complete the *Trade Readjustment Allowance (TRA), Transportation, and Subsistence While in Training* (TAA-1036A or TAA-1036AS) and explain to the participant how to complete and submit the *Trade Readjustment Allowance (TRA) Claim While in Training* (TAA-1036A or TAA-1036AS, Page 2) each week.
1. When the claim form is received, the Counselor must review the list of current approved authorized representatives from the school/training provider to ensure the signatures on the forms match those on record.

2. When there is not a record of approved authorized representatives for the school/training provider, the Counselor must complete and send the *Approved Training Authorized Signature(s)* (TAA-1079A) form to send to the school/training provider to obtain a record of those approved to complete the *Trade Readjustment Allowance (TRA), Transportation, and Subsistence While in Training* (TAA-1036A or TAA-1036AS).
- B. The amount of TRA payable for a week of total unemployment must be equal to the most recent UI weekly benefit amount for a week of total unemployment before UI benefits were exhausted following the participant's first qualifying separation, including child support deductions.
- C. No deductions may be made for [wages](#) from work that exceed the participant's most recent UI benefit amount.
- D. When TAA staff is unable to process a claim for a TRA payment, he or she must complete and send the *Request for Correction* (TAA-1045A or TAA-1045AS) to the participant and/or school/training provider. When the form and requested information are returned, TAA staff must take appropriate action to process the TRA payment.



TRADE ADJUSTMENT ASSISTANCE (TAA) POLICY MANUAL	PROGRAM INSTRUCTIONS: SECTION 600
SUBJECT: JOB SEARCH ALLOWANCES	

500 REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM

Reemployment Trade Adjustment Assistance (RTAA) is available to [participants](#) governed by the 2009, 2011, and 2015 laws. RTAA allows eligible participants, for whom retraining may not be appropriate, to accept reemployment at a lower wage and receive a wage subsidy or work [part-time](#) while enrolled in TAA-approved training (either part-time or full-time). There is no group eligibility requirement for RTAA. Workers in a group certified as eligible to apply for TAA are also eligible to apply for RTAA.

501 RTAA DETAILS

Participants under the 2011 and 2015 laws cannot expect to earn more than \$50,000 annually in gross wages from reemployment, excluding overtime pay. The **maximum** benefit amount for these participants is \$10,000.

- A. A participant may establish RTAA eligibility based on more than one job.
 1. The employment hours are combined in order to determine whether the participant has the number of hours needed to qualify for RTAA.
 2. Additional jobs will be included in the calculation to determine if the participant is expected to reach the \$50,000 annual limit for reemployment wages.
- B. A participant may move from TRA to RTAA using an available balance when that move occurs.
- C. A participant **cannot** return to TRA after electing RTAA.
- D. The RTAA benefit period begins on the date that the participant:
 1. Exhausts all rights to UI benefits based on the separation of the participant from the [adversely affected employment](#); or,
 2. Obtains qualifying reemployment.

502 RTAA ELIGIBILITY

The [Counselor](#) must discuss RTAA with the participant and complete the *Individual Application for Reemployment Trade Adjustment Assistance (RTAA)* (TAA-1042A or TAA-1042AS, if applicable). The Counselor must send a written determination to the participant within five working days of receiving the application.

.01 Eligibility Requirements

- A. Participants may receive benefits under the RTAA program when they meet the following eligibility criteria and are:
1. At least 50 years of age;
 2. Not earning more than \$50,000 annually in gross wages, excluding overtime pay, from the reemployment;
 3. Reemployed on a full-time basis and not [enrolled in a training program](#), OR
 4. Reemployed part-time at least 20 hours per week and enrolled in a full-time training program;
 5. Employed in full-time or part-time OJT or registered apprenticeship at the time of application for RTAA and enrolled in training; and
 6. Not employed at the firm that was certified and from which they were separated.

Note: When the [certification](#) is issued for a worker group in an appropriate subdivision of a firm, the worker may not return to employment with that subdivision but may return to work at another subdivision of the firm that was not the subject of the certification. However, if the certification is issued for workers in the entire firm, the worker may not return to employment in any subdivision of that firm.

- B. Workers who become employed before they reach the age of 50 may be determined eligible for RTAA when they reach age 50 and all other RTAA eligibility requirements are met. However, RTAA eligibility requires that the benefit be payable within the established [eligibility period](#) depending on whether the participant has or has not received TRA.

- C. When a participant reaches age 50 after the two-year eligibility period expires, RTAA eligibility requirements are not met.

503 PARTICIPATION AND BENEFITS

RTAA participants are allowed access to TAA training, reemployment, and case management services. Participants eligible under both RTAA and TRA may choose the program that most appropriately fits their needs and a separate certification is not required. All certifications include eligibility to apply for RTAA and other TAA benefits.

.01 Eligibility

- A. Participants who have not received TRA may be eligible for a two-year period beginning the date all rights to UI benefits are exhausted based on the separation from the adversely affected employment that is the basis of the certification **or** the date of qualifying reemployment, whichever is first.
- B. Eligibility for participants who have received TRA is the two-year period beginning with the date of reemployment reduced by the number of weeks and the monetary amount for which they received TRA.

For this determination, the CSA must:

- 1. Determine the date of reemployment, and
 - a. The date the participant exhausted all rights to UI benefits, **or**
 - b. The dates he or she began and ended receipt of TRA before the reemployment date; and
- 2. Ensure the dates occurred within the maximum 104-week eligibility period.
- C. Additionally, a separation may trigger or occur during a [benefit year](#).
 - 1. When the separation is prior to the reemployment, the eligibility period begins when the participant exhausts UI eligibility.
 - 2. When the participant is not entitled to UI benefits for his or her last separation that qualifies them as an [adversely affected worker](#), the two-year period begins on the date he or she is reemployed.

