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Bureau of Workforce Transformation (BWT)
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Date: November 23, 2009

To: Michigan Works! Agency (MWA) Directors

From: Liza Estlund Olson, Bureau of Workforce Transformation (**SIGNED**)

Subject: Trade Adjustment Assistance (TAA) Manual

Programs Affected: TAA

References: The Trade Act of 1974, as amended
The TAA Reform Act of 2002
The Trade and Globalization Adjustment Assistance Act of 2009
PI 06-03, Grievance and Complaint Policy
PI 06-17, and all subsequent changes, Trade Act Participant Management Information Guide
PI 06-30, Participant Transfer Guidelines
PI 07-30, Change 2, TAA Funds Management
TEGL 5-03, Implementing the Veterans Priority Provisions of the Jobs for Veterans Act

Rescissions: none

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Background: The criteria for certification of eligibility to apply for adjustment assistance covers adverse effects either from increased imports or from a shift of production to certain countries. In accordance with federal regulations, each MWA shall provide a full range of re-employment services, including mandated services, to individuals adversely affected by foreign competition.

President Obama signed the American Recovery and Reinvestment Act of 2009 (“Recovery Act”) on February 17, 2009. The Trade and Globalization Adjustment Assistance Act of 2009, part of the Recovery Act, made changes to the TAA program. This policy issuance contains the manual for the TAA program reauthorized by the Trade and Globalization Adjustment Assistance Act of 2009. The policies contained in this manual pertain to TAA petitions filed on or after May 18, 2009. To obtain guidance on the Trade Act of 2002 (petitions filed before May 18, 2009), please refer to PI 07-18, Change 2.

Policy: The Michigan Department of Energy, Labor & Economic Growth/Bureau of Workforce Transformation (DELEG/BWT) policy requires issuance and timely updating of the Trade Manual to provide guidance to local Trade Program administrators and service providers. All services must comply with the “Jobs for Veterans Act” (Pub.L.107-288). Reference: Employment and Training Administration TEGL No. 5-03.

The TAA program provides reemployment services and allowances for eligible individuals. The criteria for certification of eligibility to apply for adjustment assistance covers adverse effects either from increased imports or from a shift of production to foreign countries. In accordance with federal regulations, each Michigan Works! Agency (MWA) shall provide a full range of re-employment services, including mandated services, to adversely affected workers. TAA services are delivered in coordination with other dislocated worker programs administered by MWAs to maximize program efficiency and prevent duplication of services.

Action: MWA officials will utilize this guidance for the local operation of serving affected workers and providing benefits as provided under the TAA Program and ensure that it is disseminated to local Trade Program administrators and service providers.

This policy issuance is available for downloading from the Internet system. Please contact Ms. Carol Grove at (517) 241-1017, for details.

Inquiries: Questions regarding this policy issuance should be directed to Ms. Tammy Flynn, Manager, DELEG/BWT, TAA/No Worker Left Behind, (517) 241-9559, flynnt@michigan.gov.

The information contained in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon special request received by this office.

Expiration

Date:

Continuing

LEO:TF:vb

Enclosure

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Chapter I TAA PROGRAM OVERVIEW

General Information

The Trade and Globalization Adjustment Assistance Act of 2009, signed on February 17, 2009, reauthorized the Trade Adjustment Assistance (TAA) for Workers program. The TAA program assists individuals who become unemployed as a result of international trade return to suitable employment. The modifications made in the reauthorization of the TAA program are intended to allow greater flexibility to adversely affected workers in obtaining the skills necessary to return to suitable work.

The TAA program provides reemployment services and allowances for eligible individuals. The criteria for certification of eligibility to apply for adjustment assistance covers adverse effects either from increased imports or from a shift of production to all foreign countries. In accordance with federal regulations, each Michigan Works! Agency (MWA) shall provide a full range of re-employment services, including mandated services, to adversely affected workers. TAA services are delivered in coordination with other dislocated worker programs administered by MWAs to maximize program efficiency and prevent duplication of services.

As a required partner of the Workforce Investment Act (WIA) (20 CFR 652 et al.), MWAs operating the TAA program must comply with the nondiscrimination and equal opportunity provisions of WIA Section 188 and its implementing regulations, codified at 20 CFR part 37.

TAA History

The Trade Act of 1974 (Title 20 CFR, part 617, Chapter 2, Subchapter B) required that each state provide adjustment assistance (i.e., counseling, testing, training, placement, and other supportive services) for individuals adversely affected by foreign competition. It directed the Secretary of Labor (Chapter 2, Subchapter C) to establish policies and procedures for carrying out the mandates of the act. Individuals covered by a certification of eligibility are eligible to apply for services including Trade Readjustment Allowance (TRA), training, job search allowances, relocation allowances, and other re-employment services. The 1981 Amendments (Title XXV of P.L. 97-35) made extensive changes in the program. Further changes were made in the 1984 Amendments (Sections 2671 and 2672, of P.L. 98-369) and the 1986 Amendments (Part I of Subtitle A of Title XIII of P.L. 99-272). Additional changes were made in the TAA Reform Act of 2002 (P.L. 107-210). The 2002 amendments emphasized coordination with programs and services under Title I of the WIA.

The North American Free Trade Agreement (NAFTA)-Transitional Adjustment Assistance resulted from 1995 Title V amendments to the Trade Act and provides services for individuals whose employment is adversely affected by the NAFTA with Mexico and Canada. Under this program, states were given the specific role of making a preliminary finding in response to all petitions filed by individual groups of firms. Also, NAFTA-Transitional Adjustment Assistance required that individuals certified as eligible to receive NAFTA-Transitional Adjustment Assistance are required to be in training within a prescribed time period to qualify for NAFTA-

TRA payments. Waiver of the training requirement as a condition for TRA eligibility, now available to eligible individuals in the TAA program, is not available to individuals certified for NAFTA-Transitional Adjustment Assistance. Although the Trade Act of 2002 repealed NAFTA-Transitional Adjustment Assistance, workers covered under certifications issued pursuant to NAFTA-Transitional Adjustment Assistance petitions filed on or before November 3, 2002, will continue to be covered under the provisions of the NAFTA-Transitional Adjustment Assistance program.

The Trade Act of 2002 (P.L. 107-210) reauthorized the TAA program, in addition to adding amendments to the program. Amendments made by the Trade Act of 2002 include adjustments to the petition filing process, qualifying requirements and benefit periods for TRA, waiver requirements, job search allowances, and relocation allowances. The Trade Act of 2002 also created a Health Coverage Tax Credit (HCTC) and an Alternate Trade Adjustment Assistance benefit.

The Trade and Globalization Adjustment Assistance Act of 2009

The Trade and Globalization Adjustment Assistance Act of 2009 once more reauthorized the TAA program, modified program policies, and expanded eligibility for worker groups. Amendments to the program include an increase in training weeks available to 156; an increase of 26 weeks of TRA for workers who are in long-term training; extension of the current law deadline for enrolling in training to 26 weeks after certification or layoff (whichever is later); the option of beginning training after worker group certification and prior to layoff; mandated case management and employment services; an increase in job search and relocation allowances; a modification to the Alternative Trade Adjustment Assistance, renaming it as “Reemployment Trade Adjustment Assistance” for workers age 50 years or older, with expanded eligibility for both increased wage supplements as well as regular TAA benefits when a TAA certification is issued; and eligibility to participate in training while receiving wage supplements.

TAA Program Objectives

The TAA and NAFTA-Transitional Adjustment Assistance programs afford a full range of re-employment services to individuals displaced either by the importation of foreign-made goods or by the exportation of the work itself. The two programs have different eligibility rules but provide essentially the same services. Accompanying both TAA and NAFTA-Transitional Adjustment Assistance is a provision called TRA. The TRA provides maintenance income benefits paid by the Unemployment Insurance Agency to qualifying individuals.

The primary objective of both TAA and NAFTA-Transitional Adjustment Assistance is to assist adversely affected workers in returning to suitable employment as soon as possible. While both programs provide a variety of training and supportive services, effort should be made to place the individuals in jobs before spending TAA or NAFTA-Transitional Adjustment Assistance funds for training. The TAA and NAFTA-Transitional Adjustment Assistance participants are permitted to leave the program at any time to accept suitable employment without penalty or repayment of any TAA or NAFTA-Transitional Adjustment Assistance funds spent on their behalf.

Performance Goals*Performance Goals/Core Indicators for FY 2009*

Measure	Goal
Average Earnings	\$13,386
Reemployment Rate	65.2%
Retention Rate	87.5%

Performance Goals/Core Indicators for FY 2010

Measure	Goal
Average Earnings	\$13,319
Reemployment Rate	64.9%
Retention Rate	87.3%

The Trade and Globalization Adjustment Assistance Act of 2009 created separate performance goals for TAA, called core indicators.

TAA Core Indicators:

- 1) The percentage of workers employed during the second calendar quarter following the calendar quarter in which the workers cease receiving TAA benefits;
- 2) The percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving TAA benefits; and
- 3) The earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving TAA benefits.

TAA performance goals can be obtained by visiting <http://www.doleta.gov/tradeact/performance.cfm>. MWAs will ensure complete and accurate submission of Trade Act participant-related data through the One-Stop Management Information System (OSMIS). This data will allow the state to develop federal reports properly reflecting Michigan's efforts in achieving the described goals.

The TAA program continues to fall under the Common Measures guidelines, and will be a component of Common Measures reporting until further notice.

Merit Staffing

TAA program staff need not be merit staffed, except that employees of the State of Michigan who perform functions under both the TAA program and the Unemployment Compensation and/or Employment Service programs must be merit staffed. Merit staffing is not a requirement, unless they are performing services funded by Wagner-Peyser. If any career guidance, employability planning, etc., is funded by Wagner-Peyser staff, it must be merit based.

OSMIS

All information pertaining to TAA participants, including registration, activities, beginning and end dates, participant status, participant outcome data, and any other information required to be reported for all individuals who received services from the MWA must be entered on the OSMIS by MWA staff or contractor within two business days of the time the information is available for entry. Please refer to Policy Issuance (PI) 06-17 Trade Act Participant Management Information Guide, and subsequent changes, for instructions on entering all TAA data in the OSMIS.

Buy American Notice

To the greatest extent practicable, all equipment and products purchased with funds under the Trade Program should be American-made.

Jobs for Veterans Act

The Jobs for Veterans Act, P.L. 107-288, requires that veterans be afforded priority in the provision of training, job search allowances, and relocation allowances.

Alien Verification

The Trade and Globalization Adjustment Assistance Act of 2009 provides additional information regarding serving aliens. An alien is required to provide a registration document with an alien registration number, or provide another valid document proving eligibility to work in the United States. When MWAs serve aliens through the TAA program, continued verification of eligibility to work in the United States is required (if the satisfactory immigration status will expire during the provision of TAA benefits). MWAs must re-verify an individual's immigration status if the documentation provided by the individual during initial verification will expire during the period in which that worker is potentially eligible to receive TAA benefits. The re-verification of satisfactory immigration status must be conducted in a timely manner, and in the same manner used for initial verification. Where a worker is not in a satisfactory immigration status, there is no such reasonable expectation of employment after completion of training. Therefore, a training program is not approvable if the individual is not eligible at the time of application for work at least one day following completion of training.

TAA Rule Exceptions

There are three exceptions to TAA and TRA rules:

- 1) 45-day Extenuating Circumstances – An additional 45 days will be granted beyond the 26 weeks from qualifying separation or 26 weeks from certification for extenuating circumstances for an adversely affected worker to be enrolled in training or receive a training waiver (for TRA eligibility).
- 2) 60-Day Extension – For adversely affected workers who were not informed of the company certification, a 60-day period will be allowed to enroll into training or receive a training waiver from the date the adversely affected worker was informed of the company certification (for TRA eligibility).

- 3) Justifiable or Good Cause Provisions - An exception to any TAA or TRA rule or policy in which the state uses its state unemployment law to waive the policy.

If any of the three exceptions are used to grant a TAA service or benefit, documentation must be available to show why the exception was used.

Chapter II GLOSSARY OF TERMS AND DEFINITIONS

Adversely Affected Employment - The term *adversely affected employment* refers to a situation that exists in a firm, or an appropriate subdivision of a firm, if individuals of such firm or appropriate subdivision are certified under the Act as eligible for Trade Adjustment Assistance (TAA) as being adversely affected.

Adversely Affected Worker - An *adversely affected worker* is one who has been totally or partially separated from employment in a firm or subdivision of a firm where adversely affected employment exists.

Agent State - The *agent state* is any state other than the state where the adversely affected employment occurs. Primary residence and/or training could occur in an *agent state*. The *agent state* is responsible for providing and paying for all re-employment services and the issuing, updating, and revocation of training waivers. Documents relating to training enrollment and waivers must be provided by the *agent state* to the liable state.

Alternative Trade Adjustment Assistance (ATAA) - The Trade Act of 2002 established *ATAA* as an alternative assistance program for older individuals certified eligible to apply for TAA. The *ATAA* is designed to allow adversely affected workers at least 50 years of age who obtain re-employment to receive a wage subsidy to help bridge the salary gap between their old and new employment.

Appropriate Week - The week in which the adversely affected worker's first separation occurred is referred to as the *appropriate week*.

Bona Fide Application for Training - An individual's signed and dated application (BWT-923 *TAA Training Application*), containing the adversely affected worker's name, petition number, and specific occupational training filed with the Michigan Works! Agency administering the TAA training program is said to be a *bona fide application for training*.

Certification - A *certification* of eligibility to apply for TAA is issued under the Act with respect to a specified group of individuals of a firm or appropriate subdivision of a firm.

Certification Period - The *certification period* is the time during which total and partial separations from adversely affected employment within a firm or appropriate subdivision of a firm are covered by said certification.

Commuting Area - The *commuting area* as defined by 20 CFR 617 is "that in which an individual is expected to travel to and from work or training on a daily basis." In Michigan, the commuting area is 50 miles one way from the adversely affected worker's home.

Date of Separation - With respect to a total separation, the *date of separation*, for an *employed* individual, is the last day worked. For an individual on employer-authorized leave, the last day the individual would have worked had the individual been working is the date of separation.

With respect to a *partial separation*, the date of separation is the last day of the week in which the partial separation occurred.

Family - A *family* consists of specific members of an adversely affected worker's household whose principal place of residence is with the individual in a home the individual maintains or would maintain, but for unemployment. These members are (1) a spouse; and/or (2) an unmarried child, including a stepchild, adopted child, or foster child, under the age of 21, or of any age if incapable of self-support because of mental or physical incapacity.

Head of a Family - A *head of a family* is an individual who maintains a home if over half the cost of maintenance is furnished by the individual, or would be, but for unemployment.

Health Coverage Tax Credit (HCTC) - The Trade Act of 2002 created a federal tax credit, which subsidizes private health care coverage for adversely affected workers and for individuals receiving benefits from the Pension Benefit Guaranty Corporation. The tax credit covers 65 percent of the premium amount paid by eligible individuals for qualified health insurance coverage. This credit is referred to as the *HCTC*, and is administered by the Internal Revenue Service.

Impact Date - The *impact date* is the date stated in a certification issued under the Act on which total or partial separations began, or threatened to begin, in a firm or a subdivision of a firm.

Increased Imports - Imports that increased either absolutely or relatively to domestic production, compared to a representative base period, are referred to as *increased imports*. The representative base period is one year, consisting of the four quarters immediately preceding the date that is 12 months before the date of the petition.

Layoff - A *layoff* is a suspension of, or separation from, adversely affected employment by a firm for lack of work initiated by the employer and expected to be for a definite or indefinite period of not less than seven consecutive days.

Liable State - The *liable state* is the state where the adversely affected employment occurred or the state in which the worker's Unemployment Insurance claim is established. The *liable state* is responsible for eligibility determinations and payment of Trade Readjustment Allowance benefits.

Partial Separation - *Partial separation* occurs during a week ending on or after the impact date specified in the certification under which an adversely affected worker is covered. A partial separation occurs if hours of work are reduced to 80 percent or less of the individual's average weekly hours in adversely affected employment, and wages are reduced to 80 percent or less of the individual's average weekly wage in such adversely affected employment.

Prerequisite Training – A required course or coursework that must be completed before commencement of study for a particular program.

Reemployment Trade Adjustment Assistance – Reemployment Trade Adjustment Assistance is a permanent replacement of Alternative Trade Adjustment Assistance and provides a wage subsidy benefit to workers age 50 and older.

Remedial Training - *Remedial Training* means training in the elementary skills that every worker must have in order to achieve basic re-employability. Examples of remedial education are basic writing, basic mathematics, English as a Second Language, courses leading to a G.E.D., and basic computer courses.

Secondarily-Affected Workers - *Secondarily-affected workers* are those individuals who supply components to a firm whose workers are certified or workers who perform additional, value-added production and finishing operations for a firm whose workers are certified.

Separate Maintenance - *Separate maintenance* means maintaining a second residence, in addition to the adversely affected worker's primary place of residence, while attending a training facility outside the individual's commuting area.

Suitable Employment - *Suitable Employment* is work of a substantially equal or higher skill level than the adversely affected worker's past adversely affected employment, with wages no less than 80 percent of the individual's average weekly wage from the adversely affected employment. The first of the six training approval criteria is "No Suitable Employment is Available."

Suitable Work - The Trade Act allows payment of Job Search and Relocation Allowances to qualified adversely affected workers who interview for or accept offers of *suitable work* that are outside of the commuting area. The 20 CFR.3 (kk) states, "suitable work is defined by the local state law." According to Subsection 29 (6) of the Michigan Employment Security Act, work is suitable if the pay rate for that work is at least 70 percent of the gross pay rate the individual received immediately before becoming unemployed.

Trade and Globalization Adjustment Assistance Act of 2009 - President Obama signed the American Recovery and Reinvestment Act of 2009 on February 17, 2009. The *Trade and Globalization Adjustment Assistance Act of 2009*, part of the Recovery Act, made changes to the TAA program.

Total Separation - A *total separation* is a layoff of an individual from a firm, or a subdivision of a firm, in which adversely affected employment exists.

Chapter III FUNDING

Providing re-employment assistance to adversely affected workers is required. The following table covers the various mandated services and the funding source(s) that may be used:

TAA SERVICE	FUNDING SOURCE
Employment Registration	Wagner-Peyser
Comprehensive and Individualized Assessment	TAA WIA Adult & Dislocated Worker Wagner-Peyser
Individual Service Strategy	TAA WIA Adult & Dislocated Worker
Information on Training	TAA WIA Adult & Dislocated Worker Wagner-Peyser
Information on How to Apply for Financial Aid	TAA WIA Adult & Dislocated Worker Wagner-Peyser
Pre-vocational Services	TAA WIA Adult & Dislocated Worker
Individual Career Guidance	TAA WIA Adult & Dislocated Worker Wagner-Peyser
Provision of Labor Market Information	TAA WIA Adult & Dislocated Worker Wagner-Peyser
Information on the Availability of Supportive Services	TAA WIA Adult & Dislocated Worker
Job Club	WIA Adult & Dislocated Worker
Staff-Assisted Job Search	WIA Adult & Dislocated Worker Wagner-Peyser
Individual Job Development	WIA Adult & Dislocated Worker
Classroom Training	TAA WIA Adult & Dislocated Worker Pell Grant
On-The-Job Training	TAA WIA Adult & Dislocated Worker
Customized Training	TAA WIA Adult & Dislocated Worker
Training Related Costs (Transportation, subsistence, supplies, books, fees, tools, and other approvable expenses)	TAA WIA Adult & Dislocated Worker
Job Search Allowances	TAA
Relocation Allowances	TAA
Supportive Services	WIA Adult & Dislocated Worker

Chapter IV PETITION and CERTIFICATION PROCESS

General Information

In order to determine if a group of workers is eligible for Trade Adjustment Assistance (TAA), a petition must be filed with the U.S. Department of Labor (USDOL), Division of Trade Adjustment Assistance (DTAA). The TAA petition form is a federally prescribed form and must be used. When the Michigan Works! Agency (MWA) staff participates in Rapid Response conferences scheduled by the Michigan Department of Energy, Labor & Economic Growth (DELEG), Rapid Response Section (RRS), the TAA program is introduced, petitions are provided as appropriate, and assistance in completion of the petitions is offered. Upon receipt, USDOL/DTAA assigns each petition a unique identifying number used throughout the life of the certification for tracking and audit purposes. This petition number must be included on all employer and individual documents relating to the particular certification involved. TAA petitions are coded "TA-W-" plus five unique case numbers (Example: TA-W-32,880). North American Free Trade Agreement (NAFTA)-TAA petitions were coded "NAF" plus four unique case numbers (Example: NAF-7220). Petitions under the TAA Reform Act of 2002 are coded "TA-W-" and begin with 50,000 (Example: TA-W-50,001). Petitions under the Trade and Globalization Adjustment Assistance Act of 2009 will also be coded "TA-W-" but will begin with 70,000 (Example: TA-W-70,001).

TAA & ATAA certifications are targeted to groups of individuals employed at an adversely affected company. Certifications have specific starting and ending dates and may limit eligibility to only certain groups of individuals within that employer's total workforce. Individuals employed at an adversely affected company who are employees of a temporary employment agency or who have been designated leased individuals by the adversely affected company may also be eligible if the employment agency is named in the certification by USDOL/DTAA. Certifications may cover the following groups that meet the eligibility criteria:

- Workers who produce an article OR that supply services
- Workers whose firm has shifted production to any foreign country
- Workers in public agencies
- Workers whose firm produces component parts of a finished article produced by its customer(s)
- Workers in firms that supply testing, packaging, maintenance and transportation services to companies with TAA-certified workers
- Workers whose firm is identified in an International Trade Commission "injury" determination listed in the Act

Eligibility Criteria

A group of workers shall be certified as eligible to apply for adjustment assistance if it is determined by USDOL that:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated; **and**

- (2)(A)(i) The sales or production, or both, of such firm have decreased absolutely;
- (ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;
- (II) Imports of articles like or directly competitive with articles—
- (aa) into which one or more component parts produced by such firm are directly incorporated, **or**
- (bb) which are produced directly using services supplied by such firm, have increased; **or**
- (III) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; **and**
- (iii) The increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; **or**
- (B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; **or**
- (II) Such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and (ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

The beginning date of a certification is referred to as the impact date and the ending date is referred to as the expiration date. These dates are established by the DTAA and are specified in the certification document. Individuals certified under TAA or NAFTA-TAA are referred to as "adversely affected workers."

Procedures

The Employment and Training Administration (ETA) 9042 Petition for TAA (revised 5/09) or ETA 9042A, Petition for TAA or ETA 9042A-1 in Spanish, may be completed and submitted by three individuals, or on behalf of the individuals by the union, by the company, or by another duly authorized representative, including One-Stop operators, partners, or officials from the RRS, Unemployment Insurance Agency, or Bureau of Workforce Transformation (BWT).

TAA & ATAA Petition for Certification

The form and instructions may be accessed on the USDOL website at:
<http://wdr.doleta.gov/directives/attach/tegl/TEGL23-08a1.pdf>

Petitions are to be submitted simultaneously to the DTAA and BWT. Unless it is apparent that the DTAA has already received the petition, to expedite the petition process, BWT immediately transmits the petition to the DTAA. BWT will also notify the administratively responsible MWA director and the RRS that the petition has been filed. An MWA director is "administratively responsible" if the employment location is within that MWA's service delivery area, even though some individuals may reside in other areas. If the petition is not received by

the state and the DTAA on the same day, the DTAA will use the latter of the two receipt dates as the filing date. The DTAA will notify BWT of each petition received.

