



COMMUNIQUE

DATE: December 8, 2011

TO: Workforce Florida, Inc., and Regional Workforce Boards

FROM: Lois A. Scott, Program Manager, Workforce Program Support *M. Reynolds for*

SUBJECT: Operating Instructions for Implementing the Trade Adjustment Assistance Extension Act of 2011 (TAAEA)

PURPOSE:

To transmit Training and Guidance Letter (TEGL) 10-11 that provides information on implementing the provisions of the Trade Adjustment Assistance Extension Act (TAAEA) of 2011.

BACKGROUND:

The Trade Adjustment Assistance (TAA) program was first established in 1974 and has been amended several times. The 2002 amendments repealed the North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) program. It also expanded the scope of the program and increased benefit amounts.

The American Recovery & Reinvestment Act of 2009 amended the Act effective May 18, 2009 through February 12, 2011. Those changes, ended (or "sunset") effective February 14, 2011. Additional guidance is described in TEGL 16-10, Change 1.

The 2011 Amendments apply to three distinctly different worker groups differentiated by petition filing dates (February 14, 2011 thru October 20, 2011) and the subsequent numbers assigned to those petitions (TA-W-80,000 - 80,999). It also includes workers covered by petitions filed on or after October 21, 2011 with an assigned petition number beginning with 81,000. Nothing in the 2011 Amendments affects the benefits and services available to workers covered under petitions certified under the 2009 Act, or workers covered under petitions filed before May 18, 2009 and certified under the 2002 Act.

ACTION REQUIRED:

The Cooperating State Agency (CSA), in Florida it is the Department of Economic Opportunity, must ensure that guidance as outlined in this TEGl is followed as well as develop an internal process to track eligible trade-affected workers covered under the 2011 program. Additionally, the agency must ensure that workers who qualify for the election between December 20, 2011 and before March 19, 2012, are officially notified. As outlined in the Governor-Secretary Agreement, the CSA is ultimately responsible for making determinations for workers eligibility to receive benefits and services.

The Department shall continue to review this guidance and coordinate with all relevant entities. Also, we will identify those individuals who qualify to make an election and notify those who are being reconsidered under the 2011 extension. The department will provide training on these changes via a webinar (TBA) and follow-up with on-site training in the near future.

This guidance only addresses changes to the TAA program made by the 2011 Amendments. States and local operators of the Trade Act Program should continue to use other guidance issued covering workers under the 2002 and 2009 as it applies.

REFERENCES:

- Chapter 2 of Title II of the Trade Act of 1974, as amended (Pub. L. 93-618) (1974 Act and, as amended, Trade Act);
- Trade Adjustment Assistance Reform Act of 2002, Division A, Title I, Subtitle A of the Trade Act of 2002 (Pub. L. 107-210), as amended by the Miscellaneous Trade and Technical Corrections Act of 2004, (Pub. L. 108-429);
- Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5);
- Omnibus Trade Act of 2010 (Pub. L. 111-344) (Omnibus Trade Act);
- Trade Adjustment Assistance Extension Act of 2011 (Pub. L. 112-40);
- 20 Code of Federal Regulations (CFR) part 617);
- 20 CFR part 618;
- 29 CFR part 90;
- TEGl No. 11-02, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002, and its Changes 1, 2, and 3;
- TEGl No. 2-03, Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program Established by the Trade Adjustment Assistance Reform Act of 2002, and its Changes
- TEGl No. 22-08, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009, and its Change 1;
- TEGl No. 16-10, Instructions for Phasing Out Changes to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009, and its Change 1;
- TEGl No. 15-10, Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System; and
- TEGl No. 08-11, Availability of Equitable Tolling of Deadlines for Workers Covered Under Trade Adjustment Assistance (TAA) Certifications.



AUTHORITY:

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ATTACHMENT:

<http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-11.pdf>

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