- D. When a participant eligible for RTAA obtains reemployment, the Counselor must assist the participant in completing the *Individual Application for RTAA* (TAA-1042A or TAA-1042AS), explain the monthly wage verification requirement, and give the participant the packet *Wage Subsidy Request for RTAA* (TAA-1043A or TAA-1043AS). The [eligibility criteria](#) for RTAA must be met at the time of reemployment and appropriate verification **must** be included with the application:
1. Age – copy of the participant’s driver license or other official documentation.
 2. Reemployment – copy of job offer letter or *Employment Verification* (TAA-1061A or TAA-1061AS) form.
 3. Gross wages – paystub if available at time of application or a statement from the employer for the reemployment.
 4. Reemployment – full-time, verified in the same manner as UI; or part-time at least 20 hours per week while attending training.
 5. Employment – must not be at the same firm in the same division/facility from which the participant was separated. This does not preclude a worker obtaining a different job with the same employer as verified by supporting letter from employer or *Employment Verification* (TAA-1061A or TAA-1061AS) form.
- E. The *Notice of Determination* (TAA-1000A or TAA-1000AS) must be sent to the participant within **five working days** of receiving the RTAA application.

.02 Continuing Eligibility

A participant who is approved for RTAA and continues to meet the eligibility criteria will be paid RTAA benefits until the end of the eligibility period or upon reaching the maximum benefit amount per the law that governs his or her certification, whichever occurs first.

- A. Employment Criteria
1. An individual may work for different employers within this eligibility period and employment is not required to be consecutive. RTAA benefits are not payable during periods of unemployment;

however, payment is allowable when the participant is on employer-allowed release time, such as sick leave.

2. In the event of a period of unemployment, participants must complete a new application for RTAA upon reemployment and would be eligible for the remaining benefits to which they are entitled. The eligibility period continues from the date of UI exhaustion or reemployment.
3. Changes in employment that do not include a period of unemployment are addressed during the review of each participant's RTAA status.

B. Continuing Eligibility Criteria

1. Continuing eligibility for RTAA must be assessed and verified at least monthly regarding the participant's employment and wage status, regardless of whether RTAA is received on part-time or full-time employment.
2. When the participant is employed part-time and receiving RTAA while in TAA-approved training, the Counselor must verify participation in training on a monthly basis.
3. RTAA payments **MUST BE STOPPED** when the participant:
 - a. Earns wages from reemployment that exceed the annualized maximum according to the law that governs his or her certification;
 - b. No longer meets the reemployment requirement (working full-time or a combination of TAA approved training and part-time work);
 - c. Has received the maximum amount of RTAA; or
 - d. Has reached the end of the RTAA eligibility period.
4. The participant's annual wages must be calculated on a monthly basis to assure annual wages do not exceed the maximum according to the law governing his or her certification.

.03 Justifiable Cause

A participant who is working part-time and enrolled in TAA-approved training is excused from the training requirement for any week for which he or she has [justifiable cause](#) for failing to begin or stop participating in training.

- A. When the participant has justifiable cause for failing to participate in training for a week but is working at least 20 hours per week, RTAA is payable for that week if the participant is otherwise eligible.
- B. When the participant fails to participate in training for a week **without** justifiable cause, he or she is **ineligible** for RTAA for that week.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



TRADE ADJUSTMENT ASSISTANCE
(TAA) POLICY MANUAL

PROGRAM INSTRUCTIONS:
SECTION 600

SUBJECT: JOB SEARCH ALLOWANCES

600 JOB SEARCH ALLOWANCES

Job search allowances may be offered as a benefit to [participants](#) who have been totally or partially separated from employment and are forced to seek employment outside their [normal commuting area](#) when they cannot reasonably be expected to find employment within the commuting area where they reside.

These allowances are issued to cover expenses incurred in the participant's job search. Participants may use the total allowance on one job search, or may have several job search requests before reaching the limit. However, the criteria for eligibility and the requirements for reimbursement will vary depending on the areas where the job search is conducted.

601 JOB SEARCH DETAILS

Only participants governed by the **2011** and **2015** laws may be eligible for the job search allowance, which may be not more than **90 percent** of the total cost for each of the following items. Payments must not exceed **\$1,250**.

.01 Transportation/Travel

For transportation or travel, the allowance is the lesser of:

- A. The actual cost of the most economical public transportation available from the participant's residence to the job search area; or
- B. The [cost per mile](#) at the rate authorized under federal travel regulations.

.02 Lodging and Meals

For lodging and meals, the allowance is the lesser of:

- A. The actual cost while engaged in the job search; or
- B. Fifty percent of the federal [per diem rate](#) for the area where the job search is conducted.
 - 1. Friends or relatives who accompany the applicant on a job search must not be reimbursed for any expense.

2. The participant **must** keep separate receipts for meals and use the single occupancy rate for lodging.

602 ELIGIBILITY

.01 Eligibility Requirements

- A. All participants requesting a job search allowance, regardless of the type of job search, must:
 1. File a timely job search allowance request before the job search begins;
 2. Be completely separated from adversely affected employment at the time the job search begins;
 3. Be enrolled in the TAA program;
 4. Have no reasonable expectation of finding suitable employment within their normal commuting area; and
 5. Have a reasonable expectation of obtaining suitable long-term reemployment in the area where the job search will be conducted.

Note: Reasonable expectation, and the absence of such, must be proven by documented job searches and local LMI.
- B. All job searches must be completed within 30 days after the day the job search began. The job search is completed when the participant either secures reemployment or has contacted each employer to whom he or she was referred.
- C. Participants conducting job searches outside their normal commuting area must make **at least one verifiable job contact** each day in the job search area for which the job search allowance is awarded. All contacts must be verified and participants must not be reimbursed for unverifiable contacts.
- D. In addition to the five basic eligibility requirements, participants requesting the job search allowance benefit to conduct a job search outside their normal commuting area in which they reside must:
 1. Be willing to relocate to the area in which the job is located;

2. Have a job interview scheduled in the long-distance area; and
3. Provide verification of the interview in order to be reimbursed.