Leased on-site workers can be included in a petition for certification by listing the company contact information for the employment agency or agencies on a separate sheet of paper. However, once a certification has been issued, leased on-site workers not identified in the original petition must file a separate petition in order to be considered.

The DTAA has 40 days from the receipt of a petition to investigate and issue a certification or denial. If the DTAA investigator cannot determine facts supporting the increased imports, the petition is denied. The DTAA notifies the petitioners by mail of its findings and also notifies BWT.

Upon receipt of a certification or negative determination from the DTAA, BWT forwards a copy of that decision to all MWA directors, the RRS, and the Unemployment Insurance Agency-Trade Readjustment Allowances Unit. In the event that the petition is denied, instructions for appeal are included in the negative determination that is sent to the petitioners. Decisions are also available from the DTAA Website: www.doleta.gov/tradeact/determinations.cfm.

Notification to Individuals

Upon receipt of a certification, the administratively responsible MWA must provide all affected individuals (including individuals that are currently working at the TAA-certified company and have received written notice of a lack of work separation) a written notice, via mail, advising them of the following:

1. The individual groups covered by the certification;
2. Name and address/location of the individual's firm;
3. Impact, certification, and expiration dates specified in the certification document;
4. Explanation of how to apply for benefits and service; and
5. When and where to apply and who to contact for additional information.

Form BWT-629 may be used for this purpose. The MWA may satisfy this requirement by obtaining from the firm-or union, the names and addresses of all individuals who: 1) Were partially or totally separated from adversely affected employment before the certification was issued; 2) All individuals who have received written notice of a lack of work separation; and 3) All individuals who are, thereafter, partially or totally separated (or have received written notice of a lack of work separation) within the certification period. The company list must include the reason for separation and the separation date. When certification is received, the administratively responsible MWA must also publish notice of the certification in a newspaper of general circulation in areas in which the individuals involved reside. MWAs must document all efforts to notify certified workers and maintain these records for periodic review.

Within fifteen working days of the date of notification of certification, MWAs must notify DELEG/BWT of their scheduling of the TAA benefits orientation meeting(s) for the affected employees of the certification. If an MWA is unable to schedule a meeting in those fifteen working days, MWAs must contact DELEG/BWT and provide the reasons for delay within that

same time frame. MWAs will provide DELEG/BWT the specifics of each scheduled benefit orientation meeting, or the reason for delay, electronically to the following e-mail addresses:

flynnt@michigan.gov (Ms. Tammy Flynn, Manager, DELEG/BWT, TAA/NWLB Section)

rosst1@michigan.gov (Mr. Tim Ross, State Coordinator, DELEG/BWT, TAA/NWLB Section)

The following information is required:

- 1) Name of company or companies
- 2) Petition number(s)
- 3) Date(s) and time(s) of meetings
- 4) Address
- 5) Number of workers invited to each meeting
- 6) MWA contact name and number
- 7) Contact number for location (for emergencies or directions)
- 8) Other necessary information (special requests, equipments, etc.)

MWAs may request that DELEG/BWT TAA staff give the presentation at the TAA benefit orientation meeting. Please include this request when reporting meeting dates.

Chapter V ELIGIBILITY FOR TAA SERVICES

General Information

To qualify for services under the TAA program, individuals must meet all of the following requirements:

- Be a member of an individual group certified by the Division of Trade Adjustment Assistance for assistance under TAA,
- Be partially or totally separated from adversely affected employment (TAA training may begin prior to separation with a notice of layoff), and
- Have been (or have a notice that the individual will be) separated for lack of work attributable to the employer.

An individual can qualify for TAA, even if he or she does not qualify for Trade Readjustment Allowances (TRA).

An individual whose last separation from the affected employer was for reasons other than lack of work may still qualify for services if he or she had a previous separation due to lack of work from the affected employer during the eligibility period of the certification.

Evidence of Qualification

To prove eligibility for TAA, the Michigan Works! Agency (MWA) must obtain one of the following types of documentation:

- Company lay-off/rapid response list (with lay-off date),
- Lay-off letter provided by the company or union (with lay-off date), or
- TRA Determination of Eligibility.

When an individual applies for TRA, the Unemployment Insurance Agency (UIA) obtains the necessary information to establish the individual's eligibility, including:

- Whether the individual has a qualifying separation;
- The individual's average weekly wage; and
- For an individual claiming to be partially separated, the average weekly hours and average weekly wage in adversely affected employment.

In some cases, the above information may not be available from UIA records or from any employer. For example, if:

- The employer is no longer in business;
- The individual is applying for TAA only, because his or her eligibility period for TRA has expired; or

- The individual has moved to Michigan and is claiming eligibility under an out-of-state certification.

In the absence of other proof, the MWA may require the individual to submit a signed statement setting forth such information as may be required in order to determine eligibility. The statement must be certified by the individual to be true to the best of his or her knowledge and belief and be supported by other evidence such as Form W-2, paycheck stubs, union records, income tax returns, or statements of fellow individuals, and must be verified by the employer if possible.

In situations where a company has a limited employee separation (i.e., not all employees are affected, just those who perform a particular function or produce a particular product), proof of Trade Act eligibility, identifying affected employees must be documented by a layoff/rapid response list from the employer or union, a notice of termination from the employer, a letter from the employer or union, or a verification statement from the employer. It is incumbent upon the employer to produce a list of employees affected by the petition and provide the list to local MWA officials.

Buyout Recipients and Involuntary Retirements

Individuals who have accepted a buyout, an involuntary retirement, or participated in some other type of attrition plan, can qualify to receive benefits under TAA. In order to qualify for TAA benefits, these individuals must appear on the provided lay-off or rapid response list. Individuals who do not appear on a lay-off or rapid response list must provide documentation from their certified former employer stating that their separation from employment, through the acceptance of a buyout or other similar program participation, was due to a lack of work. Eligibility determinations for TAA benefits are made independently from Unemployment Insurance (UI) and TRA determinations. Buyout recipients may still qualify for TAA benefits, even if they do not qualify for UI or TRA.

Chapter VI TRA and COOPERATION WITH THE UIA

General Information

Trade Adjustment Assistance (TAA) for adversely affected workers includes TRA that can be paid to qualifying individuals after Unemployment Insurance (UI) benefits have been exhausted. While the Unemployment Insurance Agency (UIA) has its own rules and eligibility criteria for payment of Trade Readjustment Allowances (TRA), certain areas of overlapping responsibility and shared information are necessary for efficient operation of the programs.

MWAs must advise the individual to apply for UI/TRA benefits at the time an application for TAA services is made (refer to Chapter VIII, Application Deadlines). In turn, the UIA must advise the individual to apply for TAA services at the time an application for UI and/or TRA benefits is made. To collect TRA payments, individuals certified under TAA must be enrolled in approved training, have a written waiver of the training requirement, or have completed an approved training program. The MWAs are responsible for enrolling individuals in training, issuing and revoking waivers of training, and terminating individuals from training. The MWAs must notify UIA each time any of these actions are taken to ensure that individuals receive TRA as appropriate (see Chapter IX “Training”).

MWAs must inform the TRA/Special Programs Unit of any change in status that may affect an adversely affected worker’s eligibility for TRA benefits. For consistency, all MWAs shall use Bureau of Workforce Transformation-319 *Notice of TAA Participant Status*, rather than a form of local design. This form must be used to notify the TRA/Special Programs Unit when an adversely affected worker has successfully completed a training program or has dropped out of training, when training has been extended, when the adversely affected worker has returned to work, or any other change in the individual’s status that may affect eligibility.

To collect TRA payments, individuals not in training by reason of a waiver, or because training has been completed, must meet the requirements of the Extended Benefits Work Test. These requirements are as follows:

- Be able to work;
- Be available for work;
- Register for work and be available for referral or accept referral to suitable work by the MWA or the Department of Energy, Labor & Economic Growth
- Apply for any suitable work the individual is referred to by the MWA or DELEG;
- Accept any offer of suitable work; and
- Actively engage in seeking work and furnish UIA with tangible evidence of three such efforts each week.

- MWA staff will notify the UIA of failure or refusal of the individual to meet these requirements.

An adversely affected worker may elect to receive TRA instead of unemployment insurance during any week with respect to which the worker:

- (1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker’s most recent total separation from adversely affected employment; and
- (2) is otherwise entitled to a trade readjustment allowance.

TRA Payment Benefits

For individuals certified for petitions filed after May 18, 2009, entitlement to TRA maintenance income is divided into two segments: Basic TRA (which is an entitlement of 52 weeks of benefits, in most cases less state UI and any extended benefits available) and Additional TRA (up to 78 additional weeks available *only* to individuals actually attending TAA-approved training).

Example:

<i>26 Weeks</i>	<i>State UI Benefits</i>
<i>26 Weeks</i>	<i>Basic TRA (52 weeks of eligibility minus State UI Benefits and extensions)</i>
<i>+ up to 78 Weeks</i>	<i>Additional TRA (if enrolled in and attending TAA-approved training)</i>
<i>130 Weeks</i>	
<i>+ up to 26 Weeks</i>	<i>Remedial/Prerequisite TRA (one week of Remedial/Prerequisite TRA for every week of MWA-approved Remedial and/or Prerequisite education received)</i>
<i>156 Weeks</i>	

Basic TRA is payable only during the 130-week eligibility period beginning with the week following the individual’s last qualifying separation (individuals must be enrolled in TAA-approved training or have received a waiver from the training requirement by the latter of the last day of the 26th week of the individual’s last qualifying separation, or the last day of the 26th week after the certification, with a 45-day MWA issued extension for extenuating circumstances). Eligibility for additional TRA requires enrollment in TAA-approved training within 30 days of the Monday following the last payable week on basic TRA. To be considered “enrolled” in training, an individual must have been approved for TAA training by the MWA and training must commence within 30 days. Payments of additional TRA will not begin until training has commenced. Additional TRA has a maximum entitlement of 78 weeks and an eligibility period of 91 weeks. However, additional TRA ends the week the individual completes TAA approved training, whether or not the maximum entitlement has been paid.

The last qualifying separation is the last separation *before* the expiration date of the certification for which the individual had at least 26 weeks of employment with wages of \$30 per week or more in the 52-week period, ending with the week of separation. These weeks are defined as “qualifying weeks”. A number of other weeks (e.g. approved leave, worker’s compensation,

reservists called to active federal military duty) may also be used as qualifying weeks. Determination of meeting this deadline is the sole responsibility of UIA; although MWA staff may be requested to provide evidence to UIA that individuals were encouraged to immediately apply for training to protect their entitlements to TRA payments under TAA.

Chapter VII INTAKE AND CASE MANAGEMENT

Individuals responding to notification letters or published notices of potential eligibility for Trade Adjustment Assistance (TAA) must be provided program information and assistance in applying for those services.

The Michigan Works! Agencies (MWAs) may hold orientation meetings for groups of newly certified individuals where program information is provided, general questions answered, and individual applications accepted. While not mandated, these group orientations can be an efficient means of reaching large numbers of affected individuals in a timely manner.

Adversely affected workers must be provided individual intake and application services, as follows:

- MWA staff will provide the opportunity to register for employment and facilitation of registration as required.
- MWA staff will offer case management services.
- MWA staff will interview each adversely affected worker regarding suitable training.
- MWA staff will inform each individual of the requirement for participation in training, or a waiver of the training requirement, as a condition for receiving Trade Readjustment Allowance (TRA) compensation.
- MWA staff will provide each individual with an application for TRA payments (TRA-920, *Request for Determination of Entitlement to TAA/TRA*).
- MWA staff will provide information and assistance in applying for job search and relocation allowances.
- MWA staff will provide information and assistance in applying for Reemployment Trade Adjustment Assistance.
- MWA staff will provide information regarding the Health Coverage Tax Credit to each individual (See Chapter XIV).
- MWA staff will offer the development of an Individual Service Strategy (required before training waivers are issued or training is approved)

Case Management Services

TAA-certified individuals must be offered the following case management services:

- (1) Comprehensive and specialized assessment of skill levels and service needs, including diagnostic testing and use of other assessment tools; and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
- (2) Development of an individual service strategy to identify employment goals and objectives, and appropriate training to achieve those goals and objectives
- (3) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training
- (4) Information on how to apply for financial aid including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators’ discretion under section 479A of such Act (20 U.S.C. 1087t) to use current year income data, rather than preceding year income data, for determining the amount of A-47 need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.)
- (5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training
- (6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training under this chapter, and after receiving such training for purposes of job placement
- (7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
job vacancy listings in such labor market areas; information on jobs skills necessary to obtain jobs identified in job vacancy listings; information relating to local occupations that are in demand and earnings potential of such occupations; and skills requirements for local occupations
- (8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and needs-related payments that are necessary to enable an individual to participate in training

MWAs must develop a procedure to document that each case management service was offered to the adversely affected worker. Case notes are an acceptable form of documentation. Case management services must be entered in the One-Stop MIS upon the provision of such services.

Note: The development of an individual service strategy is required for all TAA Training Waiver and Training services.

The MWA may develop a form for use as a TAA Registration or utilize the TAA Registration Form contained in Chapter 1 of the TAA Participant Management Information Guide for this purpose.

Because of the priority of service requirement for veterans contained in the Jobs for Veterans Act, veteran status must be verified when applicable, and proof of veteran status must be included in participant files. Acceptable source documentation for veteran status may be either a DD-214 or a printout of the Veteran information on the One-Stop MIS Wagner-Peyser screen.

To maximize the use of limited funding, MWAs should enroll individuals in Workforce Investment Act, as appropriate.

The TRA-920 *Request for Determination of Entitlement to TAA/TRA* is required by the Unemployment Insurance Agency as the initial Request for Determination of Entitlement to TAA/TRA. Immediately after intake, the TRA-920 *Request for Determination of Entitlement to TAA/TRA* must be forwarded to the TRA/Special Programs Unit of the Unemployment Agency. Upon issuance, the BWT-802 *Waiver of TAA Training Requirement* and BWT-923 *TAA Training Application and Determination of Entitlement to Allowances* must also be forwarded to the TRA Unit.

Chapter VIII TAA DEADLINES

Training

No specific filing deadlines for training are established in the Trade Adjustment Assistance (TAA) federal regulations.

Trade Readjustment Allowances

In accordance with Unemployment Insurance Agency's rules, the deadline for applications, processing training enrollments, and/or waivers of training must be observed by the Michigan Works! Agency (MWA) staff to ensure TRA maintenance income.

To qualify for TRA payments, individuals certified under TAA petitions filed on or after May 18, 2009, must be either enrolled in training or issued a waiver of the training requirement by the latter of the last day of the 26th week of the individual's last qualifying separation, or the last day of the 26th week after the certification, with a 45-day MWA issued extension for extenuating circumstances.

In addition, eligibility for additional TRA requires enrollment in TAA-approved training within 30 days of the Monday following the last payable week on basic TRA. To be considered "enrolled" in training, an individual must have been approved for TAA training by the MWA (contract or agreement is signed by the worker, the MWA and the training institution) and training must commence within 30 days. The TAA-approved training must begin within 60 days of the Monday following the last payable week on basic TRA to be eligible for additional TRA (30 days to be "enrolled" and 30 days to begin training).

The date of approval of training is the last signature date on the contract or agreement, and this date must be used on the BWT-923 *TAA Training Application and Determination of Entitlement to Allowances*.

Job Search Allowances

For job search applications under TAA, the individual must file within the later of:

- 365 days of the date of certification covering the individual, or
- 365 days of the individual's last qualifying separation

Relocation Allowances

For relocation assistance applications under TAA, the individual must file within the later of:

- 425 days of the date of certification covering the individual, or
- 425 days of the individual's last qualifying separation

Reemployment Trade Adjustment Assistance

For individuals that have received TRA, the deadline to apply for RTAA is two years from reemployment minus the total weeks of TRA received. For individuals that have not received TRA, the deadline to apply for RTAA is the two-year period beginning on the earlier of the date of unemployment insurance exhaustion or reemployment.

Chapter IX TRAINING

General Information

The purpose of TAA training is to assist adversely affected workers in obtaining the skills necessary to gain suitable, long-term employment. Authority for approval of training programs resides with the local MWAs. MWAs are responsible for accepting applications for training, which includes approving and denying training programs where appropriate. MWAs must work with adversely affected workers to find an approvable training program that is appropriate for the worker. The Trade and Globalization Adjustment Assistance Act of 2009 allows increased time for completion of training and emphasizes longer-term training when appropriate.

Only one training program can be approved per certification, regardless of the funding source. The 20 CFR 617.22 (f)(2) states in part: “No individual shall be entitled to more than one training program under a single certification.” This does not prohibit an MWA from writing more than one training agreement for an individual, where appropriate. If an adversely affected worker is enrolled in a WIA training program, every effort must be made to approve that training under TAA. If training was provided to an adversely affected worker through the WIA (including No Worker Left Behind), TAA training must not be approved afterward unless the training meets all six TAA training approval standards. In most cases this will not occur due to the WIA training preparing the adversely affected worker for employment. The adversely affected worker would have to test the job market for a period of time before it could be determined that the training will not lead to employment. If an individual is participating in No Worker Left Behind training when TAA certification occurs, the training program can be approved (and modified if necessary) under TAA. TAA approval would allow the individual to qualify for additional TRA benefits.

There are two types of training programs in the TAA program: Classroom Training and Employer-Based Training. Classroom Training may include or be Remedial Training. Employer-Based training may consist of On-the-Job Training (OJT), Apprenticeship or Customized Training.

Classroom Training

Classroom Training that is approved under the TAA program covers tuition, course fees, required books and supplies, and other items/services deemed necessary for completion of the training program. The MWA, in determining whether to approve Classroom Training, must determine the appropriateness of the length of training. The training must be of suitable duration to achieve the desired skill level to facilitate employment in the selected occupation. The maximum duration for any approvable training program is 156 actual weeks. The 156 weeks of training may be 100% occupational (classroom) or a combination of occupational, remedial and prerequisite training.

If a training program meets the duration requirements but will extend beyond the period in which Trade Readjustment Assistance (TRA) is available, the MWA must determine that the individual has sufficient personal resources to complete the training (this information must be documented in the adversely affected worker’s file).

In order for an individual to receive training, he/she must meet, and the MWA must document, that the six training approval standards for training have been met, based on a comprehensive assessment. The comprehensive assessment must include an assessment of the individual's skills, aptitude, and abilities (including reading and math levels). The MWA should also determine, in the comprehensive assessment, the individual's interests as they relate to employment opportunities.

In addition, an Individual Service Strategy (ISS) must be entered on the OSMIS for adversely affected workers entering TAA training. An ISS is a mutually developed plan between a participant and the MWA caseworker. An ISS has four sections: Client Characteristics, Employment Goal, Assessment and Action Plan. The MWA may decide what sections are necessary on an individual basis in creating a comprehensive ISS. It is recommended that the ISS be completed in-person with the individual.

MWAs must not limit training options under TAA to those approved under the Workforce Investment Act (WIA) approved training program list (Career Education Consumer Report).

Remedial Training

Remedial training consists of any program of study designed to upgrade the basic knowledge of adversely affected workers through such courses as adult basic education, basic math and literacy, English-as-a-Second-Language, and high school equivalency. Basic computer courses (such as basic keyboarding and basic software courses) are also included in the definition of remedial training. Remedial training may last any number of weeks up to the maximum allowable training weeks (156). If a worker who participated in remedial training has exhausted Basic and Additional TRA benefits (and is still participating in Classroom Training), he/she may collect Remedial/Prerequisite TRA payments equal to the number of remedial training weeks (up to 26). The total amount of Remedial/Prerequisite TRA payments may not exceed 26, regardless of the amount or combination of remedial and prerequisite weeks.

Prerequisite Training

Prerequisite Training consists of a required course (or series of courses) that must be completed before commencement of study for a particular program. The Trade and Globalization Adjustment Assistance Act of 2009 allows adversely affected workers to be approved for prerequisite training, if the entire program can be completed within 156 weeks. If a worker who participated in prerequisite training has exhausted Basic and Additional TRA benefits (and is still participating in Classroom Training), he/she may collect Remedial/Prerequisite TRA payments equal to the number of prerequisite training weeks (up to 26). The total amount of Remedial/Prerequisite TRA payments may not exceed 26, regardless of the amount or combination of remedial and prerequisite weeks.

Part-Time Training

The Trade and Globalization Adjustment Assistance Act of 2009 allows adversely affected workers to attend training less than full-time. MWAs may pre-approve training on a part-time basis if the adversely affected worker has reasonable justification. Justification must be included

in the case file. Examples of reasonable justification include working and the lack of sufficient courses to equal full-time in one or more semesters/terms. Individuals participating in part-time training may not receive Trade Readjustment Allowances. Part-time training will be indicated on form BWT 923 *TAA Training Application*. If training status changes to or from part-time, a BWT 319 *Notice of TAA Participant Status* must be sent immediately to the TRA Special Programs Unit.

Application

Form BWT 923 *TAA Training Application* must be used to approve TAA training. Once a training contract is signed by all parties (adversely affected worker, training institution, and MWA), the BWT 923 *TAA Training Application* must be completed. The latest signature date on the contract should be used for the approval date on the BWT 923 *TAA Training Application*. It is no longer necessary to require adversely affected workers to file a pending TAA training application at the Worker Benefit Orientation. The Trade and Globalization Adjustment Assistance Act of 2009 eliminated the requirement that workers file a training application within 210 days from layoff or certification to be eligible for Additional TRA. Upon completion, Form BWT 923 *TAA Training Application* should be forwarded to the TRA Unit.

Distance Training

The U.S. Department of Labor (USDOL) has determined that distance learning may be considered classroom training when the degree or certificate received is equivalent to that which would have been received if the training had been conducted on campus. This interpretation expands the types of approvable training to include distance training, where a participant completes all or part of an educational or vocational program in a location far away from the institution hosting the training program. The final degree or certificate conferred must be equivalent in content and standard of achievement to the same program completed on campus or at an institutional training location. When the above condition is met, the USDOL will recognize that the training is of the type that normally takes place in an interactive classroom setting; therefore, it satisfies the requirement of the regulations and statutes.

In addition, in order for distance learning to be approved, all six training approval standards must be met in the same way as in any other training program.

Distance learning may, in some cases, be more self-paced than institutional training, which usually requires physical attendance at specific classes. MWA officials and TAA staff will need to work with distance learning providers to understand the specific requirements or milestones of the distance learning program and to ensure that the training provider keeps the agency informed of the student's adherence to those requirements.

The regulations at 20 CFR 617.18(b)(2) make a worker ineligible for TRA for any week in which the worker "ceases to participate" in training without "justifiable cause." Paragraph (b)(2)(ii)(C) of 617.18 defines "justifiable cause" as "such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual . . ." Paragraph (b)(2)(ii)(B) of that section defines "ceased participation" as when a worker "fails to attend all scheduled training classes and other training activities scheduled by the training institution in any week of the training program without justifiable cause." Thus, if an individual

who is enrolled in a distance learning program is not meeting all of the training institution's requirements, he or she is considered to have ceased participation in training, and the individual is ineligible for TRA for that week, unless a reasonable individual in the worker's situation would have missed meeting the requirements.

Satisfactory Participation

In order to continue in training and to receive bi-weekly TRA benefits from the Unemployment Insurance Agency (UIA) while attending TAA approved training, an individual must demonstrate satisfactory participation in training. Satisfactory participation is defined as attending all scheduled classes and training activities. Any failure to attend can be excused only when there is a "justifiable cause." Absence caused by factors beyond the worker's control such as weather is excusable. Absences due to the worker's inability to participate, such as illness, are also excusable. Each case must be reviewed individually, keeping in mind the goal of training completion.

