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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY  
LANSING

SUSAN CORBIN  
DIRECTOR

**OFFICIAL**  
**Policy Issuance (PI): 21-33**

**Date:** November 12, 2021

**To:** Michigan Works! Agency (MWA) Directors

**From:** Krista Johnson, Division Administrator **SIGNED**  
Talent Development Division  
Workforce Development

**Subject:** Operating Instructions for Implementing the Reversion 2021 Provisions of the Trade Adjustment Assistance (TAA) Program

**Programs  
Affected:**

Trade Act of 1974, as amended

Trade Act of 2002

Trade and Globalization Adjustment Assistance Act (TGAAA) of 2009

Trade Adjustment Assistance Extension Act (TAAEA) of 2011

Trade Adjustment Assistance Reversion 2014

Trade Adjustment Assistance Reauthorization Act (TAARA) of 2015

TAA Reversion 2021

**Rescissions:** None

**References:** Trade Act of 1974, Public Law (PL) 93-618, as amended

Trade Act of 2002, PL 107-210

TGAAA of 2009, PL 111-520

TAAEA of 2011, PL 112-40

TAARA of 2015, PL 114-27

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United States Department of Labor (USDOL) Training and Employment Guidance Letters (TEGLs) 11-02 and subsequent changes, 22-08 and subsequent changes, 10-11 and subsequent changes, 07-13, and 05-15

PI 19-30, Change 1, issued October 8, 2021

TAA Comprehensive Manual, modified May 19, 2019

Training and Employment Notice (TEN) 02-20, issued August 21, 2020

TAA Final Rule 20 Code of Federal Regulation (CFR) Part 618, et al.

TEGL 24-20, issued June 4, 2021

TEN 01-21, issued July 1, 2021

**Background:** The TAA Program was created to provide benefits and support to workers who become unemployed due to the impact of international trade. The TAA Program provides U.S. workers who are adversely affected by trade with the opportunity to obtain the skills, resources, and support needed to become reemployed. The TAA Program includes reversion provisions enacted by the TAARA of 2015, which have been imposed as of July 1, 2021.

**Policy:** This policy issuance provides MWAs with guidance to implement the TAA Program reversion provisions of the TAARA of 2015 by including operating instructions that apply to the program benefits to adversely affected workers covered by petitions filed on or after July 1, 2021, and by identifying prior guidance that remains applicable to MWAs. Reversion 2021 will expire on June 30, 2022, unless further USDOL guidance is received.

**Reversion 2021 provisions only apply to petitions filed on or after July 1, 2021. Additionally, Reversion 2021 petitions are identified as petition series TA-W 98,000 and above.**

MWAs must continue to administer benefits to eligible workers under the Trade Act of 2002, the TGAAA of 2009, the TAAEA of 2011, and the TAARA of 2015, in accordance with existing regulations and, where applicable, prior guidance. Most provisions of TAA Reversion 2021 mirror the TAA of 2002 requirements, however this policy also identifies prior guidance that remains applicable.

**Please refer to [TEGL 24-20](#) (Attachment A) for applicable regulations and guidance documents that will apply to each version of the TAA Program.**

## **Summary of TAA Reversion 2021**

The guidance and operating instructions included in this policy issuance align with [TEGL No. 24-20](#), Operating Instructions for Implementing the Reversion Provisions of Amendments to the Trade Act of 1974, enacted by the TAARA of 2015.

### **TAA Petition and Certifications**

Reversion 2021 petitions are identified by a new series numbers for petitions (TA-W-98,000 and above) filed on or after July 1, 2021.

### **Limitation of Worker Group Eligibility**

The TAA certification eligibility criteria for workers who are employed by supply service firms are reduced under Reversion 2021. The petition certification eligibility requirements are limited to manufacturing firms, and trade impact must be those countries who are party to a Free Trade Agreement only.

### **Trade Readjustment Allowances (TRA)**

TRA eligibility and subsequent benefits available under the TAARA of 2015 are generally extended into Reversion 2021. The maximum number of TRA weeks of income support for adversely affected workers is 130. However, due to the complexity related to TRA, requirements for Reversion 2021 are explained in this policy and in [TEGL 24-20](#). The TAA Program regulations, codified at 20 CFR 618, apply under Reversion 2021, unless otherwise directed.

### **Basic TRA - Enrollment in TAA Training Deadlines**

As required under TAA of 2002, the training deadline for enrollment in TAA approved training under Reversion 2021 is no later than the latter of: 1) last day of the 8<sup>th</sup> week following the date in which the certification covering the adversely affected worker was issued, or 2) the 16<sup>th</sup> week following the day in which the adversely affected worker was separated from the TAA certified employer (“8/16 rule”). If enrollment into TAA approved training by the training deadline is not feasible, the MWA must issue a Form TAA-802 (Rev.2021): *Waiver of the TAA Training Deadline* (Attachment C) on or before the “8/16 rule” deadline.

### **Additional TRA - 210 Day Training Application Requirement**

Under Reversion 2021, eligibility for Additional TRA aligns with the requirements implemented for TAA of 2002. Eligibility for Additional TRA requires a ‘bona fide’ application for TAA approved training within 210 days after the certification date or within 210 days after the date of the adversely affected worker’s total or partial separation.