.02 Job Search Allowances Request

Participants must apply for the job search allowances prior to the actual job search, using the *Job Search Allowances Request* (TAA-1040A or TAA-1040AS). The request must be made through the Counselor on or before:

- A. The 365th day after the participant's [qualifying layoff](#) or the [certification date](#), whichever is later; or
- B. The 182nd day after completing an approved training program.

Note: An application may be submitted at any time, whether a certification has been issued or not. However, the job search must not be approved until the participant is covered by a certification.

.03 Job Search Allowances Request from Agent State

When an individual files an application/request for a job search allowance with respect to a job search that is not in the [liable state](#), the [agent state](#) is responsible for:

- A. Assisting the individual in conducting the job search and filing an application with the liable state;
- B. Providing any information required for the determination for the request in the liable state; and
- C. Fully cooperating with the liable state to carry out its activities and functions regarding these applications/requests.

.04 Documentation for Job Search

TAA staff must make and record determinations of job search allowances as soon as possible regarding a participant's eligibility for the allowance.

- A. Upon completion of a job search, the participant must submit a *Final Statement of Job Search Cost* (TAA-1041A or TAA-1041AS) detailing the employer(s) contacted and daily expenses for lodging and meals.

- B. The participant must submit the **original receipts** for each expense, together with the completed form before payment is made.
- C. TAA staff must send the *Notice of Determination* (TAA-1000A or TAA-1000AS) to inform the participant of the decision regarding their request for job search allowances and document the participant's case notes in AJC.

.05 Job Search Allowance Advances

An advance payment of the job search allowance may be allowed but the participant must apply for the advance as early as possible and prior to starting the job search.

The request is made using the *Job Search Allowances Request* (TAA-1040A or TAA-1040AS). Up to 60 percent of the estimated total cost payable upon completion of the job search may be advanced within five days prior to the start of the job search, as determined by the TAA State Coordinator. An adjustment must be made when the amount of an advance is more or less than the amount for which the participant is eligible.

An advance payment must not be made to an individual until TAA staff determines he or she is covered under a certification. When TAA staff determine the participant is covered under a certification, payment will be made as soon as possible.



700 RELOCATION ALLOWANCES

Relocation allowances may be offered as a benefit **only one time per certification** to qualifying [participants](#) to help them and immediate [family](#) members relocate within the United States when they must move outside their [normal commuting area](#) for new employment.

701 RELOCATION ALLOWANCE ELIGIBILITY

Requests for relocation allowances must be submitted before the relocation begins.

.01 Eligibility Requirements

- A. To be eligible for relocation allowances, the participant must:
1. Be covered by a certification;
 2. Submit a timely application;
 3. Have been [totally separated](#) from [adversely affected employment](#);
 4. Not have previously received a prior relocation allowance under the existing certification;
 5. Relocate within the United States and outside his or her current normal commuting area;
 6. Have a verifiable offer of reemployment;
 7. Be registered in [AJC](#);
 8. Demonstrate that [suitable employment](#) is not available in his or her normal commuting area;
 9. Be able to provide a written verification from the new employer that there has been a job offer and that the work will last six months or longer. This cannot include self-employment or employment as an [independent contractor](#); and
 10. Complete the relocation within a reasonable period of time.

- B. TAA Counselors must consider whether:
1. Suitable housing is available in the area of the relocation;
 2. The participant is able to dispose of his or her current residence;
 3. The participant or a family member is ill; and
 4. A participant's family member is attending school, and when a transfer to a school in the relocation area can be made, if applicable.

.02 Applications

- A. Participants must apply for the relocation allowances in advance of the actual relocation using the *Relocation Allowance Request* (TAA-1038A or TAA-1038AS). The request must be made through the Counselor on or before:
1. The 425th day after the date of the petition [certification](#);
 2. The 425th day after the participant's last [total separation](#), whichever is later; or
 3. The 182nd day after completing an approved training program.

Note: For .701.A.1 and A.2 above, refer to the completed *Trade Adjustment Assistance Determination Notice* (TAA-1009A or TAA-1009AS) on file for the participant.

- B. A relocation allowance must NOT be granted unless the relocation begins within 182 days after the application is filed for relocation allowances or within 182 days after the conclusion of training.
1. The participant must not be paid a travel allowance more than once in connection with a single relocation.
 2. A participant must only be relocated once per certification.
 3. When applications for relocation allowances are submitted by more than one family member in the TAA program for the same relocation, the allowance must be paid to the participant who is the head of the family.

- C. Relocation allowances must include **not more than 90 percent** of the reasonable and necessary expenses for transporting the participant, family, and the household effects from the former residence to the new residence.

.03 Eligibility Verification

The TAA Counselor must determine whether the participant meets the eligibility requirements before advance or final payment of the relocation allowance may be made and document the case record in AJC.

- A. When a participant relocates to a state other than the [liable state](#), the [agent state](#) is responsible for assisting:
 - 1. The [individual](#) in their relocation and filing an application for a relocation allowance with the liable state; and
 - 2. The [liable state](#) by providing any information required for the determination of the allowance.
- B. The agent state must cooperate with the liable state in carrying out its activities and functions regarding these applications.
- C. Upon request by the liable state, the agent state must verify employment with the employer and report to the liable state if the individual has obtained:
 - 1. Suitable employment that is expected to be long-term in duration, or
 - 2. A bona fide offer of suitable employment.

702 ALLOWABLE RELOCATION COSTS

.01 Lump Sum Payment

- A. A **lump sum payment** equal to three times the participant's [average weekly wage](#) up to \$1250 is payable to assist the participant in setting up a household at the new location.
- B. Participants using a [commercial carrier](#) may choose to request part of the lump sum for payment of that service. The lump sum allowance must not be paid sooner than 10 days in advance of the anticipated moving date.