Satisfactory participation in training is monitored by the TRA Unit using Form BWT-923-A, *Bi-Weekly Request for Trade Readjustment Allowances*. This form is attached (by the adversely affected worker) to Form UIA-1785-2, *Biweekly Claims by Mail*. These forms are used by the UIA/TRA Special Programs Unit to determine eligibility for and process basic and additional TRA payments.

Satisfactory Progress

The MWA must also monitor satisfactory progress in training using a locally designed process. Requiring the adversely affected worker to turn in a copy of the BWT-923-A, *Bi-Weekly Request for Trade Readjustment Allowances*, every other week along with copies of all grade and/or progress reports is an example of a suitable way to monitor satisfactory progress in training.

Scheduled Breaks in Classroom Training

An individual who is otherwise eligible for TRA continues to be eligible for basic and additional weeks of TRA during scheduled breaks in training, but only if a scheduled break is not longer than 30 days *and* all of the following additional conditions are met:

- The individual was participating in TAA training immediately before the beginning of the break; and
- The break is provided for in the published schedule, or the previously established schedule of training issued by the training provider, or is indicated in the training program approved for the individual; and further
- The individual resumes participation in the training immediately after the break ends.

The following formula is used to determine an individual's eligibility for payment during a break:

- Begin with the day following the last day of scheduled training and count the days up to the last day of the break preceding the next scheduled day of training. Do *not* count the date of any weekend days on which training is not usually scheduled at the training facility. This means that for *some* facilities Saturday and Sunday will not be counted, and for some facilities only Sunday will not be counted. Do not count official state or federal holidays.
- If the number of days counted is 30 or less, the individual can be paid during the entire break period. If the number of days counted is more than 30, the individual cannot be paid basic or additional weeks of TRA during the full weeks of the break. This means that basic or additional weeks of TRA for individuals in approved training cannot be paid during summer breaks. However, an individual can be paid for any week during which at least one day of training is scheduled and attended.
- If a training facility closes before a scheduled break because of an emergency situation, any days of closing due to the emergency would not be counted as part of the break.
- If an individual attends classes only two or three days in a week, the break is counted in the same manner explained above. The counting of break days is dependent on the schedule of the training facility, and *not* the schedule of the participant in training.

The Trade and Globalization Adjustment Assistance Act of 2009 increases the number of weeks for which a worker can receive Additional TRA from 52 to 78 and expands the time within which a worker can receive Additional TRA from 52 to 91 weeks. Therefore, a worker has up to 78 weeks of Additional TRA, and 91 weeks in which to collect those benefits. A worker who becomes ineligible for a week of Additional TRA due to the break in training will not automatically lose that week of benefits (and can collect the payment upon the re-entrance into TAA training).

Breaks in TAA training may occur that are over 30 days if approved by the MWA. The requirement for breaks to be equal to or less than 30 days applies only to the payment of TRA benefits. All breaks in training must be reported to the TRA Special Programs Unit.

Interruptions in Training

Generally, individuals in training must remain in training until it is completed. However, situations may arise in which it is absolutely necessary for an adversely affected worker to temporarily cease training. The manner in which interruptions of TAA-approved training is handled depends on the reason for the interruption. In general, individuals who *voluntarily* remove themselves from training for any reason cannot re-enter training. However, some exceptions may apply, especially in cases where the reason for the interruption is due to health or other personal reasons that are beyond the control of the individual. Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is attainment of employment, individuals may be allowed to return to TAA-approved training under the following circumstances, *to be evaluated by the designated MWA staff person*:

- Whether the reasons for interrupting training can be remedied during a short period away from school, or

- Whether training can be completed within 156 actual training weeks.

Any changes in training program ending dates must be documented. The UIA also must be notified if the individual is receiving TRA benefits (or is not yet receiving TRA because Unemployment Insurance [UI] or extended benefits have not yet been exhausted). BWT-319, *Notice of TAA Participant Status*, must be used for this process. For individual training agreements, the ending dates must be modified.

Individuals who are receiving TRA benefits, or are not receiving TRA because UI or extended benefits have not yet been exhausted, should be told that a period of interruption in training will affect their benefits and may affect their eligibility for future training. The waiver of availability and seeking work, based on participation in approved training, will *not* apply during the dropout period. The individual may also lose weeks of TRA weekly benefit eligibility or benefits.

There is no maximum amount of days that an adversely affected worker can temporarily cease training, as long as the interruption of training is approved by the MWA.

Removal from Training

MWA staff, in close contact with the individual and training institution, may find that although the school indicates “satisfactory participation” when verifying training attendance, the individual’s progress will not allow achievement of a marketable skill level by the end of the training program. In addition, an individual may drop scheduled classes without approval. Although acceptable to the school, this may not meet standards for training under the Trade Act. Other examples for removal from training include, but are not limited to, poor attendance without justifiable cause, failure to cooperate with the MWA, and falsifying attendance forms.

Bearing in mind that the objective of TAA training is the attainment of marketable skills, and the goal is attainment of employment, every effort should be made to assist individuals in completing their training programs. This includes approving tutoring or allowing an individual to repeat a course, if appropriate. However, if it becomes apparent that the individual, due to a lack of satisfactory progress or satisfactory participation, or other reasons, will be unable to complete training within the specified time limits, consideration may have to be given to remove the individual from training.

If the MWA determines that an individual must be removed from TAA-approved training for any reason, written notification must be issued to the individual. Form BWT-337 *Notice of Determination* may be used for this purpose. Notification can also be issued on a locally designed form, with a copy kept in the individual’s file. Individuals may appeal a removal from training; therefore, appeal information must be included if using a locally designed form. The UIA/TRA Special Programs Unit must be immediately notified of a removal from training and the BWT-319, *Notice of Participant Status*, must be used for this purpose.

Special Component Training

MWAs must complete Form BWT-518, *Special Component Training*, in order to provide special component training and/or seminars to address a break in training of over 30 days (for the purpose of continuing TRA benefits). Such training must adhere to the following guidelines:

1. Seminars or classes are consistent with the individual's training goals, as indicated on the training application and/or contract form.
2. Weeks during which seminars or classes take place are considered by the training facility to be weeks of full-time training.
3. The contract between the employment service provider and the training facility allows for these courses and are allowed for with funds under the Trade Act.

Pre-Separation Training

Training may be approved before separation for adversely affected "incumbent" workers. This provision defines an adversely affected incumbent worker as a worker who: (1) is a member of a group of workers that has been certified as eligible to apply for TAA benefits, (2) has not been totally or partially separated from employment and thus does not have a qualifying separation, and (3) is determined to be individually threatened with total or partial separation (has documentation of a future qualifying separation). An MWA may determine that a worker has been individually threatened with separation when the worker has received a notice of termination or layoff from employment. An adversely affected incumbent worker differs from an adversely affected worker in that the adversely affected incumbent worker has a future documented layoff scheduled that will occur between the eligibility dates of the TAA petition, but that layoff has not yet occurred.

The MWA also may accept other documentation of a threat of total or partial separation from the firm or other reliable source in making a determination that a worker is an adversely affected worker entitled to pre-separation training. The MWA must, upon notice of a certification, notify each worker covered by a TAA certification of program benefits as soon as possible after the partial or total separation. The MWA satisfies this requirement by obtaining from the firm, or other reliable source, the names and addresses of all workers who were or became totally or partially separated before the MWA received the certification and within the certification period, as well as workers subsequently separated during the certification period.

MWAs are required to notify workers of their possible entitlement to TAA training as soon as possible before their partial or total separations. Thus, the MWA must identify, through the firm or other reliable source, the names and addresses of all adversely affected incumbent workers to permit the MWA to determine whether a worker is individually threatened with separation. Accordingly, MWAs must request a separate list of workers who are threatened with separation at the same time they request the list of adversely affected workers from the employer. "Pre-layoff training" is not the same as incumbent worker training programs allowable under WIA. The goal of WIA incumbent worker training programs is retraining the worker with new skills to allow the worker to continue employment with an employer. TAA pre-separation training is intended to allow earlier intervention where layoffs are planned in advance and the employer can specifically identify which workers will be affected. Adversely affected incumbent workers may begin training prior to layoff, thereby lessening the amount of time needed to complete the training program after the separation occurs, and lessening the worker's overall length of unemployment. The criteria and limitations for approval of training for adversely affected

incumbent workers are the same as they are for adversely affected workers, except that adversely affected incumbent workers may not be approved for OJT or Customized Training. Adversely affected incumbent workers, like adversely affected workers, are entitled to employment and case management services to ensure that they have the same assistance in developing a reemployment plan and choosing training.

MWAs must evaluate whether the threat of total or partial separation continues to exist for the duration of the pre-layoff training. This can be accomplished by verifying with the employer that the threat of separation still exists before each subsequent portion of the training is funded. If the threat of separation is removed during a training program, funding of the training must cease. The worker would be eligible to complete any portion of the training program where TAA funds have already been expended, but would not be eligible for further TAA funding of the training program in the absence of a threatened or actual separation from the adversely affected employment. The worker may resume the approved training program upon the resumption of the threat or in the event of a total qualifying separation, if the six criteria for approval of the training are still met. TAA regulations permit a worker approval of one training program per certification. A training program begun prior to separation counts as that one training program, and the training plan should be designed to meet the long-term needs of the worker based on the expectation that they will be laid off. The training program should also take into account the availability of up to 156 weeks of training. Thus, 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.

Basic TRA Benefits

An individual who completes training may draw any remaining balance of Basic TRA benefits if otherwise eligible. No training waiver is required for individuals who have completed training. However, individuals must meet the extended benefits work test requirements. The UIA/TRA Special Programs Unit must be notified of the completion of training and the BWT-319, *Notice of Participant Status*, must be used for this purpose.

The UIA/TRA Special Programs Unit is responsible for determining whether individuals who leave or are removed from TAA-approved training while drawing basic TRA benefits may draw the remainder of those benefits. Individuals who leave training without good cause will be held ineligible for the remainder of their basic TRA benefits. An individual who is removed from training due to failure, without good cause, to maintain satisfactory participation or satisfactory progress in training will also be held ineligible for basic TRA benefits.

Employer-Based Training

Employer-based training may consist of OJT, Customized Training, or Apprenticeship programs.

OJT

OJT is training provided by an employer to an adversely affected worker who has been hired by the employer. OJT is conducted while the worker is engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job. OJT is provided under a contract with an employer in the public or private sector.

OJT programs must meet the following requirements:

- 1) Is reasonably expected to lead to suitable employment with the employer offering the OJT
- 2) Is compatible with the skills of the worker
- 3) Includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained
- 4) Can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills

An MWA can enter into a contract (Form 891, *OJT Contract Under the Trade Act of 1974, as Amended*, may be used), to pay the employer not more than 50 percent of an individual's salary, paid in equal monthly installments, using TAA funds, for a maximum of 104 weeks. The individual must be engaged in learning new skills during OJT. If the job does not require 104 weeks of training time, the contract is written for the appropriate amount of time required to learn the skills (most OJT programs will not require 104 weeks of training). The contract must include the job description, a breakdown of each of the training objectives, and the number of hours devoted to each component. The training program cannot be a replacement for any individual during a union action.

A certification that the following provisions have been met must be included with all OJT agreements. Form BWT-892, *Special Provisions for OJT Contracts*, can be used for this purpose.

1. No individual is on layoff from the same, or any substantially equivalent job for which the OJT is offered.
2. The Contractor has not terminated the employment of any regular employee or otherwise reduced the workforce of the Contractor, with the intention of filling the vacancy so created by hiring the OJT trainees.
3. The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
4. The Contractor has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above, and in the provisions that are referred to in Clauses 13 and 15 of the OJT contract.

MWAs must not enter into OJT contracts with employers who have exhibited a pattern of failing to provide workers with continued long-term employment or reasonable wages, benefits, and working conditions.

Customized Training

Customized training is:

1. Designed to meet the special requirements for an employer or group of employers;
2. Conducted by a separate vendor, but with a commitment by the employer, or group of employers, to employ an individual upon successful completion of the training; and
3. For which the employer, or a group of employers, pays for a significant portion (but in no case less than 50 percent) of the cost of such training, as determined by the MWA.

Apprenticeships

Apprenticeship programs offer adversely affected workers employment and a combination of on-the-job learning and related instruction. Since, in apprenticeship programs, the employer pays all of the apprentice's wages, the on-the-job learning portion of apprenticeship training is not considered an OJT program. Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula until the completion of their apprenticeship programs. The length of registered apprenticeship programs varies depending on the specific occupation. Adversely affected workers can access registered apprenticeship programs by contacting their State's Registered Apprenticeship Office (Contact information is available on-line at: <http://www.doleta.gov/oa/sainformation.cfm>). TAA funds can be used to pay for the expenses associated with related instruction (e.g., classroom and distance learning), tools, uniforms, equipment and/or books for an adversely affected worker's participation in a registered apprenticeship program. These TAA funds can be used until the worker reaches "suitable employment" (which is the purpose of training) or 156 weeks, whichever comes first, while participating in the registered apprenticeship program. Suitable employment means work of substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. Additionally, because registered apprenticeship combines classroom instruction with employment, adversely affected workers enrolled in a registered apprenticeship program may not be able to access TRA due to their income earned through wages. However, the use of the RTAA benefit may be an option for adversely affected workers who are being trained and employed through a registered apprenticeship program. In the case of registered apprenticeship, a key factor for access to and use of RTAA funds are the wages for the workers' past adversely affected employment, as compared to their current wages while employed in a registered apprenticeship program as well as meeting the age requirement of being age 50 or older.

Six Training Approval Standards

Training may be approved for an adversely affected worker if all six standards described below are met. Compliance with these standards must be certified by the MWA. Form BWT-312, *Training Approval Standards for Entitlement to TAA Training*, must be used for this purpose. Each job seeker's training file must include the above form and evidence that all six training approval standards have been met, including results of assessments.

1. There is no suitable employment available for the adversely affected worker.

There is no suitable employment available for an adversely affected worker, either in the commuting area or outside the commuting area, in an area to which the worker desires to

relocate with the assistance of a relocation allowance and there is no reasonable prospect of such suitable employment becoming available for the worker in the foreseeable future. Suitable employment means work of a substantially equal or higher skill level than the individual's past adversely affected employment and wages for such work at not less than 80 percent of the individual's average weekly wage. Notification of a specific recall to adversely affected employment by the worker's firm in the same or essentially the same job is considered suitable employment if the recall is expected to be permanent and the worker's application for training must be denied. Waivers of training are issued in these instances. Individuals who leave training to accept recalls to work will not receive a second training approval if subsequently laid off. If an application for training is denied under these criteria, the MWA must document the availability of suitable employment through local labor market information or job orders.

2. The adversely affected worker would benefit from appropriate training.

The training must enhance the individual's employability by providing vocational skills required by the stated occupational goal. Upon completion of training, the individual is job-ready. Training must be expected to improve the individual's chances of obtaining and retaining sustainable employment at higher wages than would have been obtained in the absence of training. A specific vocational goal must be entered on the training contract. The vocational goal must be one that prepares the individual for full-time employment with an employer. Self-employment or commission-based employment cannot be the vocational goal.

3. There is reasonable expectation of employment following completion of training.

The sole purpose of TAA training is to help the individual obtain full-time employment. Therefore, there must be a reasonable expectation that the individual will find a job using skills acquired through training given the labor market conditions expected to exist at the time of training completion. A reasonable expectation of employment following completion of such training means that, given the job market conditions expected to exist at the time of the completion of the training program, a reasonable expectation exists that the worker is likely to obtain suitable employment. The job market conditions considered must be limited to those in the worker's commuting area or in an area where the worker desires to relocate with the assistance of a relocation allowance. When no apparent demand exists, and employment prospects are questionable, an individual can be asked to provide justification for training. For example, a letter from prospective employers on company letterhead stating a willingness to consider hiring the individual upon completion of the proposed training would constitute adequate justification for training approval.

4. Approved training is reasonably available from either governmental agencies or private sources.

Training should be reasonably accessible to the individual, at no cost to the individual, within the individual's commuting area, at any governmental, educational, or private training provider, including OJT and customized training. Emphasis must be given to finding accessible training for the individual, although this does not preclude training

outside the commuting area. Whether the training is within or outside the commuting area, training must be available at a reasonable cost as outlined in item 6.

Training at a facility outside of the local commuting area will be approved only if such training is not available within the commuting area. Individuals can attend training outside of Michigan under the aforementioned circumstance, or if the individual resides near the state line and the training is within the commuting area. However, the training facility must be licensed by the state in which it is located in order to be approved.

5. The adversely affected worker is qualified to undertake and complete such training.

Evidence that the individual has the basic skills, aptitude, and financial resources to complete training must be documented on an Individual Service Strategy. Evaluation of the adversely affected worker's background must determine that the worker's knowledge, skills, abilities, educational background, work experience, and financial resources are adequate to undertake and complete the specific training program being considered. The MWA must consult the adversely affected worker's comprehensive assessment to determine whether the worker is qualified to undertake and complete the training.

The individual must have a plan to meet living expenses while in training. The MWA case manager only determines whether the individual's plan seems realistic. Staff need not request supporting evidence, such as financial records or affidavits from friends or family members that promise financial support. The fact that financial resources have been discussed is the only documentation needed on the form. When an adversely affected worker has inadequate financial resources to complete a selected TAA training program, regardless of whether it exceeds the duration of UI and TRA payments, then that training must not be approved and consideration must be given to other training opportunities or related workforce development programs' assistance available to the worker.

Individuals must maintain satisfactory progress toward the vocational goal. Copies of attendance and grade reports should be requested and reviewed on a regular basis. Failure by the adversely affected worker to maintain satisfactory progress can result in removal from the program.

6. Such training is suitable for the adversely affected worker and is available at a reasonable cost.

Suitable for the worker means that the training being considered meets the fifth training approval standard and that the training is appropriate for the worker given the worker's basic skills, aptitude, background, and experience.

If training of comparable quality is available at several institutions within the commuting area, the institution offering the most reasonable cost will be approved.

Training that is self-financed, in whole or in part, is not deemed reasonably available, and is therefore NOT approvable. Self-financed training includes any program or plan that might require the individual to pay any portion of training costs, no matter how small. Friends, relatives, and student loan programs are not acceptable sources. A fraternal

organization is not an acceptable funding source, unless it operates an established program to fund training and does not require repayment. However, job seekers in self-financed training may apply for TAA approval beginning with the next school semester, or other future period, not paid by the individual. MWAs may not consider student financial assistance (Pell Grants, Work-Study program, and other federal or state loans and grants) in approving training. This allows a worker to use student financial assistance for living expenses instead of tuition and thus provides the worker income support during training. However, the student may voluntarily choose to apply student financial assistance to the costs of training if the training would not be approved otherwise due to cost.

Training not meeting all six training approval standards must be denied. The MWA staff must issue a written denial of training to the adversely affected worker (Form BWT-923, *TAA Training Application*, may be used). The adversely affected worker may appeal such denial.

Funding Sources for Training

Regardless of the funding source, the TAA program allows only one approved program of training per certification. TAA prohibits the use of personal funds of the worker, friends or relatives for training. WIA or other employment service funding may be used or combined with TAA funds to pay the costs of training. As stated above, MWAs may not consider student financial assistance (Pell Grants, Work-Study program, and other federal or state loans and grants) in approving training. This allows a worker to use student financial assistance for living expenses instead of tuition and thus provides the worker income support during training. However, the student may voluntarily choose to apply student financial assistance to the costs of training if the training would not be approved otherwise due to cost.

If funding is from a source other than the Trade Act, the source of training funds can be verified by using Form BWT-880, *Training Verification*. The MWA staff completes the top portion of the form, obtains the adversely affected worker's signature for release of information, and sends two copies to the training facility or funding source. One copy is retained in the applicant's file folder. The training facility or funding source completes the verification section, retains one copy, and mails a copy to the local MWA. Upon receipt of the completed form, the MWA staff can then continue the training approval process.

Training Caps

The cap on the amount of TAA funding a local area can provide, annually, per participant, for all MWA approved training, is \$15,000. For example, if a worker began a training program on April 1, 2009, the annual period for this worker would be from April 1, 2009, through March 31, 2010. All exceptions to this cap must be approved by the director of DELEG/BWT. Requests for exceptions to exceed the training cap are approved for the duration of the approved training program and must include the following:

- Name of adversely affected worker
- Name of training program (including certificate, degree, etc.)
- Name of training institution
- Length of training
- Yearly cost of training (Total cost of training per year)

- Verification that the training meets the six TAA training approval criteria

Please refer to Policy Issuance 07-30, Change 2 for further instructions and the required form for requests.

Please send TAA Training Cap Waiver Requests to:

Virginia Abdo

abdov@michigan.gov

Fax: (517) 335-3630

Phone: (517) 373-4472

Transportation and subsistence payments ARE considered in the calculation for keeping within the \$15,000 annual training cap.

Transportation and Subsistence Payments

MWAs determine eligibility for transportation or subsistence allowances, issue denials when appropriate, and make appropriate approved payments. Transportation or subsistence payments are considered in the calculation for keeping within the \$15,000 annual training cost cap. The MWA must determine whether transportation to the training site, or subsistence to maintain a residence near the training site, is more economical and approve the lesser of the two.

Transportation

An individual is afforded supplemental assistance necessary to pay transportation expenses if the individual's training site is outside the commuting area. Fifty miles or more from the individual's home to the training facility is considered outside the commuting area. An individual may not receive transportation assistance if transportation expenses are covered under another federal law, if the individual is entitled to be paid or reimbursed for such expenses from any other source, or, if transportation is arranged as part of a group and paid for by another agency or organization.

If an individual is co-enrolled in WIA and qualifies for mileage under TAA, the full federal mileage rate (and not just the WIA amount) must be reimbursed. The two programs may share the cost. For example, if the current rate is .485 per mile, WIA may only pay .28 and TAA the remaining .205. The individual should not receive just the WIA amount unless he/she does not qualify for mileage under TAA according to state policy.

If approved for transportation allowances, individuals are to receive the actual cost for travel from their home to the training facility (if using public transportation) or the cost per mile (if using a private vehicle) at the prevailing mileage rate authorized by the federal travel regulations, whichever is less. Therefore, if an individual qualifies for mileage under TAA, the individual is to receive the full mileage amount from starting location to ending location. If the mileage is 55 and state policy is 50 miles, the individual must be reimbursed for all 55 miles.

Transportation allowance will be paid for travel:

- For the trip to and the return home from the separate maintenance location, in cases where a participant is receiving subsistence; or
- For daily commuting, in lieu of subsistence.

However, mileage payment may not exceed the amount otherwise payable as subsistence for each day of commuting. As a result, MWAs must calculate the amount that would be payable as subsistence in order to determine which of the two amounts is paid.

Applications for transportation payments are filed on forms furnished to individuals by the MWA. Payments may be made in advance. An adjustment is made if the amount of an advance is less, or more, than the amount to which the trainee is entitled.

Form BWT-923, *TAA Training Application* may be used as the initial application for determination for transportation allowances.

Form BWT-923-A, *Bi-Weekly Request for Trade Readjustment Allowances*, must be completed and signed by the training facility on a bi-weekly basis before a transportation allowance is paid.

Subsistence

Individuals are afforded supplemental assistance necessary to pay costs of separate maintenance when the training facility is located outside the commuting area. To qualify for a subsistence allowance, the individual must maintain a regular residence in addition to a residence at the training site. The training site must be *outside* of the commuting area (50 miles or more). However, the individual may not receive supplemental assistance for any period for which he or she receives a payment under the WIA, or any other program. Furthermore, the individual may not receive payments for any day that a transportation allowance is payable, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source. A subsistence payment will not be made to an individual for any day of absence from training as certified by the responsible training facility.

