

State Policy

Workforce Innovation and Opportunity Act (WIOA)

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Trade Adjustment Assistance Program, Change 1

REFERENCE

Federal and state laws, regulations, rules, and other guidance and documentation relied upon for the development of this policy are cited in footnotes.

BACKGROUND

The Trade Adjustment Assistance (TAA) Program is a Federal entitlement program that assists U.S. workers who have lost or may lose their jobs because of foreign trade.

The TAA program seeks to provide adversely affected workers with opportunities to obtain the skills, credentials, resources, and support necessary to become reemployed. TAA Program benefits available to eligible workers vary depending on whether the workers are covered by the provisions of the Trade Act enacted in 2002 (2002 Program), 2009 (2009 Program), 2011 (2011 Program), or 2015 (2015 Program).¹

In addition, all workers covered by a TAA certification are eligible for employment and case management services including:

- basic and individualized career services² through:
 - the TAA Program; and
 - through and in coordination with adult and dislocated worker programs authorized under WIOA Title IB; and
- employment services authorized under the Wagner-Peyser Act, as amended by WIOA Title III.³

¹ Refer to [APPENDIX I](#) for a side-by-side comparison of TAA Program benefits under the 2002, 2009, 2011, and 2015 Programs

² Career services are defined in WIOA Sec. 134(c)(2)(A) *et seq.*

³ TEGL 05-15

The Nebraska Department of Labor (NDOL) is responsible for administering the TAA Program in Nebraska.

CHANGES

[Section IV](#) of this policy has been revised to provide clarification on the expenditure limitation for training services.

ACTION

This policy supersedes and cancels the following NDOL policies:

- Interim Policy on the Trade Adjustment Assistance Program under the Trade Act of 2002 (Rev. 9/22/2015);
- Interim Policy on the Trade Adjustment Assistance under the Trade Globalization Adjustment Assistance Act of 2009 (Rev. 9/22/2015); and
- Interim Policy on the Trade Adjustment Assistance Program under the Trade Adjustment Assistance Extension Act of 2011 (Rev 9/22/2015).

This policy is final after a ten (10) day review period. Questions and comments must be submitted in writing to the WIOA policy mailbox at ndol.wioa_policy@nebraska.gov.

NDOL must administer its TAA Program in accordance with applicable authorizing Federal statutes, directives, and guidance issued by the U.S. Department of Labor (the Department) for the 2002, 2009, 2011, and 2015 TAA programs, in addition to the Combined State Plan for Nebraska's Workforce System, July 1, 2016 through June 30, 2020 (Combined State Plan).⁴

POLICY

This purpose of this policy is to:

- identify the statutes authorizing the implementation of NDOL's TAA program;
- identify the guidance and operating instructions issued by the Department that govern the implementation of NDOL's TAA program;
- establish requirements relating to co-enrollment of workers covered by TAA certifications in adult and dislocated worker programs authorized under WIOA Title IB; and
- establish funding limits for training services for workers covered by TAA certifications.

⁴ The Combined State Plan is accessible on NDOL's WIOA Manuals, Plans, and Reports page at <http://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/ManualsPlansReports>.

This policy is organized into four (4) sections and three (3) appendices.

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Section I. TAA Program Authorizing Statutes

The original authorizing statute for the TAA program is Trade Act of 1974 (Trade Act). The Trade Act has been amended many times since its enactment in January 1975.⁵

NDOL must implement its TAA program in accordance with the statutes identified in [APPENDIX II](#) and with the requirements of the Combined State Plan.

Section II. TAA Program Directives and Guidances

NDOL must implement its TAA program in accordance with the directives and guidances identified in [APPENDIX III](#) and with the requirements of the Combined State Plan.

Section III. Co-enrollment of Workers covered by TAA Certifications

Workers covered by TAA Certifications must be co-enrolled in the applicable local workforce development area (local area) WIOA Title IB Dislocated Worker Program.⁶

NDOL TAA Program staff and local area staff must coordinate service delivery, including coordination of funds, to workers covered by TAA Certifications.