- C. The participant is required to obtain three bids for commercial moving expenses and submit them to the Counselor who will select the most reasonable bid.
- D. All anticipated expenses must be listed on the *Relocation Allowance Request* (TAA-1038A or TAA-1038AS).
- E. Within 30 days of completing the relocation, the participant must submit a *Final Statement of Relocation Cost* (TAA-1039A or TAA-1039AS) with all **original** receipts to the Counselor.
- F. TAA staff must send the *Notice of Determination* (TAA-1000A or TAA-1000AS) to inform the participant of the decision for relocation allowances.

.02 Transportation/Travel

The amount payable for transportation for the participant and family is **not more than 90 percent** of the lesser of:

- A. The actual cost by the most economical public transportation the participant and family could reasonably be expected to take from the former residence to the new residence in the area of relocation; *or*
- B. The [cost per mile](#) at the federal mileage rate authorized.

.03 Lodging and Meals

The amount payable for lodging and meals for the participant and family is the lesser of:

- A. **Not more than 90 percent** of the actual costs while in travel status; *or*
- B. **Fifty percent** of the [per diem rate](#) authorized under the federal travel regulations for the area where the participant is relocating.

Note: Immediate family members age 12 or older may receive three-fourths of the participant's per diem rate; children under 12 may receive one-half (per 41 CFR 302-4.206).

.04 Separate Travel

When family members are unable to travel together due to health, schooling, or economic circumstances, a separate travel allowance may be authorized. The

amount payable is calculated according to the rules for transportation, lodging, and meals described above.

.05 Moving Allowance

A moving allowance of **not more than 90 percent** for the total allowable costs may be paid to assist in the moving of household goods and personal items from the old residence to the new residence. When arranging the move, the participant must choose the most convenient method for their circumstances.

A. Commercial Carrier

1. When a commercial carrier moves household goods and personal effects, the net weight cannot exceed the net weight of 18,000 pounds or gross weight of 20,000 pounds, as described in the [federal travel regulations](#).
2. The cost of insurance against loss or damage in transit should be included to indicate the actual value of the household goods and personal effects **or \$10,000, whichever is less**.
3. A bid from a licensed insurer **must** be obtained and approved before the relocation begins.
4. When the Counselor determines it is more economical to pay a carrier an extra charge to assume responsibility for the goods and effects, **not more than 90 percent** of this extra charge may be paid, but is not to exceed \$50.00 in place of the cost of insurance.

B. Trailer and/or Rental Truck

Payment of rental fees may be made for each day reasonably required to complete the move. The participant must submit an estimate of the cost(s) from the rental agency. Costs may include:

1. Fuel costs for the truck;
2. Rental of a trailer customarily used for moving household goods and personal effects; or
3. A private vehicle if used to haul the trailer and calculate the federal [mileage rate](#)

C. Private Vehicles

1. Participants may receive the federal [mileage rate](#) for only one personal vehicle.
2. Participants traveling with family may receive mileage expenses calculated using the federal travel regulations for up to two personal vehicles.
3. No mileage is paid for towed vehicles but the cost of the tow bar may be included in the rental truck expense.

D. House Trailer

When the participant's residence is a house trailer or mobile home and will be used as such in the new location, the allowable costs of moving must be **not more than 90 percent** of the following:

1. Commercial carrier charges for moving the house trailer or mobile home;
2. Charges for unblocking and re-blocking;
3. Ferry charges, bridge, road and tunnel tolls, taxes, fees fixed by a state or local authority for permits to transport the unit in and through its jurisdiction, and for retention of necessary flaggers; and
4. Insurance against loss or damage in transit for the house trailer or mobile home and the personal effects of the participant and family. The participant must obtain a bid from a licensed insurer and the bid must be approved by TAA staff before the relocation begins.

When the move is approved and an estimate for the cost of the move has been provided, payment may be made to the participant and the carrier at the time of, or within 10 days prior to, the move.

.06 Temporary Storage

Temporary storage of household goods and personal effects when necessary for up to 60 days may be paid at **not more than 90 percent** of cost.

.07 Exclusions

The following items are excluded from relocation coverage. The participant must assume the costs and personally arrange transportation for:

- A. Animals;
- B. Boats;
- C. Airplanes;
- D. Camping vehicles;
- E. Mobile homes (unless primary residence of participant);
- F. Explosives or dangerous goods;
- G. Building materials;
- H. Perishable foods subject to spoilage;
- I. Recreational vehicles (can be put on a trailer or towed, **not** in moving truck); and
- J. Fuel and similar non-household articles.

.08 Completion of Relocation

- A. A relocation is considered completed when the participant, family (if any), and household goods and personal effects arrive at the residence of the relocation.
- B. When no household goods and/or personal effects are moved, the relocation is completed when the participant and family, if any, arrive in the area of relocation and establish a residence.
- C. When a family member is approved for separate travel, their late arrival does not affect the date the relocation is completed.
- D. When the move is approved and completed, payment for the relocation must be made as soon as possible.
- E. The participant must submit the following to the Counselor:

700 RELOCATION ALLOWANCES

1. The completed original *Final Statement of Relocation Cost* (TAA-1039A or TAA-1039AS); and
2. Original and itemized receipts for all costs.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



TRADE ADJUSTMENT ASSISTANCE
(TAA) POLICY MANUAL

PROGRAM INSTRUCTIONS:
SECTION 800

SUBJECT: GENERAL INFORMATION

800 GENERAL INFORMATION

This section contains information related to client-facing policies that includes the appeals process, DES internal policies, communications, records management, and more.

The rights of individuals to TAA and UI must be protected in the same manner and to the same extent under the applicable state law that include:

- A. Protection of applicants for TAA from waiver, release, assignment, pledge, burden, levy, execution, attachment, and garnishment of their rights; and
- B. Protection from discrimination and obstruction regarding seeking, applying for, and receiving any right to TAA.