Payment may be made upon receipt of proof of attendance. Form BWT-923-A, *Bi-Weekly Request for Trade Readjustment Allowances*, may be used for this purpose. However, an MWA may determine an advance payment is necessary to enable an individual to begin training. An adjustment can then be made if the amount of the advance is less, or more, than the amount to which an individual is entitled.

Subsistence payments will not exceed the lesser of one of the following:

- The individual's actual expenses for subsistence, or
- Fifty percent of the prevailing per diem rate authorized under the federal travel regulations for the locale of the training.

The full per diem rate is used to determine 50 percent of the prevailing per diem rate authorized under the federal travel regulations. For example, if the lodging rate for a town is \$60 and meals

and incidentals (or M&IE) is \$30, both amounts would make up the total per diem. Therefore, \$45 would be used as 50 percent of the prevailing per diem rate in this case.

Form BWT-923, *TAA Training Application* may be used as the initial application and determination for subsistence allowances.

Before approving transportation or subsistence payments for individuals, MWAs should ensure that they are paying individuals at the correct mileage and per diem rates. For information about the most current mileage and per diem rates, refer to the following: <http://www.gsa.gov>.

Training Contracts

The TAA Manual includes two form options for training contracts or agreements:

- BWT-881 *Institutional Training Contract* – includes detailed information regarding the training institution, courses to be provided, breakdown of expenses, and justification for approval of training
- BWT-336 *Training Agreement Form* – includes the minimum requirements for a TAA training agreement

An MWA may use either provided form, or create a locally developed TAA training contract or agreement. At a minimum, the MWA must have a training agreement in the case file that contains signatures of the adversely affected worker, the training institution, and the MWA. This is required with the use of a Debit Card System as well.

An MWA may write training contracts or agreements for the entire training period, but funds may only be obligated for one fiscal year at a time (see Form BWT-881, *Institutional Training Contract* for sample language on obligating for one fiscal year).

If BWT-881, Institutional Training Contract or BWT-336 Training Agreement Form is not used, the MWA must have a training agreement in the case file that contains signatures of the adversely affected worker, the training institution, and the MWA.

Supplies and Equipment

At times, items/services, such as those listed below, may be required in order to complete training. When these items/services are purchased directly from the training facility or employer, they may be included in the original training agreement, or added by using a modification. When required items cannot be purchased from the training institution or the employer directly, an agreement with an individual vendor may be entered into (Form BWT-900, *Supportive Service Agreement*, may be used). Examples of items a supportive service agreement might be written to include are:

- General Equivalency Diploma exams prior to entrance into a vocational program;
- Physical exams and immunizations required for entrance into training programs;
- Calculators;
- Books;

- Tools;
- Uniforms; and
- Pens, pencils, paper, and notebooks.

The following items are NOT allowable under TAA:

- Car repairs;
- Childcare;
- Regular clothing;
- Parking;
- Personal computers; and
- Items not deemed essential to the completion of the training program.

Training Forms

While some TAA forms are required by DELEG/BWT for use by MWAs, many forms provided in this policy issuance are optional. An MWA may choose to use forms of local design in place of the optional forms. When creating forms locally, the following items should be kept in mind:

- Agreements are written in the name of the MWA and may be signed by the MWA director or the director's designee.
- A service provider may sign agreements if the MWA allows it to be the designee. The vendor also signs all agreements.
- Once an agreement is written, the MWA maintains accounting records to track all financial transactions related to each individual agreement.

Required Training Forms

- BWT-312, *Training Approval Standards for Entitlement to TAA Training*
- BWT-319, *Notice of TAA Participant Status* (when applicable)
- BWT-518, *Special Component Training* (when applicable)
- BWT-802, *Waiver of Training Requirement*
- BWT-923, *TAA Training Application*
- BWT-923-A, *Bi-Weekly Request for Trade Readjustment Allowances*

Optional Training Forms

- BWT-197-A, *Sub-Agreement Modification and De-obligation Notice for Contract Funds*
- BWT-626, *Employability Plan*
- BWT-880, *Training Verification* (may be used when writing modifications to the original contract, or de-obligating unused funds)
- BWT-891, *OJT Contract*
- BWT-892, *Special Provisions for OJT Contracts Under the Trade Act of 1974, as Amended*
- BWT-900, *Supportive Service Agreement* (may be used to enter into an agreement with a vendor to purchase required supplies and/or equipment)

- BWT-901, *Applicant Certification for Training-Related Clothing, Equipment, or Tools* (may be used when it is necessary for adversely affected workers to certify items purchased are required for the training program and conditions for use)

File Requirements

Classroom Training Participant:

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923, *TAA Training Application*
- Assessments (Ability and Interest)
- Training Contract (BWT-881, *Institutional Training Contract* or BWT-336 *Training Agreement Form* may be used)
- Individual Service Strategy (OSMIS entry is sufficient)
- BWT-312, *Training Approval Standards for Entitlement to TAA Training*
- Documentation supporting approval of six training approval standards on BWT-312, *Training Approval Standards for Entitlement to TAA Training*
 - Suitable employment is not available (Labor Market Information [LMI] and/or Job Search documentation)
 - The worker would benefit from appropriate training (Assessments)
 - There is reasonable expectation of employment following completion of training (LMI or letters from prospective employers)
 - Training approved is reasonably available to the worker from either public or private sources, provided by a licensed facility, within 156 weeks, and for the purpose of full time employment (Training Agreement and Individual Service Strategy)
 - The worker has the basic skills, aptitude, and financial resources to undertake and complete training (Assessments and Individual Service Strategy)
 - Such training is suitable for the worker and available at a reasonable cost (Assessments and training contract)
- Financial tracking of all training expenses
- Verification of satisfactory progress (attendance and grade/progress reports)
- Documentation of completion or withdrawal of training program (if applicable)
- Exit documentation (if applicable)
- BWT-319, *Notice of TAA Participant Status* (if applicable)
- Outcome documentation for the four quarters after exit (if applicable)

OJT Participant:

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)

- BWT-923, *TAA Training Application*
- OJT Contract (BWT-891, *OJT Contract* may be used)
- Certification that all provisions for the OJT contract have been met (BWT-892, *Special Provisions for OJT Contracts* may be used)
- Verification of suitable reemployment
- Financial tracking of expenses
- Verification of satisfactory progress in the training
- Exit documentation (if applicable)
- Outcome documentation for the four quarters after exit (if applicable)

Customized Training Participant:

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- BWT-923, *TAA Training Application*
- Customized Training Contract
- Financial tracking of expenses
- Verification of satisfactory progress in the training
- Exit documentation (if applicable)
- Outcome documentation for the four quarters after exit (if applicable)

Chapter X TRAINING WAIVERS

General Information

Under the Trade and Globalization Adjustment Assistance Act of 2009, the payment of TRA benefits require that adversely affected workers are either enrolled in TAA training or receive a training waiver by the later of two dates:

- The last day of the 26th week after issuance of the certification of eligibility covering the individual
- The last day of the 26th week after the individual's most recent total qualifying separation

* An additional 45 days after the later of the two above dates may be granted for extenuating circumstances

MWAs are responsible for issuing, continuing, extending, revoking and denying training waivers. Form BWT 802, *Waiver of Training Requirement* must be used for issuing, denying and extending training waivers. Training waivers apply to all TRA benefits; however Basic TRA is the only form of TRA that can be paid without enrollment into TAA training. Training waivers are originally issued for a period of six months, but may be extended after six months by any period of time to cover an adversely affected worker's eligibility period for Basic TRA. Training waivers must be reviewed at least 90 days after issuance, and every 30 days after, for the duration of the waiver (except that training waivers issued under the Criteria: Retirement need not be reviewed). MWAs must have a written policy that describes local procedures for issuing, reviewing, and revoking waivers.

The extension of time to enroll in training or be issued a training waiver is intended to allow workers adequate time to engage in a job search and make decisions on training. In addition, MWAs are required to complete comprehensive assessments (including in-depth interviews and basic skill testing) with adversely affected workers before training waivers are granted. MWAs now have additional time to give adversely affected workers a comprehensive assessment, and to determine the need for training or a training waiver. Therefore, issuing training waivers at Worker Benefit Orientations does not follow the intention of the new law, unless comprehensive assessments can be reasonably conducted at these orientations and workers would be best served by the waiver (due to their deadline approaching). In addition, not issuing training waivers at Worker Benefit Orientations will prevent every TAA applicant from becoming a TAA participant (resulting in the MWA being responsible for the outcome of every TAA applicant).

Waiver reviews must be the result of, and be consistent with, intake and assessment results.

A comprehensive assessment is required before the issuance of a waiver. The comprehensive assessment includes a determination of the following:

- 1) The individual's need for employment services,
- 2) Whether suitable employment is available without training, and

- 3) Whether training is necessary and feasible.
- 4) The adversely affected worker's basic skill levels, interests, education and experience.

In addition, an Individual Service Strategy must be entered on the OSMIS for adversely affected workers that are issued TAA training waivers. See Chapter IX for an ISS description.

In order to verify a claimant's continued eligibility for TRA, the TRA Unit is allowed access to the One-Stop Management Information System (OSMIS) to ensure that waiver reviews are accomplished at appropriate intervals. MWA officials must ensure that new waivers and the results of waiver reviews are immediately entered into the OSMIS to enable TRA staff to confirm continuing eligibility. A training waiver is an activity that commences participation in the TAA program. Entering a training waiver into the OSMIS for a pending TAA customer will convert the customer to a TAA participant. It is very important to note this change in the OSMIS, as it will affect exiting and outcomes. Individuals with only a training waiver will be included in performance calculations.

The waiver criteria for adversely affected workers are:

1. *Recall* – The individual has been notified that he/she will be recalled by the firm from which the separation occurred.
2. *Marketable Skills* – The individual possesses marketable skills for suitable employment (as determined pursuant to an assessment of the individual) and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.
3. *Retirement* – The individual is within two years of meeting all requirements for entitlement to either:
 - Insurance benefits under Title II of the Social Security Act (42 U.S.C. 401 et. seq.) (except for application therefore); or
 - A private pension sponsored by an employer or labor organization.
4. *Health* – The individual is unable to participate in training due to the health of the individual, except that a waiver under this subparagraph shall not be construed to exempt an individual from requirements relating to the availability for work, active search for work, or refusal to accept work under federal or state unemployment compensation laws.
5. *Enrollment Unavailable* – The first available enrollment date for the approved training of the individual is within 60 days after the date of the determination made under this paragraph, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the MWA.
6. *Training Not Available* – Training approved by the MWA is not reasonably available to the individual from either governmental agencies or private sources (which may include area vocational education schools and employers), no training that is suitable for the individual is available at reasonable cost, or no training funds are available.

Denial of Waivers

If an adversely affected worker applies for a waiver beyond the 26th week after the week of issuance of the certification of eligibility covering the individual, or the last day of the 26th week after the individual's most recent total qualifying separation (with 45 days for extenuating circumstances), the waiver must be denied. Denial of a waiver must be documented on Form BWT-802 *Waiver of TAA Training Requirement*, and a copy must be provided to the adversely affected worker and the TRA Unit. Any adversely affected worker who is denied a waiver must be given the opportunity to appeal the determination (information on appeal rights is located on BWT-802 *Waiver of TAA Training Requirement*). Furthermore, all redeterminations and decisions by Administrative Law Judges regarding waivers must be provided to the TRA Unit. Refer to Chapter 17 for more information on the appeal process.

Deadline for Issuance and Duration of Waivers

In many cases, the 26/26-week deadline will be reached while the individual is still receiving Unemployment Insurance (UI). Some individuals are not aware that this deadline may apply before they exhaust their UI. Current regulations allow an additional 45 days to issue a waiver beyond the aforementioned dates for extenuating circumstances. Extenuating circumstances are unusual situations that are beyond the direct control of the adversely affected worker and that make enrollment within the otherwise applicable deadline impossible or impractical. An example of an extenuating circumstance is a case in which an adversely affected worker's name did not appear on a layoff list provided by the employer to the MWA.

The 2009 Act provides an exception to the enrollment deadlines where the worker did not enroll by the deadlines because the One-Stop Agency (MWA) failed to provide the worker with timely information regarding the training enrollment deadlines (due to company or MWA error). In that event, the worker must be enrolled in training or receive a training waiver by the Monday of the first week occurring 60 days after the date on which the worker was properly notified of both his/her eligibility to apply for TAA and the requirement to enroll in training absent a waiver of the training requirement. The MWA must document its efforts to notify workers of the enrollment deadlines.

Upon issuance of the waiver, a reason must be selected on BWT-802 *Waiver of TAA Training Requirement*, stating why training is not feasible or appropriate. Documentation for the reason of the issuance of the waiver must be included in the adversely affected worker's case file.

The maximum duration of a training waiver is six months. A waiver issued during the UI period often will not cover the entire entitlement to basic TRA. MWAs may extend a waiver beyond six months only in cases where it is necessary to cover the full entitlement to basic TRA if it is determined that training is not feasible or appropriate based on one of the six waiver reasons. The reason for the determination must be documented in the adversely affected worker's case file and entered in the OSMIS in the comment section of the training waiver screen. The waiver extension may only be granted after the first six-month period has expired. The waiver may not be extended on the same day the waiver was issued. BWT-802 *Waiver of TAA Training Requirement* must be updated to reflect the beginning and ending dates of the extension. When a waiver has been extended beyond the original six-month duration, the extension must be entered

in the OSMIS, and reviews must continue every 30 days until the waiver has expired or is revoked.

Form BWT-802 *Waiver of TAA Training Requirement* must be used for issuing, denying, extending, and revoking waivers, and may be used for tracking waiver reviews.

When a waiver is issued, extended, revoked, or denied, a copy of the BWT-802 *Waiver of TAA Training Requirement*, must be forwarded to the adversely affected worker. When a waiver is issued, revoked (due to any other reason other than the enrollment into TAA approved training or exhaustion of basic TRA), or denied, a copy of BWT-802 *Waiver of TAA Training Requirement*, must be forwarded to the TRA Unit with an indication of the action taken.

Waiver Reviews

Training waivers must be reviewed at least 90 days after issuance, and every 30 days after, for the duration of the waiver. Waiver reviews may occur at shorter intervals during the life of the waiver, but in no case may the review requirement be omitted.

Waiver reviews are conducted to determine if the reason for the waiver issuance currently applies to the adversely affected worker. The review must include a determination of the adversely affected worker's training needs and whether the worker should be referred to training at that time. This determination must be documented in the case file.

Waiver reviews should continue until the reason for the waiver no longer exists. However, in no case may a waiver exist without waiver reviews. It is recommended that a waiver review plan be presented to the worker upon the issuance of the waiver.

Since waiver reviews must be the result of, and consistent with, the assessment process, reviews should consist of a face-to-face contact wherever possible. However, other forms of reviews are acceptable. These can include contacts by telephone, electronic mail, or letter. The use of postcards for waiver reviews are also acceptable with stipulations. Postcards are acceptable for up to two continuous reviews at any given point during the entire waiver review period. After two postcard reviews, contact must occur by a face-to-face meeting, telephone, electronic mail, or letter.

It is allowable to change the reason for the waiver during the waiver review process.

If an adversely affected worker returns to work, the waiver should not automatically be revoked. However, a waiver may only be continued if one of the six waiver reasons still applies. A review must include a determination of the adversely affected worker's training needs.

MWAs may use the "Justifiable Cause" provision to waive any policy that would restrict a member of a reserve component of the Armed Forces that serves a period of duty described below from receiving TRA, training and other TAA benefits if he/she is otherwise eligible. A period of duty is defined as active duty for more than 30 days, or a call to duty of more than 30 days.

If an individual moves out of the state of Michigan, the MWA can, but is not required to, continue waiver reviews for the individual. If the MWA chooses not to continue waiver reviews, the individual should be directed to contact TAA staff at the new location and arrange to do waiver reviews there. Staff at that location would also need to set up a system for notifying the TRA Unit when reviews have been done.

After each review, the staff person must enter the waiver activity in the OSMIS system to continue, extend, or revoke the existing waiver. The activity must be documented in the case file by recording the activity on the BWT-802 *Waiver of TAA Training Requirement* or locally developed form, or by printing the waiver activity from the OSMIS.

Revocation and Expiration of Waivers

The MWA must revoke a waiver once an individual enrolls in TAA-approved training, and may revoke it if it determines for other reasons that the basis for the waiver is no longer applicable to the individual. However, once a waiver is revoked, it cannot be reissued unless the revocation is reversed by re-determination or appeal decision. If a waiver is revoked, both the individual and the TRA Unit must be notified in writing of this action.

A waiver must be revoked under the following circumstances:

- The reason for the waiver no longer exists (see Waiver Review Section),
- The adversely affected worker refuses to participate in waiver reviews (per local policy),
- Basic TRA benefits are exhausted, and/or
- The 104-week eligibility period for Basic TRA has expired.

However, under no circumstance should a waiver be revoked (other than due to training enrollment) without giving the individual ample opportunity to participate in the review process. For example, a revocation should not occur without several attempts to contact the individual. It is acceptable to allow a waiver to expire, but waiver reviews must continue until the expiration occurs.

An individual has the right to protest a waiver revocation, and must be advised of this right when being notified of the action. Notification can be done with the BWT-802 form, or with a locally designed document. If using a locally designed document, the notification must include the language relating to protest rights contained on the BWT-802 form.

If waiver reviews are not conducted, and no other services are provided to a TAA participant for 90 days, OSMIS will “System Exit” the registration. This action is taken to exit the registration, but it does not constitute a determination of ineligibility. It is not permissible to allow a registration to System Exit on the OSMIS, but not take an action on the waiver. As stated in the Waiver Review section, in no case may a waiver exist without waiver reviews. The MWA is informed of upcoming System Exits, and must determine whether the waiver should be revoked. If a revocation is appropriate, the individual must be notified, in writing, and provided appeal information.

Additional Information

If an individual with an open TAA waiver was exited on the OSMIS, and it later becomes necessary to enter a new registration for that person, the same waiver can be continued in the new registration to preserve eligibility for Basic TRA. This applies to waivers that were not revoked or had not expired. It should be noted, however, that waivers should not have a period of no activity for 90 days (waiver reviews must occur every 30 days). This may be used in rare circumstances only to preserve eligibility for Basic TRA.

MWAs must create a TAA Waiver policy that describes local procedures for issuing, reviewing, and revoking waivers.

File Requirements

Waiver Review Participant:

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- *BWT-802 Waiver of TAA Training Requirement*
- Documentation of Waiver Reviews
- Documentation of Waiver extension (if applicable)
- Exit documentation (if applicable)
- Outcome documentation for the four quarters after exit (if applicable)

Chapter XI JOB SEARCH ALLOWANCES

General Information

Individuals determined to be adversely affected under the Trade Adjustment Assistance (TAA) may be eligible for job search allowances to help them secure suitable employment outside of the normal commuting area, by allowing partial reimbursement of pre-approved job interview expenses. Job Search Allowance payments are authorized by the Michigan Works! Agency (MWA) based on the eligibility factors listed below.

A totally or partially separated individual may submit a job search application for request for job search allowances (Bureau of Workforce Transformation [BWT]-925-A, *Request for Job Search Allowances*, or a locally designed form may be used) at any time, regardless of whether a certification covering the individual has been made. The job search may not be approved until after the individual is covered under a certification. Job search allowances include reimbursement for travel, meals, and lodging expenses (limit of \$1,500). MWAs determine eligibility for job search allowances, issue denials when appropriate, and make appropriate payments.

A Job Search allowance application may only be approved if submitted:

- Before the 365th day after the date of the certification *or* the 365th day after the date of the individual's last total adverse separation; whichever is later, or
- Before the 182nd day after the completion date of TAA approved training

The following requirements apply to all requests for job search allowances and must be documented in the adversely affected worker's case file:

- The application is filed before the job interview takes place and within the designated time limits.
- The individual is totally separated from adversely affected employment at the time the job search begins.
- The individual is registered in the Michigan Talent Bank.
- The individual has no reasonable expectation of securing suitable employment within the commuting area and has a reasonable expectation of obtaining suitable, long-term employment in the area where the job search will be conducted.
- The job search must be completed within 30 days from the day on which an application was filed. A job search is completed when the individual either secures suitable employment or has interviewed with the employer(s) as planned.
- The MWA verifies interview(s) with employer(s) certified by the individual.

The total Job Search Allowance paid to an individual under a certification may not exceed \$1,500 for individuals certified under petitions filed on or after May 18, 2009, regardless of the number of job searches undertaken. Job search allowance is reduced by any amount the individual is entitled to be paid or reimbursed for such expenses from any other source.

MWAs may advance an individual up to 60 percent of the estimated amount of the job search allowance, up to \$360, within five days before commencement of the approved job search. Advances are deducted from payment of the total job search allowance. The individual certifies on forms furnished by the MWA that a job interview(s) occurred and to the amount expended daily for lodging and meals. Receipts must be submitted for meals and lodging.

Types of Job Search Allowances

Job Search Allowances cover 100% of the costs of transportation, lodging, and meal expenses associated with the interview(s).

Transportation Expenses

Payment amount for travel allowance may not exceed the lower cost of the following:

- The actual cost of a round trip by the most economical public transportation the individual can reasonably be expected to take from his or her residence to the area of the job search; or
- The prevailing mileage rate authorized by federal travel regulations for round-trip travel between the individual's residence and the area of the job search.

Time spent on travel may be used for justification for allowing individuals to travel with their own vehicle (using the prevailing mileage rate authorized by federal travel regulations) if the cost comparison is not exceptionally varied from public transportation.

Lodging and Meal Expenses

Payment amount for lodging and meals may not exceed the lower cost of the following:

- The actual cost to the individual for lodging and meals while engaged in the job search, or
- Fifty percent of the prevailing per diem allowance rate authorized under federal travel regulations for the locality where the job search is conducted. It is allowable to pay 50 percent of the prevailing per diem allowance rate in the absence of actual receipts.

For current mileage and per diem rates, refer to: <http://www.gsa.gov>.

Job Search Allowance Forms

- While some TAA forms are required by the Department of Energy, Labor & Economic Growth/BWT for use by MWAs, many forms provided in this policy issuance are optional. An MWA may choose to use forms of local design in place of the optional forms.

- The optional form for Job Search Allowances is BWT-925-A *Request for Job Search Allowances*.

File Requirements

Job Search Allowance Participant:

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- Request for job search allowances (BWT-925-A *Request for Job Search Allowances* or local form)
- Verification that suitable employment is not available in commuting area
- Verification of all interviews (or job search activities) covered under request for job search allowances
- Verification that all interviews (or job search activities) are related to suitable employment
- Comparisons/quotes for costs related to job search
- Receipts related to expenses covered in Request for Job Search
- Financial tracking of expenses
- Exit documentation (if applicable)
- Outcome documentation for the four quarters after exit (if applicable)

Chapter XII RELOCATION ALLOWANCES

General Information

Relocation allowances are provided for adversely affected workers certified under Trade Adjustment Assistance (TAA), enabling the individual and his/her family to relocate within the United States for suitable employment. Payments for relocation are authorized by the Michigan Works! Agency (MWA) based on the eligibility factors listed below.

A relocation allowance is paid to an individual only once under a given certification. It is not paid to more than one member of a family for a given relocation. Relocation allowances do not cover job search costs for which separate provisions exist. Also, relocation allowances cannot be denied or reduced due to prior payments of job search allowances. Before payment of relocation allowances can be approved, the MWA staff must verify the following:

- The individual has no reasonable expectation of securing suitable work in the commuting area.
- The individual obtained suitable work, or that the individual received a valid offer of suitable work in the relocation area.