MWAs must ensure the Form TAA-923 *Training Application* (Attachment B) is completed and submitted, on behalf of each participant, to the

Unemployment Insurance Agency (UIA)/TRA Unit at 1-517-636-0427. If the 210 day training application requirement is not met, the MWA must continue to complete and submit the Form TAA-923 *Training Application* (Attachment B), for an official UIA/TRA determination of Additional TRA benefits.

### **Completion TRA Eligibility Requirements**

Reversion 2021 retains the Completion TRA requirements in accordance with 20 CFR 618, including implementation of TAA Training Benchmark requirements throughout the duration of TAA approved training.

### **Waiver of the TAA Training Requirement**

The Waiver of the TAA Training Requirement applies to eligibility for Basic TRA only. MWAs should refer to [TEGL 24-20](#) for additional information, however the Reversion 2021 retains the three waivers available under TAARA of 2015, but implements the enrollment in TAA training deadlines aligned with TAA of 2002.

Eligibility for Basic TRA under Reversion 2021 requires that adversely affected workers either be enrolled in TAA approved training or be issued the Form TAA-802 (Rev.2021): *Waiver of the TAA Training Deadline* (Attachment C) no later than the latter of:

- 1) Last day of the 8<sup>th</sup> week following the date in which the certification covering the adversely affected worker was issued, or
- 2) The 16<sup>th</sup> week following the day in which the adversely affected worker was separated from the TAA certified employer (“8/16 rule”).

MWAs must make every effort possible to assist adversely affected workers in meeting these deadlines. Additionally, MWAs may extend the “8/16 rule” deadlines by 45 days where it is determined that there are extenuating circumstances justifying the extension, as described in 20 CFR 618.730 and [TEGL 24-20](#). *Good Cause* is not an applicable justification for a missed deadline under Reversion 2021.

For purposes of this section, justifiable cause has the same meaning as *Good Cause* under § 618.730, except that *Good Cause* for absence also includes an absence excused under a training provider's written policy.

A Waiver of the TAA Training Requirement may only be issued to adversely affected workers under one of the following reasons: Health, Enrollment Unavailable, and Training Not Available.

Please note, prior to the issuance of a Waiver of the TAA Training Deadline, adversely affected workers must complete an initial assessment.

### **TAA Training**

The regulations codified at 20 CFR Part 618 governing training apply to Reversion 2021 unless included in this policy and further detailed in

## [TEGL 24-20.](#)

Reversion 2021 applies the requirements similar to those under TAA of 2002, however *does* allow the option for full-time and/or part-time training to be approved. Please note, pre-separation training is not an option under Reversion 2021.

### **Approval of Training**

Prior to the approval of TAA approved training, an initial assessment must be completed by an adversely affected worker.

### **Length of Training**

Under Reversion 2021, the maximum length of training is 130 weeks, with the exception of the following:

On-the-Job Training (OJT): The maximum duration of OJT is limited to 104 weeks under Reversion 2021.

Apprenticeships: Reversion 2021 allows for approval of apprenticeships in alignment with §618.635(c)(1) limiting the period of reimbursement for the work-based learning portion to 130 weeks. The related instruction of apprenticeships may continue to be supported by the TAA Program for the entire duration of the apprenticeship.

### **TAA Training Benchmarks**

As previously mentioned, the establishment and review of TAA Training Benchmarks is required throughout the duration of TAA approved training. For more details about these training benchmark requirements, see §618.660.

*Please note: Only TAA administrative funds are available for activities related to the establishment and review of TAA training benchmarks, including tracking of the progress throughout training.*

### **Job Search Allowances**

No change to Job Search Allowances.

### **Relocation Allowances**

No change to Relocation Allowances.

### **TAA Funding**

#### **Elimination of TAA-funded Employment and Case Management Services**

Reversion 2021 restricts use of TAA funds to support TAA Employment and Case Management Services to participants covered by petitions filed on and after July 1, 2021.

MWAs should make every reasonable effort to provide job placement, testing, and counseling services by using non-TAA funding sources, such as WIOA Dislocated Worker, Rapid Response, or Wagner-Peyser funds.

**Please note: Initial assessments are considered a requirement of the intake and registration process under §618.330 and §618.335, therefore may be supported by Trade Act funds.**

### **Alternative Trade Adjustment Assistance (ATAA)**

Under Reversion 2021, ATAA replaces the Reemployment Trade Adjustment Assistance (RTAA) benefit for older workers. The regulations, codified at 20 CFR Part 618, apply to Reversion 2021.

**Action:** MWA officials shall take the appropriate actions necessary to implement the directives of this policy issuance.

**Inquiries:** Questions regarding this policy should be directed to your TAA State Coordinator.

This policy issuance is available for downloading from the [WD website](#).

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Please contact Ms. Carla Burdick by telephone at 517-647-9384 or by email at [BurdickC@michigan.gov](mailto:BurdickC@michigan.gov) for details.

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**Expiration Date:** June 30, 2022

KJ:MB:ph  
Attachments