801 DES ADMINISTRATIVE POLICIES

TAA staff must reference the following DES policies and procedures in the [Administrative Policy and Procedure Library](#) for further program-related information:

- A. DES 1-01-45 Address Confidentiality Program
- B. DES 1-01-12 Americans with Disabilities Act – Title 2
- C. DES 1-05-01 Communications Policy (PIO)
- D. DES 1-01-34 Limited English Proficiency
- E. DES 1-01-14 Office of Equal Opportunity-Client Complaints
- F. DES 1-37-12 Records Management and Reports
- G. DES 1-07-07 Safeguarding Protected Information

802 RECORDS MANAGEMENT

All current hard-copy case records must be stored in a secure area to prevent theft and the release of information to unauthorized persons. Confidential information must not be discussed unless directly related to the official duties of program staff.

Records Management and Reports policy and procedures ([DES 1-37-12](#)) must be followed to ensure [participant](#) information remains confidential.

Records must be maintained accurately and thoroughly regarding the administration of the TAA program as required by DOL and to support the reporting of TAA activity on the Participant Individual Record Layout (PIRL). The TAA program must make records available upon request for inspection, examination, and audit by DOL or other federal designee.

803 CONFIDENTIALITY

A participant's case record and eligibility for TAA and UI must be kept confidential, but does not apply to information, reports, and studies requested by DOL; or where the result would be inconsistent with the Freedom of Information Act, the Privacy Act of 1974, and DOL regulations found in [29 CFR 70 and 70.a.](#) (see [Section 804.04](#)).

.01 Subpoenas

When a subpoena is received for a case record, or for a TAA Program employee to testify concerning a participant, all of the following actions must be taken:

- A. The person receiving the subpoena/court order must immediately submit it to the local office supervisor.
- B. The local office supervisor must immediately provide information regarding the subpoena to the Workforce Development Administration (WDA) Assistant Administrator or designee.
- C. The WDA Assistant Administrator or designee must immediately provide information to the Office of the Attorney General and WDA Administrator's Office.
- D. The Office of the Attorney General will then advise the WDA Assistant Administrator or designee of the appropriate action, who will then relay the information to the TAA Program local office supervisor.
- E. Information must not be released unless authorized by the Office of the Attorney General.

.02 Attorneys

When requests for information regarding a program participant are received from attorneys and/or their staff without a written release from the participant, program staff must advise the parties to obtain a subpoena requesting the information.

.03 Media/Reporters

In accordance with DES Communications Policy ([DES-1-05-01](#)), all media requests for information must be immediately reported to the Office of Communications, Public Information Office at PIO@azdes.gov.

.04 Public Records/Public Information

Inquiries concerning public records requests are directed to the DES Office of Communications at PublicRecordsRequest@azdes.gov. More information can be found at www.azdes.gov by clicking on the Media Center tab on the upper right of the web page and selecting "Contact Office of Communications."

.05 Law Enforcement

Requests for information from local, state, or federal law enforcement agencies are referred to the DES Privacy Officer at PublicRecordsRequest@azdes.gov, who will work with the Office of Special Investigations in response to the request.

804 RELEASE OF INFORMATION

.01 Participant Review of Case Information

Participants may review the contents of their own case records at any time, provided a member of the Department is present.

- A. Program staff must:
 - 1. Review the participant's case record prior to allowing the participant to view the information; and
 - 2. Remove any material obtained from third parties who have requested that their information not be released to the participant.
- B. The identity of the participant **must** be confirmed prior to allowing the case file to be reviewed.

- C. Participants may request a reasonable number of copies of material from their case records.

.02 Release of Information With Signed Consent

TAA Counselors must use the *Authorization to Release Information* (TAA-1077A or TAA-1077AS) form when verification of a participant's information is required for continued participation and/or receipt of TAA benefits for which they may be eligible.

Agencies and/or individuals to whom the TAA Counselor may send the *Authorization to Release Information* for completion of SECTION THREE and SECTION FOUR include, but are not limited to:

- A. Past, current, and prospective employers;
- B. Schools and training providers; and
- C. Partner agencies.

.03 Release of Information Without Signed Consent

The release of confidential information may be required without a participant's consent in order to facilitate services and comply with state and federal regulations. Confidential information may be disclosed for official purposes without the participant's consent.

Disclosure is limited to the following parties:

- A. Employees of DES;
- B. The Arizona Office of the Attorney General;
- C. Federal, state, or local enforcement office by a supervisor when he or she has contacted the Office of the Attorney General for guidance;
- D. Approved providers or contractors for the purpose of implementing employment/training plans;
- E. Any federal or federally-assisted program providing assistance or services, in cash or in-kind, directly to individuals on the basis of need;
- F. Auditors of any assistance program administered by a government entity authorized by law to conduct such audits; and

- G. Social Security Administration employees.

.04 Release of Information to Other Persons and Agencies

Confidential information MUST NOT be released to anyone not listed in [Release of Information without Signed Consent section](#). The participant must be informed of requests for information from sources other than those previously identified as those authorized to the information. The permission to release information must include all of the following:

- A. The information to be released;
- B. The name of the person or organization allowed to receive the information;
- C. The period of time the release is valid; and
- D. The dated signature of the participant.

.05 Public Releases of Information

Program staff must obtain the participant's permission prior to publically using his or her information for any of the following:

- A. Speeches or presentations (e.g. participants who are motivational speakers to individuals currently participating in the program);
- B. Video recordings or photographs;
- C. Media news articles, or DES agency or administrative newsletters;
- D. Local office bulletin boards, displays, or publishing participant success stories;
- E. Recognition certificates and plaques; or
- F. Any other materials identifying the individual as a program participant either directly or by association.

805 OVERPAYMENTS

[Overpayments](#) occur when participants receive TAA payments to which they are not entitled. Procedures are outlined in the *TAA Program User Guide*, Sections 1000 and 1001.

.01 Identifying Overpayments

- A. When the Counselor identifies an overpayment, he or she must:
 - 1. Complete the *TAA Potential Overpayment Referral* (TAA-1067A or TAA-1067AS) to document the overpayment and explain the suspected reason it occurred.
 - 2. Upon completion, the form must be forwarded to TAAProgram@azdes.gov.
- B. TAA staff must:
 - 1. Investigate the reported overpayment;
 - 2. Complete the designated portion of the form;
 - 3. Update the participant's case notes in AJC; and
 - 4. Submit the form to Unemployment Insurance (UI) staff at UIBPC@azdes.gov.
- C. UI staff makes the final determinations of all TAA program overpayments and notifies the participant.