The form and format of the verification is at the discretion of the local MWA director.

If an individual from another “liable” state chooses to relocate to a local MWA service area, the local MWA, as an “agent” for that liable state, must assist the incoming individual with the relocation process. This includes the filing of a relocation application (Bureau of Workforce Transformation [BWT]-925 *Request for Relocation Allowances* may be used), if required, providing a verification of employment, and any other information necessary to assist the liable state in approving and paying the appropriate relocation allowances to the incoming individual. Registration with the state agency providing the payment references, the “liable” state and/or “agent” state issue as addressed in the regulations at Title 20 CFR, Part 617.3 and Title 20 CFR, part 617.26. The liable state is the state in which the individual has current Unemployment Insurance entitlement and is typically the state that the individual is *leaving* in a relocation process.

A relocation allowance application may only be approved if submitted:

- Before the 425th day after the date of the certification *or* the 425th day after the date of the individual's last total adverse separation; whichever is later, or
- Before the 182nd day after the completion date of TAA approved training.

Note: Applications may be filed at any time, but are approved for an individual only after he/she is covered under a certification. The application must be filed before the relocation takes place.

The following requirements apply to all requests for relocation allowances and must be documented in the adversely affected worker’s case file:

- Total separation from adversely affected employment at the time relocation begins.
- No prior payment of a relocation allowance under the same certification.
- Relocation within the U.S. and outside the individual's commuting area.
- Registration with the state agency providing the payment of the relocation allowances.
- A determination that the individual has no reasonable expectation of finding suitable employment in the local area, but has obtained suitable employment outside the commuting area.
- Relocation will take place within a reasonable time after approval.

As it is not uncommon for both spouses to be employed by a single employer, and thus both becoming TAA certified, payment of relocation allowances is limited to only *one* of the individuals in a family unit to prevent duplication of payments for a single relocation. If both members apply, and both qualify, payment is made to the individual designated by them as head of household.

Relocations must be started and completed within a reasonable time. The MWA approves final payments of relocation allowances based on the determination that the relocation meets the "reasonable time" requirement. Factors considered by the MWA include:

- **Beginning:** The relocation must actually begin with the latter of the following: within 182 days after the application for relocation allowances was signed by the adversely affected worker, or 182 days after the completion of approved training.
- **Completion:** No specific time frames are required. The MWA may consider relevant factors such as the difficulty of obtaining suitable housing in the area of relocation, the difficulty of disposing of housing in the area being left, health conditions of family members, school enrollments of family members, etc., in making a determination if the relocation was completed in a timely manner.

Types of Relocation Allowances

Allowing that payments will be reduced by any amount the adversely affected worker is entitled to receive for relocation expenses from any other source, allowances may be paid as follows:

- 100 percent of the travel expenses (transportation, lodging, and meals) of the individual and family members making the relocation; *and*
- 100 percent of the expense of moving the household goods and personal effects of the individual and family; *and*
- A lump sum payment (not taxable income) equal to three times the individual's average weekly wage, not to exceed \$1,500.

Transportation Expenses

Payment amount for transportation may not exceed lowest cost of the following:

- Public transportation, using the most cost-effective mode reasonably available in the area (bus, train, commercial air, etc.), or
- The cost per mile for travel by the individual's personal automobile (maximum of two) at the prevailing rate authorized by current federal travel regulations.

Travel expenses may be paid for family members traveling at separate times from the individual if health, school, or economic circumstances justify such separate travel. However, in no case may a travel allowance for the worker or family be paid more than once in connection with a single relocation.

Lodging and Meal Expenses

Payment amount for lodging and meals may not exceed the lower cost of the following:

- The actual cost to the individual for lodging and meals while in travel status; or
- Fifty percent of the prevailing per diem allowance rate authorized under federal travel regulations for the locality where the relocation is conducted.

It is allowable to pay 100 percent of 50 percent of the prevailing per diem allowance rate in the absence of actual receipts.

For current mileage and per diem rates, refer to: <http://www.gsa.gov>.

Moving Expenses

Payment amount for moving expenses may not exceed lower cost of one the following:

- **Relocation using commercial carrier services:** Costs for packing, moving, and unpacking of household goods and personal effects, to a maximum amount not exceeding the maximum net weight authorized by current federal travel regulations. This includes reasonable and customary accessorial charges, as well as insurance on goods up to actual cash value.
- **Relocation using a trailer:** If a privately owned trailer is pulled by the individual's personal vehicle, cost per mile at the prevailing rate authorized by current federal travel regulations. If the trailer is rented, rental of the trailer plus mileage costs for the towing vehicle at the prevailing rate authorized by current federal travel regulations or, if hauled by commercial carrier, the actual costs of hauling.
- **Relocation using a rental truck:** If a rental truck is used, costs for the rental charges (including insurance surcharges) and necessary fuel paid for by the individual.

- **Relocation by moving a mobile home:** If a mobile home is used as the individual's residence before relocation, and will again be used in the area of relocation, costs of moving the mobile home may be paid. Such costs include commercial hauler charges, unblocking/blocking (set-up) charges, permits, tolls, charges incurred in the move, and insurance on the home and contents while in transit.

If temporary storage of household goods and personal effects is necessary, 100 percent of the costs of such storage may be paid for a period not exceeding 60 days.

Lump Sum Payments

A lump sum payment is allowable (not taxable income) equal to three times the individual's average weekly wage, not to exceed \$1,500.

The MWA may pay the lump sum allowance when arrangements for the relocation are complete, but not more than ten days before the earlier of the following: the individual's departure to begin the relocation *or* the shipment of the individual's household goods and personal effects.

For purposes of determining the amount of lump sum allowance payable, the average weekly wage will be obtained by dividing the gross wages earned from the adversely affected employer in the 52 weeks preceding the individual's first qualifying separation, by the number of weeks worked in that 52-week period.

Time and Method of Payment to Individuals

Payment of relocation allowances may not be advanced, or paid, until all eligibility requirements are satisfied. The MWA must promptly determine eligibility for relocation allowances. Payments must be issued as promptly as possible upon determining that the adversely affected worker is eligible.

Travel expenses are paid in advance at 100 percent of the lowest allowable costs at the time the individual departs to begin the relocation or within ten days prior to the relocation. Amounts paid to family members for separate travel are paid to the individual within ten days prior to departure. On completion of the relocation, the individual must provide the MWA with receipts for all travel costs (meals, lodging, etc.). The MWA makes an adjustment if the amount advanced was more or less than the actual costs.

For commercial carriers, rental trailer or rental truck firms, and mobile home movers, the MWA may pay the service provider directly or pay the individual who in turn pays the service provider. Payments are 100 percent of the estimated or bid cost. In all cases, receipts must be returned to the MWA. Advance payments may be made before the relocation begins by issuing a check to the individual and the rental agency for 100 percent of the estimated cost.

Relocation Allowance Forms

- While some TAA forms are required by the Department of Energy, Labor & Economic Growth/BWT for use by MWAs, many forms provided in this policy issuance are optional. An MWA may choose to use forms of local design in place of the optional forms.

- Optional forms for Relocation Allowances include BWT-925 *Request for Relocation Allowances* and BWT-925-S *Claimant Instructions for Relocation Allowance*.

File Requirements

Relocation Allowance Participant:

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Proof of Veteran status (if applicable)
- Request for relocation allowances (BWT-925 *Request for Relocation Allowances* or local form)
- Verification that suitable employment is not available in commuting area
- Verification of obtained suitable employment outside of commuting area
- Comparisons/quotes for costs related to relocation
- Receipts related to relocation expenses
- Financial tracking of expenses
- Exit documentation (if applicable)
- Outcome documentation for the four quarters after exit (if applicable)

Chapter XIII RTAA

General Information

The Trade and Globalization Adjustment Assistance Act of 2009 created a permanent wage supplement benefit for workers 50 years of age and older – Reemployment Trade Adjustment Assistance (RTAA). The Alternative Trade Adjustment Assistance (ATAA) benefit remains available to TAA-certified workers under petitions filed prior to May 18, 2009.

Under the RTAA program, individuals who are at least 50 years of age, and who obtain different, full-time employment at wages less than those earned in the adversely affected employment, may receive up to half of the difference between their old wage and new wage.

The wage subsidy may be paid up to a maximum of \$12,000 during the eligibility period. To be eligible for the RTAA program, individuals may not earn more than \$55,000 per year in the new employment. Intake and application for the RTAA benefit is the responsibility of the Michigan Works! Agency (MWA). Determination of eligibility for RTAA is the responsibility of the UIA/TRA Unit. MWAs must assist individuals with filing the *BWT-244 RTAA Application and Determination of Entitlement to Benefits*, gather required information, and send to the UIA/TRA Unit for processing.

Payments made to eligible individuals under RTAA program are made by the UIA/TRA Unit. For the purposes of the RTAA benefit, the TAA program in Michigan defines full-time employment as employment that is equal to or exceeds 32 hours per week. The UIA/TRA Unit reserves the right to waive the full-time requirement on a case-by-case basis.

Modifications made to the wage supplement benefit include:

- Eliminates the need for a separate group certification
- Eliminates the requirement that workers are reemployed within 26 weeks from qualifying separation
- RTAA-eligible workers may obtain regular TAA benefits before, during, and/or after RTAA
- Increases the limit on reemployment wages to \$55,000
- Increases the maximum benefit amount to \$12,000
- Allows RTAA-eligible workers to work part-time while attending full-time TAA training

Requests for reconsiderations and/or judicial review of RTAA determinations will be processed in the same manner as TRA appeals.

Eligibility Requirements

To be eligible for RTAA, an individual must meet the following conditions:

1. Be at least age 50 at time of reemployment. The individual's age can be verified with a driver's license or other appropriate documentation.
2. Be reemployed full-time or be reemployed part-time while attending TAA training. Reemployment may be verified with a copy of the job offer letter or a check stub.
3. Must not be projected to earn more than \$55,000 annually in gross wages (excluding overtime pay) from the reemployment. If a paycheck has not been issued at the time of application, the employer must submit a supporting statement to the MWA indicating that annual wages will not exceed \$55,000.
4. Cannot return to work at the firm from which the individual was separated, unless the work is located in a separate subdivision. The firm is defined as either the entire firm (if the entire firm was certified) or the subdivision of the firm (if the certification only covered one or more subdivisions).

The application for RTAA (BWT-244, *RTAA Application and Determination of Entitlement to Benefits*) must be filed within the worker's RTAA eligibility period. For purposes of this application, and in order to establish the RTAA payment, wages at separation are defined as the annualized hourly rate at the time of the most recent separation, which is set forth in the section of this chapter titled "RTAA Payments." Wages at reemployment are defined as the annualized hourly rate at the time of reemployment, which is also set forth in "RTAA Payments".

Form BWT-244 *RTAA Application and Determination of Entitlement to Benefits*, must be used to file an application for RTAA. MWA must forward Form BWT-244 to the UIA/TRA Unit and keep a copy for the case file. The RTAA applicant has the right to appeal a determination that denies ATAA benefits in the same manner the TRA appeal process.

MWAs must send the following items to the UIA/TRA Unit:

1. Completed Form BWT-244,
2. Copy of the individual's check stub from his or her *last full week* of actual work at the company, and
3. Proof of qualifying reemployment (this may be verified with a copy of the job offer letter or a check stub).

In addition, in order for the TRA Unit to establish a framework for RTAA payments, an Unemployment Claim must have been filed within the past 12 months.

RTAA Payments and Continuing Eligibility

Once approved for the RTAA program, individuals who continue to meet the eligibility criteria are paid RTAA benefits until a total of \$12,000 in benefits has been received, or the eligibility period has expired. The eligibility period calculation differs depending on whether or not the individual received any TRA.

The eligibility period for workers who have not received TRA is a two-year period beginning the earlier of “the date on which the worker exhausts all rights to unemployment insurance based on the separation of the worker from the adversely affected employment that is the basis of the certification,” or reemployment.

The eligibility period for a worker who has received TRA is the two year period (generally 104-weeks) beginning with the date of reemployment, reduced by the number of weeks the worker received TRA.

Total Dollar Amount of Payment Methodology:

X = Weeks of TRA

Y = 104 Week Eligibility Period

Z = \$12,000 Maximum RTAA Benefit

Formula:

$(1 - (X / Y))$ multiplied by \$12,000 = RTAA Total Amount of Payment Allowable

Example:

26 weeks of TRA received

$(1 - (26/104)) * \$12,000$

$1 - (.25) * \$12,000$

$.75 * \$12,000 = \$9,000$

An individual that received 26 weeks of TRA payments may receive a maximum of \$9,000 in RTAA benefits.

In the event the individual has more than one job, the employment must, at a minimum, total 32 hours per week. If additional job(s) are obtained, the wages from this employment will be included in the calculation to determine the amount and duration of payment.

If an individual is determined to be eligible for RTAA, the UIA/TRA Unit will assess continuing eligibility for the RTAA program. The individual will mail verification of employment and wages that will be used to determine continuing eligibility for RTAA benefits to the UIA/TRA Unit, on forms provided to the individual by the UIA/TRA Unit.

Once the UIA/TRA Unit approves the above information, an equivalent payment will be issued to the individual for the preceding month. Because the individual will receive the RTAA wage subsidy for the preceding period for which he or she has demonstrated eligibility, the individual will not receive payment until after the initial month’s wages have been verified by the UIA/TRA Unit.

With respect to HCTC, the UIA/TRA Unit is required to report RTAA recipients (individuals who are receiving the RTAA wage subsidy) to the Internal Revenue Service.

Wage Calculation Methodology:

O = Annualized Old Wages (also Annualized Separation Wages)

N = Annualized New Wages (also Annualized Reemployment Wages)

H = Variable percentage based on reduced Hours Per Week (current hours per week /old hours per week)

Annualized Old Wages (O): Annualized wages are computed by multiplying the worker's hourly rate during the last full week of his/her employment by the number of hours the worker worked during the last full week of employment and multiplying that number by 52:
(hourly rate * hours worked) * 52

Annualized New Wages (N): Annualized wages at reemployment are defined similarly to annualized wages at separation, except that the hourly rate and hours worked must reflect those of the first full week of reemployment: (hourly rate * hours worked) * 52

Variable Percentage (H): This variable equals the quotient of the worker's current hours per week divided by the worker's hours per week at the time of separation.

Wage Calculation Formulas:*Calculation for Full-Time Employment:*

Annualized Separation Wages **minus** Annualized Reemployment Wages **multiplied by .50 equals** 50 percent of the difference between the two periods of wages. Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly RTAA wage subsidy.

Monthly $(O - N) * .50$

Benefit Equals 12

Calculation for Part-time Employment:

Annualized Separation Wages **minus** Annualized Reemployment Wages multiplied by H (the variable percentage based on reduced hours for part-time Annualized Reemployment Wages). Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly RTAA wage subsidy.

Monthly $((O - N) * H * .50)$

Benefit Equals 12

To determine the weekly annualized benefit amount change 12 to 52, or to determine the bi-weekly annualized benefit amount change 12 to 26.

If, as a result of the monthly verification exercise, the individual's hourly wage and/or hours are determined to have changed in such a way as to affect the RTAA wage subsidy, the above calculation will be repeated, and the RTAA payment will be adjusted accordingly.

RTAA payments stop in the event of any one of the following:

- The worker's annualized wages from reemployment are projected to exceed \$55,000 in a year.

- The worker no longer meets the reemployment requirement through either full-time work or a combination of TAA-approved training and at least 20 hours of work.
- The worker has received the maximum amount of RTAA.
- The worker has reached the end of the RTAA eligibility period.

When applicable, MWAs will follow the interstate arrangement specified in Training and Employment Guidance Letter 02-03, Change 1, Question 51, regarding the liable state/agent state relationship for the filing of RTAA claims.

The determination of “annualized wages” is made prospectively. An individual is deemed to have met the “earns not more than \$55,000 a year in wages from reemployment” requirement for a given month if the monthly determination of annualized wages is accurate and complete at the time it is made. No overpayment determinations need be made for that month based on projections for the yearly annual wage that later changed based on information that was not available at the time that the monthly determination was made. Monthly payments derived from the annualized wage projection based on complete and accurate information at the time will be considered valid payments that the individual was entitled to, and are not considered overpayments.

In instances where there are overpayments, due to error or fraud, the TRA Unit may adhere to the overpayment provisions of the Trade Act regulations at 20 CFR 617.55.

ATAA Forms

- While some TAA forms are required by DELEG/BWT for use by MWAs, many forms provided in this policy issuance are optional. An MWA may choose to use forms of local design in place of the optional forms.
- BWT-244 *RTAA Application and Determination of Entitlement to Benefits* is a required RTAA form.

File Requirements

RTAA Participant:

- Signed TAA Registration Form
- Signed Equal Opportunity Form
- TAA eligibility documentation (proof of qualifying separation)
- Petition certification
- Veteran status (if applicable)
- BWT-244 *Reemployment Trade Adjustment Assistance (RTAA) Intake Form*
- Last pay stub at TAA-certified company
- Verification of full-time reemployment (paying less than \$55,000 annually)
- Verification of age (50 years or older) at time of reemployment
- Exit documentation (if applicable)
- Outcome documentation (if applicable)

Chapter XIV HCTC

General Information

The Trade and Globalization Adjustment Assistance Act of 2009 continued the Health Coverage Tax Credit (HCTC) to assist Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) certified workers, and Pension Benefit Guaranty Corporation recipients pay for health insurance. The HCTC covers 80 percent of the premium amount paid by eligible individuals for qualified health insurance coverage. The increase from 65% to 80% applies to all eligible HCTC recipients after May 2009 regardless of their petition filing date.

Eligibility

The HCTC is administered by the IRS and is available during each month the individual is receiving ATAA or Trade Readjustment Allowance (TRA) benefits, or meets all requirements for TRA, but is not yet receiving TRA because Unemployment Insurance (UI) or extended benefits have not yet been exhausted. An individual need not meet the enrollment in training or waiver deadline to be considered eligible for HCTC while collecting regular unemployment. An eligible TAA recipient also includes an individual who is in a break in approved training that exceeds 30 days and the break falls within the period for receiving TRA.

Once an adversely affected worker's monetary eligibility for TRA is established, the Unemployment Insurance Agency (UIA)/TRA Special Programs Unit transmits the name of the eligible worker to the IRS.

The Health Coverage Improvement Act of 2009 provides for the continuation of HCTC to certain family members of eligible recipients after eligibility would have ended due to receipt of Medicare, death, or divorce of the principle recipient. This expanded eligibility is available for up to 24 additional months and permits eligible family members to continue to claim the HCTC credit after eligibility would otherwise have expired. The IRS will make all determinations on these expanded eligibility opportunities.

Qualified Health Insurance

Those individuals whose health insurance coverage qualifies can receive the credit. Qualified health insurance coverage includes:

- COBRA continuation provision;
- A spouse's group health plan for which the employer pays less than 50 percent of the cost;
- Non-group health insurance that begins at least 30 days prior to the individual's job separation; and
- A state-qualified health plan. Two state-qualified plans have been developed for Michigan through Blue Cross/Blue Shield of Michigan (BCBSM). The BCBSM Customer Service telephone number is 1-800-848-5101.

The Health Coverage Improvement Act of 2009 provides for the continuation of COBRA insurance benefits during the entire eligibility for HCTC. Adversely affected workers must work with their company or COBRA provider to access this extension of COBRA.

MWA Responsibilities

The HCTC regulations require that One-Stop Service Centers handle basic inquiries about the HCTC program as the first line of communication with HCTC candidates and assist with assessing information through the website: www.irs.gov, Keyword: HCTC.

MWA officials must ensure that each local One-Stop Service Center has staff appropriately trained to handle basic inquiries relating to the HCTC program. The MWA officials and service providers are also responsible for:

- Notifying TAA certified individuals of the HCTC either individually and/or through group orientation sessions,
- Making available sufficient copies of the HCTC Fact Sheet,
- Developing a process to ensure that required forms are completed for each newly TAA certified individual and forwarded immediately to the UIA/TRA Unit.

In order for adversely affected workers to receive the maximum benefit under the HCTC, MWAs must ensure that individuals *immediately* complete all forms required by the UIA to determine TRA and/or ATAA/RTAA eligibility. This includes:

- TRA-920, *Request for Determination of Entitlement to TAA/TRA* - required for *all* individuals.
- BWT-244, *RTAA Intake Form* - required for individuals who are eligible for, and wish to receive, RTAA benefits (if applicable).

In addition, individuals must apply for and be eligible for regular unemployment benefits.

Forms must be faxed or mailed to the UIA/TRA Unit, to the following address:

TRA/Special Programs Unit
P.O. Box 11080
Detroit, Michigan 48211-0080
Fax: 313-456-3694
TRA/Special Programs toll-free number is 1-866-241-0152

HCTC Enrollment Information

There are two ways to receive the tax credit:

1. **Monthly** – register for the monthly HCTC and receive assistance paying for health plan premiums as they become due. An adversely affected worker applies by filling out the HCTC Monthly Registration Form, which is mailed with the HCTC Program Kit about 4-6 weeks after paperwork cited above is completed (and the adversely affected worker is determined eligible for TRA and begins receiving an unemployment or TRA payment) and forwarded to the TRA Unit. Once an adversely affected worker submits the HCTC Monthly Registration Form, HCTC program staff reviews the application and if he/she is eligible, enrolls him/her in the monthly HCTC program.

The HCTC Unit of the IRS will send an invoice once the adversely affected worker is enrolled. He/she is then responsible for paying 20 percent of the health insurance premium by the due date each month. The HCTC program then adds 80 percent to the payment and sends a check for 100 percent of the premium to the health plan.

2. **Yearly** - pay the qualified health plan directly throughout the year, claim eligible premium amounts on a federal tax return, and receive the HCTC as a tax refund or a credit against taxes owed.

For more information on the HCTC, visit www.irs.gov, Keyword: HCTC.

Resources

The following resources are available on the HCTC:

HCTC website: <http://www.irs.gov/individuals/article/0,,id=187948,00.html>

HCTC Frequently Asked Questions: <http://www.irs.gov/individuals/article/0,,id=109956,00.html>

TAA or ATAA/RTAA Registration To-Do List: http://www.irs.gov/pub/irs-utl/taa_registration_to-do_list.pdf

HCTC Guide for State Rapid Response Team: http://www.irs.gov/pub/irs-utl/rapid_response_guide.pdf

Chapter XV MWA and OUT-OF-STATE TRANSFERS

General Information

It is sometimes necessary to transfer a Trade Adjustment Assistance (TAA) customer's account to another MWA or state, or receive a transferred account from an MWA or state. MWAs must follow the following instructions when completing these transfers.

Transfers Between MWAs

Although the Bureau of Workforce Transformation (BWT) does not stipulate restrictions due to residency, or any residency requirement, it is the expectation that all adversely affected workers will receive services in the geographic area in which they apply. If an adversely affected worker, who has not applied for TAA services, chooses to utilize a different MWA, he/she should be referred to the appropriate location for services.

When transferring an individual who has applied for TAA services and who is a participant in the One-Stop Management Information System to another MWA, procedures in BWT Policy Issuance 06-30 must be followed.

Transfers Between States

The liable state is the state where the adversely affected employment occurred or the state in which the worker's Unemployment Insurance claim is established. The liable state is responsible for eligibility determinations and payment of Trade Readjustment Allowance (TRA) benefits. The agent state is any state other than the state where the adversely affected employment occurs. Primary residence and/or training could occur in an agent state. Temporary residence (such as for training) does not qualify the new state as the agent state. An individual must make a permanent relocation to another state for that state to be considered the agent state.