Section IV. Expenditure Limitation for Training Services

NDOL has established an expenditure limitation for training services provided to workers covered by TAA Certifications.

- No more than \$20,000 may be expended for training services for an individual worker covered by a TAA Certification.
- Costs for allowable travel, relocation, job search assistance, etc., are not included in the calculation of this \$20,000 expenditure limitation.

⁵ Refer to [APPENDIX II](#) for list of statutes amending the Trade Act of 1974

⁶ See NDOL's current policy on co-enrollment and common exit.

Requests to exceed this expenditure limitation may be considered.

All requests to exceed this expenditure limitation must be approved by the Commissioner of the Nebraska Department of Labor prior to exceeding this limitation.

DISCLAIMER

This policy is based on NDOL's reading of the applicable statutes, regulations, rules, and guidance released by the U.S. Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.

APPENDIX I. Side-by-Side Comparison of TAA Program Benefits under the 2002, 2009, 2011, and 2015 Programs⁷

Benefit	2002 Program	2009 Program	2011 Program	2015 Program
<p><u>Group Eligibility:</u> Defines the worker group that is eligible to apply for and potentially receive benefits through the TAA program.</p>	<ul style="list-style-type: none"> ▪ Manufacturing sector workers ONLY <hr/> <p>Workers who have lost their jobs because their company's decline in production and/or sales was due to increased imports or to the outsourcing of jobs to a country with which the U.S. has a Free Trade Agreement.</p>	<ul style="list-style-type: none"> ▪ Manufacturing sector workers ▪ Service sector workers ▪ Public sector workers <hr/> <p>Workers who work in a firm that has been identified by the International Trade Commission as a domestic industry that has been injured/is a party to a market disruption.</p> <hr/> <p>Workers who have lost their jobs because their company's decline in production and/or sales was due to increased imports or to outsourcing to ANY country.</p>	<ul style="list-style-type: none"> ▪ Manufacturing sector workers ▪ Service sector workers <hr/> <p>Workers who work in a firm that has been identified by the International Trade Commission as a domestic industry that has been injured/is a party to a market disruption.</p> <hr/> <p>Workers who have lost their jobs because their company's decline in production and/or sales was due to increased imports or to outsourcing to ANY country.</p>	<p>[Same as 2011]</p> <ul style="list-style-type: none"> ▪ Manufacturing sector workers ▪ Service sector workers <hr/> <p>Workers who work in a firm that has been identified by the International Trade Commission as a domestic industry that has been injured/is a party to a market disruption.</p> <hr/> <p>Workers who have lost their jobs because their company's decline in production and/or sales was due to increased imports or to outsourcing to ANY country.</p>
<p><u>Trade Readjustment Allowance (TRA):</u> Income support available in the form of weekly cash payments to workers who are enrolled in a full-time training course.</p>	<p>Up to 104 weeks of TRA available to workers enrolled in full-time training.</p> <p>OR</p> <p>Up to 130 weeks of TRA available to workers enrolled in remedial training.</p> <p>Must enroll in training within 8 weeks of certification or 16 weeks of layoff.</p>	<p>Up to 130 weeks of TRA available to workers enrolled in full-time training.</p> <p>OR</p> <p>Up to 156 weeks of TRA available to workers enrolled in remedial training.</p> <p>Must enroll within 26 weeks of either certification or layoff.</p>	<p>Up to 130 weeks of TRA available to workers enrolled in full-time training, the last 13 of which are only available if needed for completion of a training program and training benchmarks are met.</p> <p>Must enroll within 26 weeks of either certification or layoff.</p>	<p>[Same as 2011]</p> <p>Up to 130 weeks of TRA available to workers enrolled in full-time training, the last 13 of which are only available if needed for completion of a training program and training benchmarks are met.</p> <p>Must enroll within 26 weeks of either certification or layoff.</p>

⁷ U.S. Department of Labor, "Side-by-Side Comparison of TAA Program Benefits under the 2002 Program, 2009 Program, 2011 Program, and 2015 Program," <https://www.doleta.gov/tradeact/pdf/side-by-side.pdf> (access May 24, 2017)