.02 Completion TRA Overpayments

When previous Completion TRA payments were made based on correct information at the time of payment, and it is determined they were properly paid, the payments are not considered as an overpayment.

.03 RTAA Overpayments

- A. Overpayment determinations must not be made for RTAA when projections for the yearly annual wage later changed, due to information not available at the time the monthly determination was made, as long as fraud has not been committed.
- B. Monthly payments derived from the annualized wage projection based on complete and accurate information at the time are valid payments that the individual was entitled to and are not overpayments.

- C. A participant meets the maximum wage requirement for a given month when the monthly determination of annualized wages is accurate and complete at the time it is made.

.04 Job Search Allowance Overpayments

An overpayment must be determined when the participant fails to turn in original receipts, the final cost statement, **and** a bona fide work search within 30 days of the start of the job search.

.05 Waiver of Overpayment Recovery

- A. TAA staff must make a determination when the following two conditions exist before waiving an overpayment:
 - 1. Lack of fault **and** inability to pay; and
 - 2. Repayment would cause a financial hardship for the participant and their household.
 - a. All sources of income must be taken into consideration including pensions, UI, social security, disability, rental income, etc.
 - b. Income must be measured and compared to existing living expenses such as mortgage or rent, outstanding debts (medical, credit card, etc.) and all other expenses (food, utilities, insurance, etc.).
- B. Participants who received an overpayment of TAA funds must be provided an opportunity to demonstrate the fault was not on their part, they are unable to repay the overpayment, and are therefore eligible for the waiver.
- C. Waiver determinations are subject to review in the same manner, and to the same extent, as other TAA program determinations or redeterminations regarding appeals and hearings.
- D. A waiver of overpayment recovery **is prohibited** when fraud has been determined.

.06 Penalties

- A. An individual may be **imprisoned** for up to one year, **finned** under U.S. Code Title 18, §665 or **both** when a false statement of significant fact is knowingly made or is not disclosed:
 - 1. For the purpose of receiving any TAA payments; or
 - 2. When providing information to DOL during an investigation of a petition.

- B. To determine when fault exists, UI staff must consider whether:
 - 1. The participant knowingly made a pertinent statement or representation in their application for TAA that resulted in the overpayment;
 - 2. The participant knowingly failed or caused another individual to fail to disclose a significant fact in connection with an application for TAA that resulted in the overpayment;
 - 3. The participant knew or could have been expected to know he or she was not eligible for the TAA payment;
 - 4. The partial or total overpayment resulted directly or indirectly from any act of omission of the participant or other individual that he or she knew was erroneous, inaccurate, or otherwise wrong; and
 - 5. Fraud has been determined by UI staff.

Note: When UI staff determine fraud has been committed, the individual is ineligible for any further TAA payments in addition to any other penalty provided by law.

806 APPEALS

All TAA program petitioners and participants have the right to file an appeal and must be informed of such on each of their determination notices.

.01 Petitioners/Workers

Information regarding reconsiderations and appeals can be found on the DOL website for TAA under [Decisions on TAA Petitions](#), including the contact information for filing an appeal.

.02 Participants

Under TAA law, participants have the right to appeal a determination for TAA benefits and/or allowances when they are denied, terminated, or revoked.

- A. The TAA program follows Unemployment Insurance law for the appeal process.
- B. When participants receive written notification of such determination, the notice includes information regarding their right to appeal and the timeframe in which to do so.
- C. The determination notice must also inform participants to whom the letter of appeal must be sent and contact information for the Counselor should they have any questions regarding the determination.
- D. Contact information for each TAA/TRA Coordinator from each state can be found at <https://doleta.gov/tradeact/contacts.cfm> when a participant was receiving interstate benefits for UI and TRA that have been denied, terminated, or revoked.
- E. Procedures for the appeal process can be found in the *TAA Program User Guide*, Section **103 – APPEALS**.

807 PERFORMANCE AND REPORTING

From fiscal year (FY) 2009 through FY 2017 in Arizona, TAA participant reporting was conducted through the Trade Act Participant Report (TAPR), which was TAA-specific. Beginning in FY 2018, participant reporting is completed quarterly through a cross-program format, the PIRL. The PIRL is submitted through the Workforce Integrated Performance System (WIPS) that allows other DOLETA programs (i.e., WIOA Title I-B Adult, Dislocated Worker, and Youth programs, Wagner-Peyser, and more) to submit their reporting all in the same system.

- A. Information regarding TAA participant reporting can be found at <https://www.doleta.gov/tradeact/taa-data/reports/participant-reporting/>.
- B. The schema, or Data Element Numbers and Data Element Names, for the WIPS can be found at <https://www.doleta.gov/performance/wips/>. To view the TAA-specific criteria, click on the TAA tab at the bottom of the Excel spreadsheet.

.01 Performance Indicators

The primary indicators of performance include:

- A. The percentage and number of workers who received benefits and are in unsubsidized employment during the second and fourth calendar quarters after exit from the program;
- B. The median earnings of participants who are in unsubsidized employment during the second and fourth quarter after exit from the program;
- C. The percentage and number of participants who, during participation or within one year after exit from the program, received benefits and:
 - a. Obtained a post-secondary credential;
 - b. Secondary school diploma; or
 - c. High school equivalency (HSE) diploma during participation or within one year after exit from the program; and
- D. The percentage of participants who, during a program year, received benefits and are in an education or training program that leads to a recognized post-secondary credential or employment and achieving measurable skill gain.

.02 Termination of TAA Program Benefits

The TAA program is currently approved through the fiscal year ending September 30, 2021. Unless the program is renewed, the following rules apply when the program is terminated.