The agent state is responsible for providing and paying for all TAA services including the issuance, updating, and revocation of training waivers. Documents relating to training enrollment and waivers must be provided by the agent state to the liable state.

When an adversely affected worker plans to permanently relocate to another state, he/she should obtain a copy of the following and take to the agent state:

- TAA petition certification
- Proof of qualifying separation (TAA eligibility documentation)
- Signed BWT-802 *Waiver of TAA Training Requirement (if applicable)*

In addition, the worker should be given contact information for the agent state's TAA and/or TRA coordinator. Contact information can be obtained at: <http://www.doleta.gov/tradeact/contacts.cfm>.

Contact should be maintained with the adversely affected worker until he/she has established a new TAA case manager in the agent state.

When an adversely affected worker permanently relocates to Michigan from another state and requests TAA services, the case file should be requested from the liable state. The MWA will be responsible for providing all TAA services. Information regarding the adversely affected worker's waiver and training status must be provided to the liable state so that TRA eligibility can be established and payments can be made.

Chapter XVI REDETERMINATIONS and APPEALS

General Information

The following policy and procedures shall apply to grievances, requests for redeterminations, and requests for appeals to an Administrative Law Judge (ALJ) pertaining to Trade Act program training, waivers, job search allowance, relocation allowance, Alternative Trade Adjustment Assistance (ATAA), or any other Trade Adjustment Assistance (TAA) eligibility decision made by the Michigan Works! Agencies (MWA), pursuant to the TAA program regulations 20 CFR 617.50 and 617.51.

There are a series of levels of the TAA appeal process:

1. A determination is issued to a TAA applicant. A determination is a written statement by the MWA regarding TAA services. If denied, the applicant may protest the determination and request a redetermination from the MWA.
2. A redetermination is a written statement by the MWA, which affirms, modifies, or reverses a prior determination. The applicant may appeal a redetermination by requesting a hearing before an ALJ. A request for a hearing before an ALJ is accepted by the MWA and forwarded to the Bureau of Workforce Transformation (BWT) for processing. The BWT examines all documents for accuracy and forwards to the State Office of Administrative Hearings and Rules.
3. The ALJ will issue a ruling on the appeal after the information has been presented at a hearing. If the applicant or MWA disagrees with the ALJ decision, the decision may be appealed to the Board of Review (BOR).
4. The BOR will issue a decision based on facts introduced at the ALJ hearing. If the applicant or MWA disagrees with the decision issued by the BOR, the decision may be appealed to the Circuit Court and then to higher courts.

MWAs are responsible for developing, maintaining, and making available to participants, subgrantees, subcontractors, service providers, employees, one-stop partners, providers of training services, and other interested parties a procedure, consistent with this policy, for grievances/complaints which involve TAA. All determinations made by the MWA for TAA services must be provided to the applicant in writing. In addition, appeal rights and timelines must be included with TAA denials of service. The following forms contain appeal information and may be used to issue a denial of a TAA service:

BWT-923 TAA Training Application and Determination of Entitlement to Allowances

BWT-802 Waiver of TAA Training Requirement

BWT-925-A Request for Job Search Allowances

BWT-925 Request for Relocation Allowances

BWT-244 ATAA Application and Determination of Entitlement

Form BWT-337 *TAA Notice of Determination* may also be used to issue any TAA determination.

Requests for Redeterminations

Applicants may request a redetermination where there is disagreement with an initial determination made by the MWA. An applicant may submit a Request for Redetermination on Form BWT-706 *Request for Redetermination* or submit a written request to the MWA. These requests must include a copy of the initial determination.

If the written request is not on Form BWT-706 *Request for Redetermination*, it is not required that it specifically mention or contain the term “protest,” “appeal,” “request for redetermination,” etc. The written communication will be considered as a request for redetermination, if it accomplishes *either* of the following:

- Expresses disagreement or dissatisfaction with the previously issued determination, from which an intent to request a redetermination can be implied, or
- Presents a state of new facts and/or contentions that are contrary to the facts and/or contentions cited in the determination previously issued.

A request for redetermination must be filed within 30 calendar days after the date the original determination was mailed or personally served. When the 30th day after the mailing date or personally served date falls on a Saturday, Sunday, or a legal holiday, the 30-day protest period will be extended to include the next day which is not a Saturday, Sunday, or legal holiday. This applies even though the MWA office may be open on that holiday. There may also be certain days of the year that are not holidays, on which MWA offices are closed for other reasons. Since these days are not legal holidays, the 30-day protest period will be extended to include the next day that is neither a Saturday, Sunday, nor a legal holiday.

If the request for redetermination is received within the 30-day time limit previously described, the designated staff person of the MWA reviews and reconsiders the entire file, including the initial determination and any new additional facts, and promptly issues a notice of redetermination on Form BWT-306 *Notice of Redetermination*. However, if the request for redetermination is received *after* expiration of the 30-day time limit, the designated staff person of the MWA first must ascertain whether good cause exists to reconsider the initial determination. When the 30th day falls on a day on which the local MWA office is closed and the request for redetermination is not received prior to that day, a redetermination can be issued only if good cause is found to exist. An applicant, who attempts to file a request for redetermination but is prevented from filing because the MWA office is closed, will be found to have good cause for late filing if the protest is received on the next day on which the MWA office is open. A redetermination will then be issued.

“Good cause” will include, but not be limited to, the following situations:

- When an interested party has newly discovered material facts that through no fault of his/her own were not available at the time of the initial determination, a request for redetermination made after the expiration of the statutory 30-day period (but within one year of the date the determination was mailed or personally served) would require a finding of “good cause.”

- When the MWA has additional or corrected information.
- When an administrative clerical error has been discovered.

When the request for redetermination is received after expiration of the 30-day protest period and does not state why the protest is late, the designated staff person of the MWA contacts the applicant to request this information. If the request for a redetermination is received after expiration of the 30-day period and good cause for reconsideration is not established, the request for redetermination shall be denied and the designated staff person of the MWA records the facts and reasons for denying the request on Form BWT-306 *Notice of Redetermination*. If the request for redetermination is received *after* expiration of the 30-day period and *good cause* for reconsideration is established, the redetermination must detail the good cause. The notice of redetermination is then prepared on Form BWT-306 *Notice of Redetermination*.

When mailing or personally serving a notice of redetermination, a copy of Form BWT 801 *TAA Appeal To Administrative Law Judge* may be included to assist in filing an appeal to an ALJ if the applicant chooses to do so.

Requests for Appeal to an Administrative Law Judge (ALJ)

After receiving a redetermination (or denial of a request for redetermination due to untimely request and lack of good cause), an applicant may submit an appeal on Form BWT-801 *TAA Appeal to Administrative Law Judge*, to the MWA within 30 calendar days after the mailing date or personally served date of the redetermination or denial, to request a hearing before an ALJ. If the written request is not on Form BWT-801 *TAA Appeal to Administrative Law Judge*, it is not required that it specifically mention or contain the term “protest,” “appeal,” “request for appeal to an ALJ,” etc. The written communication will be considered as a request for an ALJ if it accomplishes *either* of the following:

- Expresses disagreement or dissatisfaction with the previously issued redetermination, from which an intent to request an appeal to an ALJ can be implied, or
- Presents a state of new facts and/or contentions that are contrary to the facts and/or contentions cited in the redetermination previously issued.

Upon receipt of an appeal to an ALJ, the MWA will include the following information (or fill out Section B if the appeal is requested on Form BWT-801 *TAA Appeal to Administrative Law Judge*):

- Location where appeal to the ALJ filed (MWA Name)
- Date the appeal to the ALJ filed
- Individual receiving appeal to ALJ
- Redetermination/Denial of Redetermination information
- Date Redetermination/Denial of Redetermination mailed or personally served
- MWA issuing Redetermination/Denial of Redetermination
- Address of MWA issuing Redetermination/Denial of Redetermination
- Name of Director of MWA
- Signature of MWA Representative

The designated staff person of the MWA must forward the appeal and all related documentation, within seven days, to:

Ms. Jimelle Howard, State Coordinator
Michigan Department of Energy, Labor & Economic Growth
Bureau of Workforce Transformation
Victor Office Center
201 N. Washington Square, 2nd Floor
Lansing, MI 48913
Fax: (517) 335-3630
Phone: (517) 241-8629

All documentation from previous decisions and any additional material must be presented to the ALJ. The appeal package should include the determination, request for redetermination, redetermination (or denial of redetermination), request for appeal to an ALJ, and all supporting documents used in making the determination and/or redetermination. Such documents may include TAA Worker Benefit Orientation sign-in sheets, Notice of Certification letters, records of services provided or contact with applicants, letters to applicants, or other applicable documents.

The BWT staff will review the document(s) for accuracy and completeness, and forward the appeal to be processed. If there is a need for revision to the document(s), BWT will return the appeal documents to the designated staff person at the MWA and request modifications and/or additional information. If the MWA wishes to change its designated staff person, please contact Ms. Jimelle Howard at (517) 241-8629.

The applicant and MWA will receive written notice of the hearing, detailing the date, time, location and telephone number of the hearing. The record made at the hearing constitutes the official record of the appeal. The ALJ will afford all interested parties a reasonable opportunity for a fair hearing and, unless the appeal is withdrawn, make a finding as to the facts, apply the law to those facts, and issue a decision as to the case. The parties will be notified as to the ALJ's decision, setting forth the findings of fact upon which the decision is based, together with the reasons for the decision. If the applicant or MWA disagrees with the decision of the ALJ, either may request an appeal to the Board of Review, in accordance with the instructions provided with the ALJ's decision, within 30 days of the ALJ decision. An appeal to the Board of Review is governed by Sections 34 and 35 of the Michigan Employment Security Act, MCL 421.1 et seq., and corresponding administrative rules.

Effective immediately, MWAs shall establish and maintain procedures in accordance with this policy.

Questions/inquires regarding these procedures should be directed to Ms. Jimelle Howard at (517) 241-8629.

Chapter XVII FORMS

All forms referenced in this manual are listed below and contained within this chapter:

BWT-197-A	Sub-Agreement Modification and De-Obligation Notice for Contract Funds (optional)
BWT-244	Reemployment Trade Adjustment Assistance (RTAA) Intake Form (required)
BWT-306	Notice of Redetermination (optional)
BWT-312	Training Approval Standards for Entitlement to Trade Adjustment Assistance (TAA) Training (required)
BWT-319	Notice of TAA Participant Status (required)
BWT-336	Training Agreement Form (optional)
BWT-337	TAA Notice of Determination (optional)
BWT-518	Special Component Training (optional)
BWT-626	Employability Plan (optional)
BWT-629	Notice of Certification (optional)
BWT-706	Request for Redetermination (optional)
BWT-801	TAA Appeal to Administrative Law Judge (optional)
BWT-802	Waiver of TAA Training Requirement (required)
BWT-880	Training Verification (optional)
BWT-881	Institutional Training Contract (optional)
BWT-891	On-the-Job Training (OJT) Contract (optional)
BWT-892	Special Provisions for On-the-Job Training (OJT) Contracts Under the Trade Act of 1974, as Amended (optional)
BWT-900	Supportive Services Agreement (optional)
BWT-901	Applicant Certification for Training-Related Clothing, Equipment, or Tools (optional)
BWT-923	TAA Training Application (required)
BWT-923-A	Bi-Weekly Request for Allowances by Workers In Training Under Trade Act of 1974, as Amended (required)
BWT-925	Request for Relocation Allowances (optional)
BWT-925-A	Request for Job Search Allowances (optional)
BWT-925-S	Claimant Instructions for Relocation Allowance (optional)
ETA-9042A	Petition for TAA & ATAA and Instructions for Completing - http://www.doleta.gov/tradeact/docs/RevisedPetition.doc (required)
TRA-920	Request for Determination of Entitlement to TAA/TRA – see attached (required)

* Forms are designated by required or optional. An “optional” designee may indicate that either 1) information captured on a form is optional, OR 2) another form may be used by the MWA to gather the required information. Refer to the manual for more information on required information.

**SUBAGREEMENT MODIFICATION AND
DEOBLIGATION NOTICE FOR CONTRACT FUNDS**

Section A.

1. Date:	2. Petition Number:
3. Name of Participant:	4. Participant SS#:
5. Modification Number:	6. Subagreement Number:
7. Subcontractor:	8. Contractor/Sponsor:

Section B. Modification

The above-numbered sub agreement is modified as follows:

Except as hereby modified, all terms of said subagreement as heretofore modified remain unchanged and in full force and effect.

Section C. Deobligation

1. Terminate Contract 2. Cancel Balance of Funds
3. Final Billing Submitted: Yes No 4. Date of Final Billing: / /
(Month) (Day) (Year)
5. Reason(s) for Contract Termination:

<p>Section E. <i>Subcontractor</i></p> <p>_____</p> <p align="center">Authorized Signature Date</p> <p>Name & Title Typed: _____</p>	<p align="center"><i>Contractor/Sponsor</i></p> <p>_____</p> <p align="center">Authorized Signature Date</p> <p>Name & Title Typed: _____</p>
--	--

I have reviewed this subagreement/modification and agree to the above information.

Trainee _____ *Date* _____

**REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)
INTAKE FORM**

Name: _____
Address: _____

SS#: _____
Date of Birth: _____

Petition Number: _____
Date of Certification: _____
Qualifying Separation Date: _____

Name of TAA Employer: _____
Date of Certification: _____

Hourly wage at time of last full week of work with affected employer: \$ _____
Number of hours worked (less overtime) in last full week of employment: _____

Worker Certification: I am requesting RTAA benefits because I have obtained a job with the employer listed below. I certify that I am, or will be, at least 50 years of age as of the starting date of employment. If request involves more than one employer, list (and attach) additional employers on a separate page.

Name of New Employer: _____
Address: _____

Job Title: _____
Starting Date: _____
Hourly Wage: _____

Number of hours worked (less overtime) in first full week of re-employment: _____

Signature of Worker: _____ Date: _____

Previous Wage Information:

- a. Hourly wage (prior employment): _____
- b. Number of hours worked (less overtime) in last full week of prior employment: _____

Re-employment Wage Information:

- a. Hourly wage (new employment): _____
- b. Number of hours worked (less overtime) in first full week of re-employment: _____

Note: The Unemployment Agency/TRA Special Programs Unit will make the final computation of ATAA benefits.

Once approved for the RTAA program, individuals who continue to meet the eligibility criteria are paid RTAA benefits until a total of \$12,000 in benefits has been received, or the eligibility period has lapsed, whichever occurs first.

MWA Representative Signature: _____ Date: _____

Applicant Signature: _____ Date: _____

* This form, along with RTAA required information, must be faxed to the TRA Special Programs Unit immediately after intake for RTAA determination of eligibility – Fax (313) 456-3694

TAA NOTICE OF REDETERMINATION

MWA: _____ Address: _____

Contact Name: _____ Telephone: _____

Applicant: Name: _____ Address: _____ City, State, Zip Code: _____ Social Security Number: _____	Employer Involved: Name: _____ Address: _____ City, State, Zip Code: _____ Petition Number: _____
---	--

1. **FOR THE DETERMINATION ISSUED ON:** _____, the following issue(s) are involved (attach a separate page if necessary): _____ (Date)

2. **REVIEW OF 30 DAY APPEAL PERIOD REQUIREMENT AND EVIDENCE OF GOOD CAUSE:**

a. The Request for Redetermination was received on _____ (Date)

b. The Request for Redetermination was received within 30 days of the date the determination was mailed or personally served. Yes No

If yes, go to step 3 and complete the Redetermination. If no, go to step 2c.

c. The MWA may, for good cause, reconsider a prior determination after the 30 day period has expired, provided such reconsideration is made within one year from the date the original determination was mailed or personally served. The reason for good cause is as follows (attach a separate page if necessary):

Is a reason for good cause provided? Yes No

If yes, continue on with step 3. If no, the redetermination is denied.

3. **FINDING OF FACT, REASON, and REDETERMINATION:**

The one-year period has not elapsed and an investigation has established that the request was submitted within the 30-day period or good cause exists (if not submitted within the 30 day period) for the MWA to reconsider its prior determination.

REDETERMINATION (or denial of Redetermination):

Designated staff of the MWA has reexamined the facts and determined this case as follows:

RIGHT OF APPEAL: Any appeal from this redetermination (or denial of redetermination) must be filed in person or by mail, and must be received within 30 calendar days after dated mailed or personally served (as indicated below), or if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Date Mailed	Date Personally Served

Signature of Designated Staff of the MWA

TRAINING APPROVAL STANDARDS FOR ENTITLEMENT TO TRADE ADJUSTMENT ASSISTANCE (TAA) TRAINING

The following TAA Approval Criteria Standards have been met:

Yes No

1. **Suitable employment is not available.**
(For the adversely affected worker whom approval for training is being considered under this section, no suitable employment was available at that time for that worker either in the commuting area, as defined in 20 CFR Section 617.3[k], or outside the commuting area as defined in 20 CFR Section 617.22[a][1][I].)

Justification:

Yes No

2. **The worker would benefit from appropriate training.**
(There is a direct relationship between the needs of the adversely affected worker for skills training or remedial education and what would be provided by the training program under consideration for the worker, 20 CFR Section 617.22[1][2].)

Justification:

Yes No

3. **There is reasonable expectation of employment following completion of training.**
(For that adversely affected worker, given the job market conditions expected to exist at the time of the completion of the training program, there is fairly and objectively considered, a reasonable expectation that the worker will find a job, using the skills and education acquired while in training, after completion of the training, 20 CFR Section 617.22[1][3].)

Justification:

Yes No

4. **Training approved is reasonably available to the worker from either public or private sources.**
(Training is reasonably accessible to the adversely affected worker within the commuting area at any governmental or private training provider, including on-the-job training, 20 CFR Section 617.22 [a][4].)

Justification:

Yes No

5. **The worker has the basic skills, aptitudes, and financial resources to undertake and complete training.**
(The adversely affected worker has the mental and physical capabilities to undertake, make satisfactory progress in, and complete the training, 20 CFR Section 617.22[1][3].)

Justification:

Yes No

6. **Such training is suitable for the worker and available at a reasonable cost.**
(In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training, which is available within the commuting area. When training substantially similar in quality, content and results, is offered at more than one training provider, the lowest cost training shall be approved, 20 CFR Section 617.22[iii][B].)

Justification:

I certify that I have reviewed the six training standards for TAA training for:

Applicant Name:

Social Security Number:

The _____ training program is appropriate for this applicant not appropriate for this applicant.

MWA Signature:

Date:

MWA Office Location:

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

Notice of Trade Adjustment Assistance (TAA) Participant Status

Participant's Name _____ SS# _____

Petition # _____

The above named participant successfully completed the Michigan Works! Agency (MWA)-approved training program, effective _____.

The above named participant's training has been extended to (date) _____
for the following reason(s): _____

The above named participant did not successfully complete the MWA-approved training program, due to the following reason(s):

Ending Date of Training _____

The above named participant has returned to work, effective (date) _____

Employer _____ City/State _____

Comments/Other – Please Specify:

Signed – MWA Authorized Representative _____ Date _____

MWA Name _____ Location _____

A copy of this completed form must be kept in the participant file and faxed to the TRA/Special Programs Unit at 313.456.3694.

TAA Training Agreement

Customer Name _____ Unique Identifier _____ Petition # _____

Address _____ City _____ Zip _____

Training Institution _____

Address _____ City _____ Zip _____

Training Program _____

Total Credit Hours _____ Actual Number of Training Weeks _____

Start Date _____ End Date _____ Occupation _____

Degree/Certificate _____ ONET Code _____

Total Tuition/Fees Amount: \$ _____ Total Books/Supplies: \$ _____

If training will take longer than 12 months to complete, start dates and costs must be provided for EACH 12 month period of training.	1st 12 Months Start Date	2nd 12 Months Start Date	3rd 12 Months Start Date
Total Tuition and Fees	\$	\$	\$
Cost of Required Books, Supplies, Equipment	\$	\$	\$
Total Training Cost per 12 Month Period	\$	\$	\$
Other approved funding (specify type) _____	\$	\$	\$
Balance	\$	\$	\$

Number of miles from residence to training location (if over 50 miles) _____

Travel/Subsistence Costs (if applicable)	\$	\$	\$
--	----	----	----

I agree to the above training information and certify that it is correct to the best of my knowledge.

Training Institution Representative

Student

Michigan Works! Agency Representative

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TAA NOTICE OF DETERMINATION

MWA: _____ Address: _____

Contact Name: _____ Telephone: _____

Applicant:	Employer Involved:
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip Code: _____	City, State, Zip Code: _____
Social Security Number: _____	Petition Number: _____

A determination has been made by the above named Michigan Works! Agency (MWA) regarding the following Trade Adjustment Assistance (TAA) services:

DETERMINATION:

REASON FOR DETERMINATION:

DATE OF DETERMINATION: _____

APPEAL RIGHTS:

Individuals may appeal a determination, in person or by mail, if there is a disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) may be requested, in person, by mail, if the individual is in disagreement with the MWA issued redetermination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Requests for appeal must be received by the Michigan Works! Agency by the 30th day after the date mailed or personally served, if the 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Date Mailed	Date Personally Served

Signature of Designated Staff of the MWA

SPECIAL COMPONENT TRAINING

In order to provide special component training and/or seminars to address a break in training of over 30 days, for workers certified under petitions filed on or after November 4, 2002, sessions will be conducted for the weeks/dates of:

_____ through _____ for:

Name _____

Social Security Number _____

Petition Number _____

I certify that the training/seminar approved and provided by the contracted training facility for the above named trainee meets the following Unemployment Insurance Agency requirements:

1. Seminars or classes are consistent with the trainee's training goals, as indicated on the training application and/or contract form.
2. Weeks during which seminars or classes take place are considered by the training facility to be weeks of full-time training.
3. The contract between the employment service provider and the training facility allows for these courses and are allowed for with funds under the Trade Act.

Signature - MWA Authorized Representative: _____

MWA Name: _____ Location: _____

Date: _____

NOTICE OF CERTIFICATION

MWA Name: _____

Address: _____

Name & Address of Certified Worker: _____

The U.S. Department of Labor has issued a certification of eligibility for workers to apply for adjustment assistance under the Trade Act of 1974, as amended, as specified below:

Petition Number:	Impact Date:
Employer:	Certification Date:
Location:	Expiration Date:

Workers Certified: _____

Trade Adjustment Assistance (TAA) and Trade Readjustment Allowances (TRA) are provided to workers who have been separated from employment due to lack of work on or after the impact date and on or before the expiration date as shown above. You have been identified as potentially eligible for such benefits.

If you wish to apply for TAA/TRA benefits, please report at the time and place specified below and bring this form with you.

Date:	Time:
Place:	

If the above location is not in your local area, please report to your local Michigan Works! Service Center. If you are outside of Michigan, you should report to the nearest Michigan Works! Agency.

Failure to file for benefits within required time limits, the latter of 26 weeks from the certification date, or 26 weeks from your last qualifying separation will result in loss of entitlement to some benefits.

For additional information on this certification, call _____.

