

MEMORANDUM

DATE: June 15, 2021

TO: Local Workforce Development Board Executive Directors

FROM: Steven Gustafson, Workforce Administrator, Bureau of One-Stop and Program Support *Steven Gustafson*

SUBJECT: Trade Adjustment Assistance 2021 Reversion Provisions

This memorandum provides notification to Local Workforce Development Boards (LWDBs) regarding the Trade Adjustment Assistance (TAA) program's upcoming reversion provisions (known herein as Reversion 2021). LWDBs shall share this Memorandum with the appropriate staff including all Local TAA Coordinators.

Reversion 2021 will be effective on all Petitions filed on or after July 1, 2021 (Petition Series: TA-W-98,000). Petitions filed on or before June 30, 2021, will continue to be covered by the Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015 and will continue to be covered by the regulations at 20 CFR 618. In accordance with the TEGL 24-20 dated June 4th, 2021, the regulations at 20 CFR 618 apply to the TAA program unless otherwise indicated in the Operating Instructions and/or modified by state policy.

Group Eligibility – Only worker groups in the manufacturing sector will be eligible. Service sector workers will not be eligible under Reversion 2021. Worker group eligibility based on “shift in production” criteria are limited to certain specified nations, whereas under the 2015 TAA Program all nations were included. Under Reversion 2021, no automatic certifications for International Trade Commission determinations will be approved. Adversely Affected Incumbent Workers are not eligible for services under Reversion 2021.

Training and Individual Employment Plans – Part-time training is allowable. Distance learning is allowable. Work-based training, such as on-the-job training and apprenticeships will operate the same as under the provisions of 20 CFR 618, and Local TAA Coordinators must screen for work-based training opportunities prior to the approval of TAA-funded training. In accordance with Administrative Policy No. 107, Individual Employment Plans are required for TAA program participants. TAA program participant's must be enrolled in or waived from training by the later of eight (8) weeks from certification or sixteen (16) weeks from their trade-affected separation.

Trade Readjustment Allowances (TRA) – The maximum of 130-weeks of TRA available, including Basic, Additional, and Completion, remains the same, and the State Trade Program will review and process all TRA benefit applications and issue all determinations. Under Reversion 2021, there will be no more earnings disregard or TRA election provisions. State-specific good cause laws, regulations, and policies will not apply. Meaning, 20 CFR 618.730 does not apply under Reversion 2021. States may continue to apply the doctrine of Equitable Tolling, consistent with the regulations at 20 CFR 618.888, to extend benefit deadlines in egregious circumstances. Also, under Reversion 2021, workers participating

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in part-time training are otherwise eligible for TRA. Note, under TAARA 2015 and 20 CFR 618, workers in part-time training are ineligible for TRA.

Waivers – The three (3) waiver types available under the 2015 TAA Program are retained without change. This includes: Health, Training Not Available, and Enrollment Unavailable.

Job Search & Relocation Allowances – There will be no changes to these benefits.

Employment and Case Management Services – Under Reversion 2021, TAA case management funds will not be able to support any worker certified under a Petition filed on or after July 1, 2021. This will not remove the state's responsibility to provide employment and case management services to all TAA program participants. The requirement to provide these services is outlined in the Governor-Secretary Agreement. When eligible, LWDBs are required to co-enroll adversely affected workers in the WIOA dislocated worker program to receive benefits and services such as supportive services, workshops, job-readiness training, resume assistance, and more. LWDBs are required to provide an initial assessment to all TAA program participants and may use TAA funds to cover the costs of the initial assessments. All other employment and case management services must be funded by other State and partner programs. Meaning, LWDBs shall co-enroll and access Rapid Response, Wagner-Peysner, and WIOA dislocated worker funding to support the needs of Florida's trade-affected workers.

Reemployment Trade Adjustment Assistance (RTAA) – RTAA will revert to Alternative Trade Adjustment Assistance (ATAA). Trade-affected workers age fifty (50) and older shall choose between ATAA and the other benefits available under the TAA Program, such as training and TRA. Although ATAA recipients are eligible for Relocation Allowances, they are ineligible for all other TAA Program benefits after receipt of their first wage supplement payment. Meaning, receipt of TRA or training or a Job Search Allowance will remove the participant's eligibility for ATAA wage subsidy payments.

If you have any questions, please contact Christina Omran, State Trade and Rapid Response Program Coordinator, via e-mail at TAA@DEO.myflorida.com.

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