- A. TRA, Transportation Allowances, and Subsistence:
 - 1. NO applications while the participant is in training are to be approved; and
 - 2. NO payments are to be made after the termination date even though they occurred on or before the termination date **unless**:
 - a. The claim or invoice is received by the TAA program; and

- b. A final determination has been made on the amounts payable on or before the termination date.
- B. Job Search or Relocation Allowances – NO payments are to be made unless:
 - 1. An application was approved;
 - 2. The job search or relocation was completed; and
 - 3. A final determination was on the amount payable on or before the termination date.
- C. Training
 - 1. NO training is to be approved unless:
 - a. An approval was made on or before the termination date; and
 - b. Training began on or before the termination date.
 - 2. A final determination must be made on the invoice for training costs before the termination date to cover tuition-related expenses.
 - 3. Determinations on tuition bills are limited to the training term, quarter, semester, or other period beginning on or before the termination date.



900 GLOSSARY

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Adversely Affected Employment	Employment in a firm or subdivision of a firm certified under the Trade Adjustment Act (TAA).
Adversely Affected Incumbent Worker	<p>A worker who is:</p> <ul style="list-style-type: none"> • A member of a group of workers certified as eligible to apply for TAA benefits; • Does not have a qualifying separation due to not being partially or totally separated from employment; and • Determined as individually threatened with total or partial separation.
Adversely Affected Worker	A worker experiencing total or partial separation from a workplace adversely affected by foreign trade.
Arizona Job Connection (AJC)	A federally funded website offering employment services to job seekers and employers. TAA staff also uses this system to enroll participants in the TAA Program, provide case management, and maintain documentation.
ARIZONA@WORK Job Center Operator/Partner	<p>An organization or entity that works with or under the ARIZONA@WORK Job Center system, such as:</p> <ul style="list-style-type: none"> • WIOA Title I-B (Adults, Youth and Dislocated Workers) • Employment Services (Wagner-Peyser) • Unemployment Insurance • Trade Adjustment Assistance • Vocational Rehabilitation • Veterans Services • Job Corps • Native American Programs • Adult Education
Average Weekly Wage	One-thirteenth of the total wages paid to an employee during the quarter in which the total wages paid were highest among the first four of the last five completed calendar quarters before his or her separation date .