TAA APPEAL TO ADMINISTRATIVE LAW JUDGE

MWA: _____ Address: _____
Contact Name: _____ Telephone: _____

Applicant: Name: _____ Address: _____ City, State, Zip Code: _____ Social Security Number: _____	Employer Involved: Name: _____ Address: _____ City, State, Zip Code: _____ Petition Number: _____
---	--

SECTION A (to be filled out by the Applicant):

1. Provide a summary of issues involved (attach additional page if necessary):

2. State the specific reasons for the appeal to an Administrative Law Judge (attach additional page(s) if necessary):

3. Signature of Applicant: _____

SECTION B (to be filled out by the Michigan Works! Agency):

1. Location where Appeal to ALJ was filed: _____
Michigan Works! Agency Name

2. Date the Appeal to ALJ was filed: _____

3. Received By: _____

4. Redetermination/Denial of Redetermination Information:
Applicant is appealing a (check one) Redetermination _____ Denial of Request for Redetermination _____
Mailed on _____
Date
By: _____
Michigan Works! Agency Representative
Located at: _____
Address (Street, City, State & Zip)

5. Director of Michigan Works! Agency: _____

6. Signature of Michigan Works! Agency Representative: _____

MWA Instructions: Immediately upon receipt of the appeal, forward this form and all related documentation to:

Ms. Jimelle Howard
Michigan Department of Energy, Labor & Economic Growth
Bureau of Workforce Transformation
201 N. Washington Square
Victor Office Center, 2nd Floor
Lansing, Michigan 48913
howardj9@michigan.gov
Fax: (517) 335-3630

All questions or inquires regarding these procedures should be directed to Ms. Jimelle Howard, TAA/NWLB Section, Bureau of Workforce Transformation, at (517) 241-8629.

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

**WAIVER OF TAA TRAINING REQUIREMENT
(Petitions Certified on or after May 18, 2009)**

Claimant's Name: _____ SS#: _____

Petition #: _____ MWA: _____ MWA Staff: _____

MWA Street, City, State, and Zip: _____

The Trade Act of 2002 requires that individuals certified under TAA petitions filed on or after November 4, 2002 be enrolled in training or issued a waiver of the training requirement by the latter of the last day of the 26th week after the certification, or the last day of the 26th week of the individual's qualifying separation, with a 45-day MWA issued extension for extenuating circumstances.

Petition Certification Date: _____ Claimant Separation Date: _____

This waiver is issued for the following 6-month period: Effective: _____ Expiration: _____

Are there extenuating circumstances that permit an extension of up to 45 days? Yes _____ No _____

Explanation of extenuating circumstance: _____

Is the waiver issued late due to lack of timely worker notification? Yes _____ No _____

Date of worker notification: _____ (Waiver must be issued within 60 days of worker notification)

The Training requirement is waived because training is not feasible or appropriate for the following reason(s):

1. _____ Claimant has been notified in writing that he/she will be recalled to work by firm from which qualifying separation occurred.
2. _____ Claimant possesses marketable skills for suitable employment, (as determined by the local Michigan Works! Agency), and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.
3. _____ Claimant is within two years of meeting all requirements for entitlement to retirement benefits under either: a) Title II of the Social Security Act, OR b) A private pension sponsored by an employer or labor organization.
4. _____ Claimant is unable to participate in training due to health reasons. (However, claimant must be able, available for, and actively seeking fulltime work in order to qualify for TRA benefits).
5. _____ There has been a delay in the beginning date of training. (However, the first available enrollment date must be within 60 days of the date of this determination, unless there are extenuating circumstances).
6. _____ No training funds are available under TAA or other Federal programs, or training is not available at a reasonable cost.

Justification: _____

CLAIMANT CERTIFICATION: I understand the Trade Act requires a review of this waiver every 30 days and that failure to report to the MWA every 30 days for this review may result in the disruption or denial of further Trade Act benefits. I further understand that this waiver will be revoked at any time that feasible or appropriate training becomes available.

Signature of Claimant: _____ Date: _____

MWA CERTIFICATION:

Waiver Approved _____ Waiver Denied _____ (Reason: _____)

Signature of MWA Staff: _____ Date: _____

Redetermination: _____

Signature of MWA Staff: _____ Date: _____

Date Mailed or Personally Served: _____

This (Re)Determination approves or denies a waiver of the training requirement based solely on the criteria of 19 USC 2291(c)(1). Independently, the Unemployment Insurance Agency (UIA) will issue a determination of eligibility for TRA under 19 USC 2291(a)(5), which will examine whether the waiver was issued within the 26/26 week training deadline periods or, for extenuating circumstances, within a 45-day period thereafter. Waiver denials must be sent to the TRA Unit of the UIA.

MWA APPROVED EXTENSION: This waiver may be extended beyond the original 6-month period in cases where it is necessary to cover the claimant's full entitlement to basic TRA. The extension may only be for the subsequent 6 month period. Enter the beginning and ending date of the extension:

Signature of MWA Staff: _____ Date: _____

Extension #2. The extension may only be for the subsequent 6 month period. Enter the beginning and ending date of the extension:

Signature of MWA Staff: _____ Date : _____

Extension #3. The extension may only be for the subsequent 6 month period. Enter the beginning and ending date of the extension:

Signature of MWA Staff: _____ Date: _____

REVOCAATION: Effective Date _____

1. _____ Waiver is revoked because claimant is enrolled in approved training beginning _____.
2. _____ Waiver is revoked for the following reason: _____.

Signature of MWA Staff: _____ Date: _____

CLAIMANT RIGHTS: Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

30-DAY WAIVER REVIEW ACTION:

Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____
Continue	Extend	Revoke	Reason _____	Date _____	Initial _____

(Continue on additional page if needed)

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

TRAINING VERIFICATION

Claimant:	SSN:	Date:
Petition Number:	MWA Office Location:	

REQUEST BY MICHIGAN WORKS! AGENCY

The claimant noted above states that he/she is enrolled in _____ training under the _____ program, and has applied to the MWA for training approval. The MWA is attempting to verify that the claimant is enrolled in training and the funding source. This individual may be eligible for Trade Readjustment Allowance (TRA) benefits while in training. Please provide the following information and return to:

MWA Staff Person: _____
 Address: _____
 Phone Number: _____

The worker's signed waiver for release of information appears below. You may retain a copy of this form for your records.

WAIVER FOR RELEASE OF INFORMATION

I hereby authorize the training facility or program to release the information requested below by the MWA. This information is only for the purpose of obtaining TRA benefits and will be kept confidential.

Claimant's Signature: _____ Date: _____

VERIFICATION BY TRAINING FACILITY OR PROGRAM

The above named individual ___ is ___ is not enrolled in training.

Name of Training Facility: _____
 Address of Training Facility: _____
 Type of Training: _____
 Beginning Date of Training: _____ End Date of Training: _____

The above named individual is in training full time: ___ Yes ___ No
 (Full time is defined by the training facility)

Training costs are paid by: _____
 (program or funding source)

Specify any portion of training costs not paid by the above source: _____

Training Facility/Program Authorized Signature: _____ Date: _____
 Name (printed) : _____ Title: _____
 Phone: _____

Do NOT return this form to the claimant.

Mail the completed form to the MWA address given above.

The Michigan Department of Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

INSTITUTIONAL TRAINING CONTRACT

Petition No.	Contract No.
--------------	--------------

Filing of this form is voluntary; however, it must be completed for involvement in Institutional Training.

1. Sponsor MWA Name, Address, & Phone Number: Name & Address: Phone Number:	2. Contractor Name, Address & Phone Number: Name & Address: Phone Number:
---	---

3. Training Beginning & Ending Dates:

This contract is entered into between _____ hereinafter called the Sponsor under the Trade Act of 1974, as amended, and _____, hereinafter called the Contractor. The parties agree the Contractor will train the person as named below and provide all specified training services. In consideration for the services to be provided by the Contractor for the period of time indicated above, the Contractor will receive an amount not to exceed the total shown below.

Such amount will be paid pursuant to terms and conditions set forth in this contract.

Claimant Full Name & Address:	Social Security Number:
	Phone Number:
	E-mail:
Degree/Certificate:	

4. Total Training Cost: \$ _____

5. Name & Location of Training Facility: _____
(if different than Contractor's) _____

6. Provide a brief description of training to be provided and a justification for chosen occupation. It is understood that the trainee will be employable upon completion of the training.

Trainee Name	Occupation	ONET Code	Credit Hrs	Hrs per Week	No. of Actual Training Weeks

7. Course Description: Provide the full training curriculum. The Sponsor MWA will not pay for classes that are not specified in this clause. (Attach additional pages, if necessary.) The Sponsor MWA will not make funds available for reimbursement of training-related costs paid for by any other funding source.

8. Program Costs Table:

Tuition	Amount
Tuition	
Application Fees	
Registration Fees	
Course Fees	
Books and Instructional Supplies	
Tools and Equipment	
Other (Specify in No.10)	
TOTAL	\$

A contract may be written for either tuition or fixed costs. Once the contract is signed, it cannot be modified regarding this choice.

9. Fiscal and Budgetary Controls: Payment by the Sponsor (MWA) to the Contractor will be as follows:
- A. Reimbursement by the MWA will be made for costs not covered by another source. If payment is made by another source after the MWA payment is received, reimbursement will be made to the MWA of all duplicate payments, within 14 business days.
 - B. The Contractor shall submit to the Sponsor MWA two copies of the invoice detailing costs, according to the schedule indicated below.
 - C. The Contractor agrees to complete and submit a monthly evaluation report for each trainee.
 - D. The Contractor shall submit its final invoice within 90 days from the ending date of the contract or the completion of performance, whichever comes first. If the invoice is late, good cause must be provided for the delay. If not provided, the account will be closed and all remaining monies deobligated.
 - E. If, at the conclusion of this contract, it is determined that payments were made in excess of actual allowable charges, the Contractor shall reimburse the MWA for the amount of overpayment.

- F. Tools and equipment specified in this contract and provided to the trainee, shall remain the property of the MWA until satisfactory completion of the training program.
- G. **Funding Agreement:** Under Federal appropriation law, the MWA may not enter into any agreement that legally obligates Federal funds that have yet to be appropriated, awarded, and allocated to the Michigan Department of Energy, Labor and Economic Growth.

The Sponsor MWA hereby obligates the following funds for training expenses in the amount of _____
For the Fiscal Year (FY) of October 1, 2009-September 30, 2010 = \$ _____

Future obligation of TAA training funds is contingent upon dollars being available from the Michigan Department of Energy, Labor and Economic Growth:

For the FY of October 1, 2010-September 30, 2011 = \$ _____

For the FY of October 1, 2011-September 30, 2012 = \$ _____

For the FY of October 1, 2012-September 30, 2013 = \$ _____

Acceptance of Funding Agreement (Please initial)

Trainee _____ Contractor _____ Sponsor _____

- 10. Describe additional contractual agreements, as required. (Specify any attendance or grade reports required.)

Attendance and/or grade reports must be made available upon request of the Sponsor.

- 11. Contract Negotiated by: _____

- 12. Sponsor MWA Certification: (Concurrence with occupational training objective)

<u>MWA Director or Designee</u>	
Signature: _____	Date: _____
Typed Name: _____	

- 13. Equal Employment Opportunity Provision: By participating in this contract, the Contractor agrees to abide by the General Provisions contained in the contract in regards to Civil Rights and Equal Employment Opportunities.

14. Signatures of Agreement: I have received, reviewed, and agree to comply with all provisions of this contract.

MWA Sponsor

MWA Name

Director/Designee Typed Name

Director/Designee Signature

Date

Contractor

Contractor Name

Contractor/Designee Typed Name

Contractor/Designee Signature

Date

Trainee

Trainee Signature

Date

GENERAL PROVISIONS: INSTITUTIONAL TRAINING PROGRAM

1. COMPLIANCE WITH APPLICABLE LAWS

The Contractor will perform its duties in accordance with the laws cited in this contract and the regulations, procedures, and standards promulgated there under. The Contractor will comply with all applicable Federal, State, and local laws, rules, and regulations that deal with, or are related to, the performance of this contract. This contract does not relieve the Contractor of responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended.

2. SPONSOR DEFINITION

It is mutually agreed that whenever the terms Secretary, Contracting Officer, Sponsor, or Government are used in the General Provisions, they shall for the purpose of this contract be construed to mean the Department of Energy, Labor and Economic Growth unless the contract clearly indicates otherwise.

3. RESTRICTION OF INDEPENDENT AGENT

The Contractor represents: (a) that it has not employed or retained any company or person (other than a full-time bona fide employee working solely for the Contractor) to solicit or secure this contract; and (b) that it has not paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the Contractor) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the MWA. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

4. RETENTION OF RECORDS

The Contractor shall preserve and make available records until the expiration of three years from the date of final payment under the contract, or for such longer period, if any, as is required by applicable statute, or by other clauses of this contract. If the contract is partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final statement. The Contractor agrees to grant the Sponsor access for the purpose of periodic onsite reviews of program operation and of the records thereof during the life of the contract and for three years after completion.

5. CONFIDENTIALITY

The Contractor agrees to maintain the confidentiality of any information regarding MWA applicants or their immediate families, which may be obtained through trainee forms, interviews, tests, reports from public agencies or counselors, or any other source. Applicant information may not, under any circumstance, be shared with any outside party.

6. TERMINATION OF TRAINEE

Trainees will not be terminated without prior notice to the individual(s) and the Sponsor. Reasonable opportunity must be given for correction or improvement of performance.

7. EQUAL EMPLOYMENT OPPORTUNITIES

In connection with the performance of work under this contract, the Contractor agrees as follows:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. The Contractor will take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b. The Contractor will comply with the civil rights and equal opportunities provisions of:
 - (1) Titles VI and VII of the (federal) Civil Rights Act of 1964,
 - (2) The (federal) Age Discrimination in Employment Act,
 - (3) Section 504 of the (federal) Rehabilitation Act of 1973,
 - (4) The (Michigan) Elliot-Larsen Civil Rights Act,
 - (5) The (Michigan) handicappers Civil Rights Actor any other applicable legislation.

8. CONTRACT MODIFICATIONS

The Sponsor may from time to time expand, diminish, or otherwise modify the scope of services to be performed by the Contractor, including any increase or decrease in the amount of Contractor compensation pursuant to this contract, provided such changes or modifications are mutually agreed upon by and between the Sponsor and the Contractor. Such changes shall be incorporated in written modification to this contract.

9. NON-COMPLIANCE

In case of delay, non-performance, or partial performance on the part of the Contractor in meeting contract requirements, including contract performance or financial reporting:

- a. Within seven (7) days from the discovery of a violation, the Sponsor will give notice to the Contractor of such violations.
- b. The Contractor will be allowed seven (7) days from receipt of written notice in which to correct said violation or negotiate a solution acceptable to the Sponsor and Contractor.

- c. If, after seven (7) days, said violation has not been rectified to the satisfaction of the Sponsor, the Sponsor may take whatever action is necessary to terminate this contract as outlined in Section 10 of these provisions.

10. TERMINATION OF CONTRACT

The Sponsor may, by giving reasonable written notice through certified mail, specifying the effective date, terminate this agreement in whole or in part for cause. Reasonable notice shall be at least thirty (30) days. Cause shall include:

- a. Failure for any reason of the Contractor to fulfill in a timely and proper manner its obligations under this contract and any changes thereto mutually agreed upon, and failure to correct said problems as set forth under Section 9 of these provisions, except delays beyond the control of the Contractor;
- b. Submission by the Contractor to the Sponsor of reports that are incorrect or incomplete in any material respect, if the same are not corrected as set forth in Section 9 of these provisions;
- c. Improper use of funds provided under this Contract; and
- d. Whenever for any reason the Sponsor shall determine that such termination is in the best interest of the Government.

If the Contractor is unable or unwilling to comply with any additional conditions as may be lawfully applied by the Sponsor, the Sponsor shall terminate the contract by giving reasonable written notice as defined above signifying the effective date thereof. If the contract is terminated pursuant to this section, the Contractor shall have 60 days from the date of said termination to present expense reports to the Sponsor for its consideration and payment.

ON-THE-JOB TRAINING (OJT) CONTRACT

Project or Petition No.:	Contract No.:
--------------------------	---------------

Filing of this form is voluntary; however, it must be completed for involvement in OJT..

1. MWA Name, Address, & Phone Number	2. Contractor Name, Address & Phone Number
--------------------------------------	--

3. Contract Beginning and Ending Dates: _____
Training Beginning and Ending Dates: _____
IRS ID #: _____ UA Employer #: _____

This contract is entered into between the, _____ hereinafter called the Sponsor under the Trade Act of 1974 as amended, and, _____ hereinafter called the Contractor. The parties hereto agree that the Contractor shall employ employee as named below and provide all the OJT services. In consideration for the services to be provided by the Contractor for the period of time indicated above, the Contractor will receive an amount not to exceed the total shown below. Such amount will be paid pursuant to terms and conditions set forth in this contract.

Individual: _____ Social Security Number: _____

Address: _____ City: _____ State: _____ Zip: _____

4. Cost Summary:

In-Kind	OJT Cost	\$ _____
	Other Costs (see clause 11)	\$ _____
	Total Training Cost	\$ _____

5. Location of Training Facility: _____

6. Contractor Representative in Charge of Training/Supervision: _____

9. Program Cost Table:

ONET Code	Wage per Hour	Total Cost per Code
Total Training Cost		

10. Fiscal and Budgetary Controls: Payment by the Sponsor to the Contractor under this contract will be as follows:

- A. Reimbursement is made for the extraordinary costs incurred in the process of training the OJT employee(s). Reimbursement is based on the actual number of regular hours worked during a given month multiplied by up to 50 percent of the paid wage but is not construed as reimbursement of wages.
- B. The Contractor shall submit to the Sponsor office, on a monthly basis, two copies of the OJT billing invoice detailing costs; i.e., all OJT hours worked per individual, times the rate of reimbursement.

The Contractor agrees to complete and submit a monthly OJT Trainee Progress Report.
- C. The Contractor shall submit its final invoice within 90 days from the ending date of the contract, or the completion of performance, whichever comes first. If the invoice and information providing good cause for a delay is not provided, the account will be closed and remaining monies deobligated. Subsequent invoices will be paid.
- D. If, at the conclusion of this contract, it is determined that payments were made in excess of the actual allowable charges, the Contractor shall reimburse the Sponsor for the amount of overpayment.

11. Additional Information: This clause may be used for additional contractual agreements, as required:

12. Contract Negotiated by: _____

MWA Representative

13. Concurrence of the Collective Bargaining Agent: Is the occupation(s) in which training and employment to be offered subject to a bargaining agreement? YES [] NO []. If YES, there must be concurrence by the appropriate bargaining representative as to the OJT program and the rates of pay associated therewith. This concurrence has been obtained from:

Signature: _____ Typed Name: _____

Date: _____ Title: _____ Union Affiliation: _____

14. Equal Employment Opportunity Provision: By participating in this contract, the Contractor agrees to abide by the General Provisions contained in the contract in regards to Civil Rights and Equal Employment Opportunities. I certify that I have read, understand, and will abide by the specified provisions:

Contractor's Responsible Officer:

Signature: _____ Date: _____

Typed Name: _____ Title: _____

15. Displacement of Workers: The Contractor certifies that the OJT employment will not displace regular employees because this is work not previously performed, or that the work has been expanded to provide additional needed services.

16. Verification of Contractor: I, _____ certify that I am the _____ of the public agency, corporation, committee, commission, or association named as Contractor herein, that who signed this contract in Clause 18 on behalf of the Contractor, is of said organization by authority of its governing body and is within the scope of its ___ Corporation ___ Association ___ Commission ___ Committee ___ Public Agency powers.

Signature: _____ Date: _____

I, _____ certify that the individual who signed this contract in Clause 18 is the owner or a partner of the organization.

Signature: _____

17. Office Certification: (recommending approval of contract)

MWA Director of Designee: Typed Name: _____

Signature: _____ Date: _____

18. Signatures of Agreement: I have received, reviewed and agree to comply with all provisions of this contract.

MWA Director or Designee Name: _____ Title: _____

Signature: _____ Date: _____

Contractor Name: _____ Title: _____

Signature: _____ Date: _____

GENERAL PROVISIONS: OJT PROGRAM

1. **COMPLIANCE WITH APPLICABLE LAWS**: The Contractor will perform its duties in accordance with the law cited in this contract and the regulations, procedures, and standards promulgated there under. The Contractor will comply with all applicable federal, state, and local laws, rules, and regulations, which deal with, or are related to, the performance of this contract. This contract in no way relieves the Contractor of responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended.
2. **SPONSOR DEFINITION**: It is mutually agreed that whenever the terms Contracting Officer or Sponsor are used in the General Provisions, they shall, for the purpose of this contract, be construed to mean the Michigan Works! Agency unless the contract clearly indicates otherwise.
3. **RESTRICTION OF INDEPENDENT AGENT**: The Contractor represents: (a) that it has not employed or retained any company or person (other than a full-time bona fide employee working solely for the Contractor) to solicit or secure this contract; and (b) that it has not paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the Contractor) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the MWA. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
4. **RETENTION OF RECORDS**: The Contractor shall preserve and make available records until the expiration of three years from the date of final payment under the contract, or for such longer period, if any, as is required by applicable statute, or by other clauses of this contract. If the contract is partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final statement. The Contractor agrees to grant the Sponsor access for the purpose of periodic onsite reviews of program operation and of the records thereof during the life of the contract and for three years after completion.
5. **NEPOTISM**: MWA applicants may not be hired into an OJT component if they are members of the employer's immediate family or if a member of the immediate family is engaged in an administrative capacity for the employing agency. Immediate member of the family includes wife, husband, son, daughter, mother, father, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild. A person in an administrative capacity includes those persons who have direct or indirect administrative responsibility for or influence on employee/trainees in the place of employment. This includes all elected or appointed officials who have any responsibility for the obtaining or approval of MWA training contracts. Other officials who have influence or control over the administration of the MWA-sponsored training program, and persons who have selection, hiring, placement, or supervisory responsibilities for OJT trainees are also included.
6. **CONFIDENTIALITY**: The Contractor agrees to maintain the confidentiality of any information regarding MWA applicants or their immediate families which may be obtained through trainee forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the applicant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the contract and to persons having responsibilities under the contract, including those furnishing services to the project under subcontract.

7. **TERMINATION OF TRAINEE**: Trainees will not be terminated without prior notice to the individual(s) and the Sponsor. Reasonable opportunity must be given for correction or improvement of performance.
8. **EXISTING TRAINING**: The Contractor-sponsored level of training in existence prior to initiation of this project shall be continued and shall not be reduced in level of effort in any way as a result of this contract, except for re-education unrelated to the provisions purpose of this contract.
9. **EQUAL EMPLOYMENT OPPORTUNITIES**: In connection with the performance of work under this contract, the Contractor agrees as follows:
 - a. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. The Contractor will take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, religion, color, national origin, age, height, weight, handicap, marital status, or sex. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - b. The Contractor will comply with the civil rights and equal opportunities provisions of:
 - (1) Titles VI and VII of the (federal) Civil Rights Act of 1964,
 - (2) The (federal) Age Discrimination in Employment Act,
 - (3) Section 504 of the (federal) Rehabilitation Act of 1973,
 - (4) The (Michigan) Elliot-Larsen Civil Rights Act,
 - (5) The (Michigan) handicappers Civil Rights Act, or
 - (6) Any other applicable legislation.
10. **CONTRACT MODIFICATIONS**: The Sponsor may from time to time expand, diminish, or otherwise modify the scope of services to be performed by the Contractor, including any increase or decrease in the amount of Contractor compensation pursuant to this contract, provided such changes or modifications are mutually agreed upon by and between the Sponsor and the Contractor. Such changes shall be incorporated in written modification to this contract.
11. **NON-COMPLIANCE**: In case of delay, non-performance, or partial performance on the part of the Contractor in meeting contract requirements, including contract performance or financial reporting:
 - a. Within seven (7) days from the discovery of a violation, the Sponsor will give notice to the Contractor of such violations.
 - b. The Contractor will be allowed seven (7) days from receipt of written notice in which to correct said violation or negotiate a solution acceptable to the Sponsor and Contractor.

- c. If, after seven (7) days, said violation has not been rectified to the satisfaction of the Sponsor, the Sponsor may take whatever action is necessary to terminate this contract as outlined in Section 12 of these provisions.

12. **TERMINATION OF CONTRACT**: The Sponsor may, by giving reasonable written notice through certified mail, specifying the effective date, terminate this agreement in whole or in part for cause. Reasonable notice shall be at least thirty (30) days. Cause shall include:

- a. Failure for any reason of the Contractor to fulfill in a timely and proper manner its obligations under this contract and any changes thereto mutually agreed upon, and failure to correct said problems as set forth under Section 9 of these provisions, except delays beyond the control of the Contractor;
- b. Submission by the Contractor to the Sponsor of reports that are incorrect or incomplete in any material respect, if the same are not corrected as set forth in Section 11 of these provisions;
- c. Improper use of funds provided under this Contract; and
- d. Whenever for any reason the Sponsor shall determine that such termination is in the best interest of the Government.

If the Contractor is unable or unwilling to comply with any additional conditions as may be lawfully applied by the Sponsor, the Sponsor shall terminate the contract by giving reasonable written notice as defined above signifying the effective date thereof. If the contract is terminated pursuant to this section, the Contractor shall have two (2) months from the date of said termination to present expense reports to the Sponsor for its consideration and payment.

**SPECIAL PROVISIONS FOR
ON-THE-JOB TRAINING (OJT) CONTRACTS
UNDER THE TRADE ACT OF 1974, AS AMEMDED**

The Contractor certifies the following, related to Section 236(d) of the Trade Act of 1974, as amended:

1. No individual is on lay-off from the same, or any substantially equivalent job for which the OJT is offered.
2. The Contractor has not terminated the employment of any regular employee or otherwise reduced the workforce of the Contractor with the intention of filling the vacancy so created by hiring the OJT trainees.
3. The job for which the OJT trainee is being trained is not being created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.
4. The Contractor will continue to employ the OJT employee for at least 26 weeks after completion of the OJT program if the OJT employee desires to continue such employment and the Contractor does not have just cause to terminate such employment. (For workers certified under petitions filed on or before November 3, 2002, only.)
5. The Contractor has not received payment from any other OJT program, which failed to meet the requirements described in Special Provisions 1 - 3 above and in Clauses 13 and 15 of the OJT contract. This pertains to OJT programs provided by the Contractor under the Trade Act of 1974, amended 1986.
6. The Contractor has not taken, at any time, any action which violated the terms of any certification under Special Provision #4 above. This pertains to OJT programs provided by the Contractor under the Trade Act of 1974, amended 1986.

We certify that the above certifications are true to the best of our knowledge:

Contractor: **(Individual who signed the OJT contract in clause 18, BWT-891 form)**

Name: _____

Signature: _____

Date: _____

MWA Representative: **(Individual identified in OJT contract Clause 18, BWT-891 form)**

Name (Typed): _____

Signature: _____

Date: _____

Performance of Work:

The Subcontractor agrees as follows:

- A. The Subcontractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, sex, or handicap. The Subcontractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, age, sex, or handicap. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- B. The Subcontractor will, in all solicitations and advertisements for employees placed by or on behalf of the Subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, are, sex, or handicap.
- C. The Subcontractor designates _____ (or such other individual(s) as it may name in writing with notice to the Sponsor) as the individual in charge of the administration of its promises, duties, and obligations under this contract.
- D. The Sponsor designates _____ (or such other individuals as it may name in writing with notice to the Subcontractor) as its Project Director.

10. Subcontractor:	11. Michigan Works! Agency:
Firm Name:	Office Location:
Typed Name:	Typed Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

BWT-901
(11/2009)

**APPLICANT CERTIFICATION FOR TRAINING-RELATED
CLOTHING, EQUIPMENT, OR TOOLS**

Name: _____	SSN: _____
Address: _____ _____	

In conjunction with:

Training Contract/Sub-Agreement Number: _____
Supportive Services Agreement Number: _____

DESCRIPTION OF EQUIPMENT, TOOLS, OR CLOTHING

Description	No.	\$ Unit	\$ Total
TOTAL COST			

I CERTIFY THAT I have received the clothing, tools, or equipment described above and that the required item(s) is for my training. I will retain the property in good condition in my possession and I understand that I may be required to return all tools and equipment, or the cost thereof, if I drop out or terminate my training program. (Clothing does not need to be returned.)

Signature of Applicant	Date	Signature of MWA Staff	Date
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The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

Michigan Department of Energy, Labor & Economic Growth Bureau of Workforce Transformation TAA TRAINING APPLICATION	MWA Office Location: Petition Number:
Worker Name (Last, First, Middle):	Social Security Number:
Address (Number, Street, City or County, State, Zip Code):	

A. APPLICATION AND REQUEST FOR ALLOWANCES

1. Training under the _____ program is requested or arranged as follows:

Name and Address of Training Facility:			
Type of Training:		Remedial ____ Prerequisite ____ Classroom ____	Full-Time ____ Part-Time ____
Beginning Date:	Ending Date:	Number of Actual Training Weeks: _____ Total Hours Per Week: ____	Weekly Schedule: (circle training days below) Su M T W Th F Sa Su
Name and Address of Training Facility:			
Type of Training:		Remedial ____ Prerequisite ____ Classroom ____	Full-Time ____ Part-Time ____
Beginning Date:	Ending Date:	Number of Actual Training Weeks: _____ Total Hours Per Week: ____	Weekly Schedule: (circle training days below) Su M T W Th F Sa Su
Name and Address of Training Facility:			
Type of Training:		Remedial ____ Prerequisite ____ Classroom ____	Full-Time ____ Part-Time ____
Beginning Date:	Ending Date:	Number of Actual Training Weeks: _____ Total Hours Per Week: ____	Weekly Schedule: (circle training days below) Su M T W Th F Sa Su

2. I request subsistence and/or transportation allowance payments for attending training outside commuting area of my regular place of residence. (To qualify for a subsistence allowance, it must be necessary to maintain your regular residence in addition to a residence at the training site. The training site must be outside of the commuting area.)

Subsistence and Transportation	No. Miles from Regular Place of Residence to Training Facility	Date of Departure	Time of Departure
--------------------------------	--	-------------------	-------------------

Will you move to the Training facility area? ____ YES ____ NO	If YES, will you also maintain your regular place of residence while in training? ____ YES (explain) _____ ____ NO
---	--

Daily Transportation (To qualify for daily transportation allowance, the training site must be outside of the commuting area.)

3. I request Advance Payment for: I authorize deduction from my future allowance payments until the advance is repaid.
 Subsistence Allowance I will repay any amount not deducted.
 Transportation Allowance

4. Worker Certification:
 This information is provided to support my request for entitlement to allowances while in training under the Trade Act of 1974, as amended. The information contained in this request is correct and complete to the best of my knowledge.

I understand that the amount of TRA payable with respect to a week in which I am undergoing training, shall be reduced for each day of absence without good cause and further, that failure, without good cause, to enroll, continue, and satisfactorily progress in training to which I have been referred, will result in ineligibility for TRA until such training is resumed and satisfactory progress is established.

Signature of Worker:	Date:	Signature of MWA Staff:	Date:
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B. APPROVAL BY MICHIGAN WORKS! AGENCY

Verified adversely affected worker
 Training approved
 Training not approved (Reason): _____
 This worker is not able to enter training without advance payment(s).

Signature of MWA Manager or Designee:	Date:
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C. APPROVAL BY MICHIGAN WORKS! (Required only for training under a Michigan Works! Agency master contract)

Training approved Training not approved (Reason) _____

Signature of MWA Manager or Designee:	Date:
---------------------------------------	-------

D. DETERMINATION OF ENTITLEMENT TO ALLOWANCES

ADVANCE PAYMENTS APPROVED

You are entitled to subsistence allowance at the rate of \$ _____ per day – Total advance payment approved \$ _____

You are entitled to transportation allowance at the rate of \$ _____ per day – Total advance payment approved \$ _____

Signature of MWA Manager or Designee:	Date:
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E. APPEAL RIGHTS

Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this Michigan Works! Agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Determination ___ Redetermination ___

Date Mailed or Personally Served: _____

Signature - Michigan Works! Agency Representative: _____

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.
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Michigan Department of Energy, Labor & Economic Growth Bureau of Workforce Transformation BI-WEEKLY REQUEST FOR TRADE READJUSTMENT ALLOWANCES BY WORKERS IN TRAINING	MWA Office Location		
	Petition Number		
Claimant Name (Last, First, Middle) Address (Number, Street, City or County, State, Zip Code)	Training Weeks		
		Beginning Date	Ending Date
	1st Week		
Social Security Number	2nd Week		

A. TRADE READJUSTMENT ALLOWANCE (To Be Completed By Worker)
EXPLAIN ALL YES ANSWERS

1. Have you previously received a Trade Readjustment Allowance or any other Training Allowance for the weeks shown above? YES NO	Name of Program: Date Received : Amount Received \$:	First Week	Second Week

B. WORKER CERTIFICATION

I authorize deduction for advances made to me, if appropriate. I give this information to support my request for allowances. The information contained in this request is correct to the best of my knowledge. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled.

Claimant Signature	Date
--------------------	------

C. PARTICIPATION AND ATTENDANCE IN TRAINING (To Be Completed By Training Facility)
EXPLAIN ALL NO ANSWERS

1. From the beginning of training and through the training weeks shown above, has this worker satisfactorily participated in training? If NO, did good cause exist for worker's unsatisfactory participation?	YES NO YES NO	Reason for unsatisfactory participation: Date Terminated: Last Hour and Date Attended:
2. Did you provide lodging and meals to this worker during the training weeks shown above?	YES NO	If YES, Charge Per Day \$: Number of Days Provided:

3. Attendance Record: Enter **P** - for each day the worker was present.
NT - for each day the training facility did not conduct training.
E - for each day the worker was absent with good cause (Excused), and
A - for each day the worker was absent without good cause.

	SUN.	MON.	TUES.	WED.	THURS.	FRI.	SAT.	No. Days Training Scheduled	Status
First Week									Full-Time _____ Part-Time _____
Second Week									Full-Time _____ Part-Time _____

D. TRAINING FACILITY

The answers in Part C are in accordance with our records. Statements made by the claimant appear to be complete and correct to the best of my knowledge.		
Name of Training Facility	Signature of Training Official	Date
Name and Telephone Number of Person to Contact if Questions Arise Regarding This Form:		

GIVE ORIGINAL TO STUDENT

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

REQUEST FOR RELOCATION ALLOWANCES

Claimant Name (Last, First, Middle)	Social Security No.
Address (Street, City or County, State, Zip Code): _____	
Address for Checking Mail (if different) _____	

A. WORKER APPLICATION FOR RELOCATION ALLOWANCES

1. Were you totally separated from adversely affected employment? YES NO
 2. Are you currently employed? YES NO
- (If "YES," complete the information concerning your present employment below)

Name and Address of Firm	Date Employment is Expected to End
--------------------------	------------------------------------

3. Is this your first request for relocation allowances under the Trade Act of 2002 under this petition? YES NO
 (If "NO", explain) : _____
4. Have you obtained suitable work, or do you have a bona fide offer of employment? YES NO
 (If yes, provide the following information) Suitable work is defined as employment with wages of at least 70% of the wages at the adversely affected employment

Name and Address of firm:	Job Title	Starting Date
	City and State of Relocation	Expected Date of Move

B. REQUEST FOR TRAVEL ALLOWANCES

TRAVEL IDENTIFICATION	NO. PERSONS	TRAVEL DATES		TRAVEL BY AUTO		TRAVEL BY COMMERCIAL CARRIER		
		From	To	Mileage	Cost	Type	No. Passengers	Actual Cost
Claimant Car No.								
Spouse Car No.								
Children*								
Other Family Members*								
Absent Children or Family Members*								
*NAMES OF TRAVELERS			AGE	RELATIONSHIP		JUSTIFICATION (Other family members late departure)		

C. REQUEST FOR TRANSPORTATION OF HOUSEHOLD GOODS

COMMERCIAL CARRIER			TRAILER HAULED BY AUTO			COMMERCIAL CARRIER AND/OR TRUCK RENTAL		
Service Type	No. Miles	Est. Charges	Service Type	No. Miles	Est. Charges	Service Type	No. Miles	Est. Charges
Moving			Trailer Rental			Trailer Hauled by Commercial Carrier		
Accessorial			Non-rented Trailer					
Insurance						Truck Rental		
TOTAL			TOTAL			TOTAL		

NAME AND ADDRESS OF COMMERCIAL CARRIER AND/OR RENTAL COMPANY: _____

D. REQUEST FOR LUMP SUM PAYMENT

Average weekly wage \$ _____
Multiplied by (x) 3= \$ _____

E. REQUEST FOR ADVANCE PAYMENTS

_____ I request advance payment _____ Travel Allowance
_____ Lump Sum Payment _____ Transportation of Household Goods

F. CLAIMANT CERTIFICATION

I give this information to support my request for relocation under the Trade Act of 1974, as amended. The information contained in this request is correct and complete to the best of my knowledge. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled. I further certify the funds will be used for the intended purpose and that I will provide proof of such expenditures as required. (See form BWT-925-S for instructions.) I will repay any amount overpaid.

Claimant Signature: _____ Date: _____

G. DETERMINATION

- 1. You are ELIGIBLE to receive Relocation Allowances under Section 238 of the Trade Act of 1974, Amended in 1981.
- 2. You are NOT ELIGIBLE to receive Relocation Allowances under Section 238 of the Trade Act of 1974, Amended in 1981, because:
 - a. You were not totally or partially separated from adversely affected employment.
 - b. You did not apply for Relocation Allowances **prior** to moving.
 - c. You did not apply for Relocation Allowances within 425 days of the date you were certified as eligible to apply for Trade Adjustment allowances or within 425 days of the date of your first separation from adversely affected employment or within 182 days after the date you completed training to which you were referred the Michigan Works! Agency.
 - d. You were not totally separated from employment when your relocation began.
 - e. You can reasonably be expected to obtain suitable employment in the area in which you reside.
 - f. You have not obtained suitable employment or a bona fide offer of suitable employment in the area of intended relocation.
 - g. Your relocation did not occur within 182 days from the date your application was filed or within 182 days after the date you completed training to which you were referred by Michigan Works! Agency.

- 3. Relocation Allowances are approved for payment of the following costs:
 - a. TRAVEL EXPENSE at \$ _____ computed 100% of the total of:
 - (1) \$ _____ at _____ per mile for _____ privately owned automobiles for _____ miles.
 - b. LODGING AND MEALS of \$ _____ computed at 100% of the lesser of:
 - (1) \$ _____ of actual expenses, or
 - (2) 50% of federal daily living allowances.
 - c. MOVING ALLOWANCE of \$ _____ computed at 100% of:
 - (1) \$ _____ for cost of commercial carrier or trailer hauled by commercial carrier rental trailer or truck.
 - (2) \$ _____ computed by
 - \$ _____ per mile for
 - \$ _____ miles for trailer or house trailer hauled by automobile.
 - d. LUMP SUM of \$ _____ computed at 3 X \$ _____ (average weekly wage) not to exceed \$1,500

Final Adjustments:

TOTAL AMOUNT PAID \$ _____
Date of Payment _____

Signature of Michigan Works! Agency Manager or Designee	Date
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H. APPEAL RIGHTS

Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Determination Redetermination

Date Mailed or Personally Served: _____

Michigan Works! Agency: _____

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

BWT-925-A
(11/2009)

MWA: _____

Date of Request: _____

**APPLICATION FOR JOB SEARCH ALLOWANCE
TRADE ACT OF 2002**

Claimant Name: _____

SSN: _____

Address (Street, City or County, State, Zip Code): _____

Date of Last Total Separation: _____ Petition # _____

B. WORKER REQUEST

Is this your first request for a job search allowance under this petition? YES NO

If "NO," explain:

Interview Information: If more than two interviews are scheduled, attach a second page.

C. Name & Address of Firm Where Interview is Scheduled:

_____	Date & Time of Interview:	Job Title Interviewed for:
_____	_____	_____
_____	Departure Date:	Return Date:
_____	_____	_____
	Estimated Number of Miles Traveled	_____

Contract Person Name & Phone Number:

2) Name & Address of Firm Where Interview is Scheduled:

_____	Date & Time of Interview:	Job Title Interviewed for:
_____	_____	_____
_____	Departure Date:	Return Date:
_____	_____	_____
	Estimated Number of Miles Traveled	_____

Contact Person Name & Phone Number:

D. CLAIMANT CERTIFICATION

Claimant Signature: _____ Date: _____

C. DETERMINATION

1. Claimant has applied for Job Search Allowance within 365 days of certification of qualifying separation OR has completed TAA training within the past 182 days? YES NO
2. Certification of suitable work on file? YES NO (Suitable work is defined as employment with wages of at least 70% of the wages at the adversely affected employment.)
3. Job Search will begin on: _____ and must be completed on or before _____.

To Be Completed by Michigan Works! Agency: Job Search allowance is approved for advance payment based on the following estimated costs:

	<u>Estimated Cost</u>	<u>OR</u>	<u>Federal Per Diem Rate (PDR)</u>	<u>50% of the Federal PDR</u>	<u>50% PDR or estimated cost</u>	<u>60% Advance cost</u>
___ Travel Expense Commercial Carrier	\$ _____		\$ <u>NA</u>	\$ <u>NA</u>	\$ _____	\$ _____
Privately owned automobile No. of Miles _____ round-trip	\$ _____		\$ <u>NA</u>	\$ <u>NA</u>	\$ _____	\$ _____
___ Lodging Cost No. Nights _____ @ Actual Daily Rate Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
___ Meals No. Days _____ @ Actual Daily Co Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____	\$ _____
Totals	\$ _____		\$ _____	\$ _____	\$ _____	\$ _____

Final reimbursement amount for Travel Allowance is 100 percent of: the actual cost of a round trip by the most economical means, or the prevailing mileage rate by federal travel regulations. Payment for Lodging & Meals is 100 percent of the lesser of the actual cost to the individual, or 50 percent of the prevailing per diem allowance rate authorized under federal travel regulations. (Refer to: <http://www.gsa.gov>) Total reimbursement per worker per certification is limited to \$1,500.

Signature of Michigan Works! Agency Staff:	Date:
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D. ADVANCE PAYMENT INFORMATION

I request advance payment of:		
\$ _____ Travel Expenses	\$ _____ Lodging Cost	\$ _____ Meals
I understand the total amount of Job Search Allowance to be reimbursed will be reduced by the amount of the allowance advanced. I will repay any amount overpaid.		

E. VERIFICATION

	<u>Actual Cost</u>	<u>OR</u>	<u>Federal Per Diem Rate (PDR)</u>	<u>50% of the Federal PDR</u>	<u>50% PDR OR Actual Cost</u>
___ Travel Expense Commercial Carrier	\$ _____		\$ NA	\$ NA	\$ _____
Privately owned automobile No. of Miles ___ round-trip	\$ _____		\$ NA	\$ NA	\$ _____
___ Lodging Cost No. Nights _____ @ Actual Daily Rate Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____
___ Meals No. Days _____ @ Actual Daily Cost Not to exceed 50% of Federal per diem	\$ _____		\$ _____	\$ _____	\$ _____

This Job Search was completed and the individual has certified that the job interview(s) occurred and the amounts expended daily for lodging and meals have been verified via the submission of actual receipts.

___ The total reimbursement costs have been calculated and the job searcher is due \$ _____.

___ The total reimbursement costs have been calculated, the advance payment deducted, and the job searcher is due an additional \$ _____.

___ The total reimbursement costs have been calculated, the advance payment deducted, and the job searcher has remitted payment of \$ _____.

Signature of MWA Staff: _____

Date: _____

F. APPEAL RIGHTS

Job Search Allowance is denied for the following reasons(s) _____

Signature of Michigan Works! Agency Staff:	Date:
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Individuals may appeal a determination, in person or by mail, where there is disagreement with a decision made by the MWA. A hearing before an Administrative Law Judge (ALJ) can be requested, in person or by mail, if the individual is in disagreement with the MWA issued re-determination. An individual who disagrees with the decision of an ALJ may request an appeal to the Board of Review. Refer to the procedure provided by the MWA.

Request for appeal must be received by the local office in the state in which you are filing, or by this agency, by the 30th day after the date mailed or, if such 30th day is a Saturday, Sunday, or legal holiday, by the next day which is neither a Saturday, Sunday, or legal holiday.

Determination: _____ Redetermination: _____

Date Mailed or Personally Served: _____

Michigan Works! Agency: _____

The Michigan Department of Energy, Labor & Economic Growth, in compliance with applicable federal and state laws, does not discriminate in employment or in the provision of services based on race, color, religion, sex, national origin, age, disability, height, weight, marital status, arrest without conviction, political affiliation or belief, and for beneficiaries only, citizenship or participation in any federally assisted program or activity.

CLAIMANT INSTRUCTIONS FOR RELOCATION ALLOWANCE

Time Limit

You must begin your relocation within 182 days after you apply for a relocation allowance (or within 182 days after you complete training).

Final Statement Required

Relocation will be completed when you, your family, and your household goods and personal effects have actually been moved to the area of relocation and you have established a residence.

When relocation has been completed, you must submit to the Michigan Works! Agency (MWA) a final statement covering the following:

- A. Name, dates, and mode of transportation of each member of your family who actually relocated: "Family" includes the following members of your household whose principal residence is with you in a home that you would have maintained but for your unemployment: (1) spouse, (2) unmarried children, including step-children or adopted children, under 21 years of age (or any age if incapable of self-support because of mental or physical incapacity), and (3) any other person for whom you would be entitled to a deduction for income tax under the Internal Revenue Code of 1954. (When a family member plans to move after the other members of your family have actually relocated, a final statement regarding that family member's travel must also be submitted.)
- B. Actual cost of lodging and meals for you and each family member while traveling to your new residence. Submit receipts for meals and each night's lodging.
- C. Actual cost of transporting your households goods: Upon completion of the transportation of household goods, promptly submit to the MWA:
 1. Commercial carrier: Submit the original or certified copy of the bill of lading prepared by the carrier and the receipt showing payment. You are also required to submit a check covering the amount of any advance payment made to you that exceeds the actual amount charged for transportation of your household goods.
 2. Trailer or house trailer hauled by commercial carrier: Submit an itemized bill showing payment of the actual rental charges. You are also required to submit a check covering the amount of any advance payment made to you that exceeds the actual hauling charges.
 3. Rented trailer or truck: Submit an itemized bill showing payment of the actual rental charges. You are also required to submit a check covering the amount of any advance payment made to you that exceeds the actual amount charged for trailer or truck rental. Also submit receipts for fuel for rental truck.
- D. If temporary storage for household goods and personal effects was necessary, submit a bill from the storage company showing payment of the storage costs. (Limit of 60 days storage.)
- E. State the date you actually entered employment with the employer shown in Part A, Item 4 of Form BWT-925. If you failed to enter employment with this employer, explain why. If you are currently employed by another employer, provide name, address, and the date you entered such employment.

PRINT YOUR NAME, NEW ADDRESS, AND SOCIAL SECURITY NUMBER ON YOUR FINAL STATEMENT.
SEND YOUR FINAL STATEMENT AND DOCUMENTATION TO:

Michigan Works! Agency _____

Address _____

IF YOU WERE OVERPAID (SEE ITEM C OF THIS FORM), ENCLOSE A CHECK FOR THE FULL AMOUNT PAYABLE TO THE MICHIGAN WORKS! AGENCY AND SUBMIT WITH YOUR FINAL STATEMENT. IF YOU WERE UNDERPAID (ACCORDING TO ITEM C), YOU WILL RECEIVE AN ADJUSTMENT CHECK FROM THE MWA.