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Benefit Year	The period during which the individual is eligible for regular, additional, or federal supplemental compensation.
Certification	A certification of eligibility to apply for TAA issued under Section 223 of the Trade Act with respect to a specified group of workers of a firm or appropriate subdivision of a firm.
Certification Date	The date on which the total or partial separation began or threatened to begin.
Commercial Carrier	A professional trucking company that typically transports goods from one location to another within the United States. These carriers are often used to relocate a home from one location to another.
Component Part	Uniquely identifiable input part or piece required to complete or finish an item.
Comprehensive Assessment	In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals using diagnostic testing and other assessment tools. A measure of the skills and service level needs of each participant, including a review of educational and occupational skills, prior work experience, employability, interests, aptitudes, and supportive service needs; and where appropriate, job search and relocation assistance.
Cooperating State Agency (CSA)	Any agency of the state jointly administering provisions under agreement with the DOLETA for TAA program benefits and services. The Department of Economic Security is the CSA for Arizona and includes the TAA Program, Unemployment Insurance (UI), and WIOA Title 1-B programs.
Counselor	A TAA program specialist trained in determining eligibility to provide and benefits, services, and case management that includes, but is not limited to skill assessments, career counseling, information on training, and developing training employment plans for program participants as outlined in this policy manual with the goal of leading participants to gainful employment.
Duly Authorized Representative	A person given the authority to speak on the behalf of DES.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Eligible RTAA Recipient	An individual who is receiving RTAA benefits and participating in the program for the month of receipt. If the participant becomes otherwise ineligible for RTAA, he or she will continue to be treated as an eligible RTAA recipient during that month.
Eligible TAA Recipient	<p>An individual who receives or would be eligible to receive Trade Readjustment Allowances (TRA) for any day of the month (and the month following the month he or she meets the definition) but has not exhausted UI benefits.</p> <p>Special Rule - Allows coverage for an individual who:</p> <ul style="list-style-type: none"> • Has a break in approved training that <i>exceeds 30 days</i> and falls within the eligibility period for receipt of TRA; or • Is receiving UI for any day in such month, who would be eligible to receive TRA, and has not exhausted UI <i>regardless of the training enrollment requirements</i>.
Eligibility Period	The period of consecutive weeks during which a Trade Readjustment Allowance (TRA) or Reemployment Trade Adjustment Assistance (RTAA) is payable to a participant.
Enrolled in Training	The participant’s application for training has been approved by the TAA program and written notice is provided from the training institution that the participant is accepted into the approved program.
Expiration Date	The date, or termination date, stated on the certification identifying when qualifying separations from a firm or subdivision of a firm ended or will end.
Extenuating Circumstances	Events beyond the control of the participant or that could not reasonably be rescheduled including, but not limited to training programs that are abruptly cancelled, the participant suffers an injury or illness preventing participation in training, appearing in court, attending a funeral, or relocation to another residence or area.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Family	Members of a participant's household whose principal place of residence is with the participant in a home he or she maintains or would maintain but for unemployment: <ul style="list-style-type: none">• Spouse;• Unmarried child including stepchild, adopted child or foster child under the age of 21, or of any age if incapable of self-support due to mental or physical incapacity; and• Any other person the participant is able to claim as a dependent for income tax purposes.
Federal Register	The official daily publication for rules, proposed rules, and notices of federal organizations; including published certifications for Trade Adjustment Assistance listed under the Department of Labor, Employment and Training Administration.
Field Offices	Department of Economic Security (DES) offices where Counselors are located to assist the public in matters associated with DES programs and functions.
First Qualifying Separation	The first total or partial separation from employment within the impact and expiration dates of a certification .
Impact Date	The date stated on a certification identifying when total or partial separations began or were threatened to begin in a firm or a subdivision of a firm.
Independent Contractor	Individuals engaged in independent trade, occupation, profession, or business that may also include self-employment.
Institution	A facility or school offering educational and/or technical training.
International Trade Commission (ITC) Finding	A determination of unfair practices in import trade or infringement of statutory intellectual property rights (e.g., copyright violations, misappropriation of trade secrets). The law provides automatic certification for workers at companies identified in an affirmative action finding of injury by the International Trade Commission (ITC), including workers who become totally or partially separated from their company within the one-year period beginning on the date that the ITC publishes its findings in the Federal Register.
Justifiable Cause/Reason	Circumstances that are beyond the participant's control or other extenuating circumstances such as the participant suffering from an illness or accident.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Labor Market Information (LMI)	The body of information that deals with functioning labor markets and the demand and supply of labor. Key factors include changes in the level and/or composition of economic activity, population, employment, unemployment, income, earnings, wage rates, and fringe benefits.
Limited English Proficiency (LEP)	Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient (LEP).
Manufacturing Sector	Businesses engaged in the chemical, mechanical, or physical transformation of materials, substances, or components into consumer or industrial goods such as manufacturing plants producing steel slabs or machine parts.
Marketable Skills	Skills, talents, and background that may include a postgraduate degree, industry-recognized certification in a technical occupation, or other credential for reasonable expectation to obtain suitable employment at an equivalent wage in the near future.
Normal Commuting Area	The area in which a participant is reasonably expected to travel to and from work on a daily basis within the 20-mile radius of his or her place of residence, as determined by Arizona Administrative Code.
On-the-Job-Training (OJT)	Hands-on training that occurs while the participant is doing the actual job at the place of employment, usually a professional trainer or experienced employee serves as the course instructor.
Overpayments	Payments made in error to a participant. Overpayments are classified as: <ul style="list-style-type: none">• Fraudulent – the participant knowingly made a false statement or claim that led to the issuance of funds he or she otherwise would not have received.• Non-fraudulent — an unintentional error made by the participant.• Administrative error — a state system, reporting, or data entry error that is not the fault of the participant.
Part-Time	Employment at or under 31 hours per week.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Partial Separation	A separation that occurs during a week ending on or after the impact date specified in the certification under which the individual is covered that caused a reduction equal to or greater than 80 percent of his or her weekly hours and wages.
Participant	Any worker completing the initial TAA appointment and is enrolled in the TAA program.
Per Diem Rate	A set allowance or payment allotted to individuals on a day-to-day basis.
Petition	A request to be certified as a worker adversely affected by foreign trade.
Petitioner	A person that has either submitted a petition to the U.S. Department of Labor or was included on a petition submitted by someone else (i.e. the employer).
Pre-Separation Training	TAA-funded training for adversely affected incumbent workers allowing for early intervention where layoffs are planned in advance and the employer can specifically identify which workers will be affected.
Public Sector	Any non-federal government agency (i.e., city, state, county, etc.).
Qualifying Employment	For the purpose determining whether a participant meets the wage requirement for TRA eligibility: Employment of at least 26 weeks where the participant earned at least \$30 per week at the same company or subdivision of the same company in the 52-week period prior to his or her first qualifying separation.
Rapid Response Unit	A team of state officials organized to provide rapid assistance to adversely affected, or soon to be adversely affected, workers.
Reasonable Cost	The proposed cost of training that would be the same as or less than other available training opportunities similar in quality, length, content, and projected outcome.
Reasonably Available	Training that is suitable to the participant's needs, available at a reasonable cost (either from governmental agencies or private sources), and for which training funds are available.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Reasonable Expectation of Employment	The likelihood of employment at the time of the completion of the training program, using the skills and education acquired while in training and given the job market conditions. A reasonable expectation of employment does not require that employment opportunities be available or offered immediately upon the completion of the approved training, but rather emphasizes that there must be a fair and objective projection of job market conditions expected to exist at the time training is completed.
Recognized Postsecondary Credential	A credential consisting of an industry-recognized certificate or certification , a certificate of completion of an apprenticeship, a license recognized by a State or Federal government, or an associate's or bachelor's degree.
Reemployment Services	Services available through other programs that assist including: <ul style="list-style-type: none">• DES Employment Service through Wagner-Peyser); and• ARIZONA@WORK through WIOA Title I-B Programs:<ul style="list-style-type: none">• Adult;• Youth; and• Dislocated Worker.
Satisfactory Participation	Attendance of all scheduled training activities.
Satisfactory Progress	The participant must maintain at least a "C" or 2.0 grade average (depending on method used) in each course to continue with training.
Separation Date	The last day worked, the last day the individual would have worked had he or she been working (if on authorized leave), or the last day of the week in which partial separation occurred.
Service Sector	Industries and businesses that provide intangible goods (e.g., business or administrative services, customer assistance or sales representatives). For example, a company moves its call-center operations to another country, resulting in the layoff of its U.S. workers. Those workers may file a petition for TAA certification .

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

Soft Training Cap	An amount allowed for training considered reasonable by the Cooperating State Agency that may exceed the maximum allowed on a case-by-case basis and only with a mechanism for exceeding that maximum when it results in the most reasonable and cost-effective way of returning a TAA participant to suitable employment .
State Workforce Official	An official or representative appointed by a state entity to perform a service, job, or function.
Subsistence	A monetary allowance to offset the costs of housing and meals when a participant must attend a training facility outside his or her normal commuting area .
Suitable Employment	Work that is equal to or at a higher skill level than the participant's past adversely affected employment and that pays not less than 80 percent of his or her average weekly wage ; excluding self-employment or employment as an independent contractor.
Tolling of Deadlines	The time to meet the deadline has been stopped and provides additional time to meet that deadline.
Total Separation	A layoff or dismissal from employment with a firm, or subdivision of a firm, in which adversely affected employment exists for a period of at least 7 consecutive days.
Union	A formal alliance of workers, usually trade or labor-based workers, organized for improving working conditions or pay.
Workforce Innovation and Opportunity Act (WIOA)	The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014 and became effective on July 1, 2015 to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education, Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.