Benefit	2002 Program	2009 Program	2011 Program	2015 Program
<u>Training Waivers:</u> Basic TRA is payable if an individual participates in TAA training OR is under a waiver of the requirement to participate in training. Training may be determined not feasible or appropriate and waived as a requirement for basic TRA eligibility for the following reasons:	1.The worker will be recalled to work reasonably soon; 2.The worker has marketable skills for suitable employment and a reasonable expectation of employment in the foreseeable future; 3.The worker is within two years of eligibility for a pension or social security; 4.The worker is unable to participate in or complete training due to a health condition; 5.No training program is available; 6.An enrollment date is not immediately.	1. The worker will be recalled to work reasonably soon; 2. The worker has marketable skills for suitable employment and a reasonable expectation of employment in the foreseeable future; 3. The worker is within two years of eligibility for a pension or social security; 4. The worker is unable to participate in or complete training due to a health condition; 5. No training program is available; 6. An enrollment date is not immediately.	1.The worker is unable to participate in or complete training due to a health condition; 2.No training program is available; 3.An enrollment date is not immediately available.	[Same as 2011] 1.The worker is unable to participate in or complete training due to a health condition; 2.No training program is available; 3.An enrollment date is not immediately available;
<u>Training Funding:</u> Funds to states to pay for TAA training	\$220 Million Statutory Cap Applies to Training Funds Only	\$575 Million Statutory Cap Applies to Training Funds Only	\$575 Million Statutory Cap Applies to Training, Job Search and Relocation Allowances, Case Management and Employment Services, and related State Administration	[New Amount] \$450 Million Statutory Cap Applies to Training, Job Search and Relocation Allowances, Case Management and Employment Services, and related State Administration
<u>State Administration Funding:</u> Funds to states to pay for state administration of TAA benefits, not administration of TRA or ATAA/RTAA (covered by UI Funding Agreement)	An additional 15% above the amount provided for training is available for State Administration.	An additional 15% above the amount provided for training is available for State Administration, and Case Management and Employment Services	No more than 10% of the amount provided may be spent for State Administration	No more than 10% of the amount provided may be spent for State Administration
<u>Job Search and Relocation Allowances Funding:</u> Funds to states to pay allowances.	Additional funds are available for Job Search and Relocation Allowances.	Additional funds are available for Job Search and Relocation Allowances	Not applicable	Not applicable

Benefit	2002 Program	2009 Program	2011 Program	2015 Program
<p><u>Case Management Funding:</u> Funds to states to pay for TAA case management and employment services.</p>	No funds are available for TAA Case Management and Employment Services.	<p>At least 1/3 of these funds must be used for TAA Case Management and Employment Services</p> <p>States also receive \$350,000/year for TAA case management and employment services</p>	<p>No less than 5% of the amount provided may be spent for TAA Case Management and Employment Services</p> <p>DOL may recapture states' Fiscal Year funds that remain unobligated after two or three FYs and distribute such funds to states in need of funds, if authorized under FY appropriation.</p>	<p>No less than 5% of the amount provided may be spent for TAA Case Management and Employment Services</p> <p>DOL may recapture states' Fiscal Year funds that remain unobligated after two or three FYs and distribute such funds to states in need of funds, if authorized under FY appropriation.</p>
<p><u>Job Search Allowance:</u> A cash allowance provided to workers who cannot find an available job within the commuting area (e.g. 50 miles). Used to cover transportation costs, etc.</p>	90% of allowable job search costs, up to a maximum of \$1,250.	100% of allowable job search costs, up to a maximum of \$1,250.	90% of allowable job search costs, up to a maximum of \$1,250, available if the state elects to provide the benefit.	[Same as 2011] 90% of allowable job search costs, up to a maximum of \$1,250, available if the state elects to provide the benefit.
<p><u>Relocation Allowances:</u> A cash allowance provided to workers who have to accept a job outside of their commuting area and relocate.</p>	90% of allowable relocation costs, plus an additional lump sum payment of up to \$1,250.	100% of allowable relocation costs, plus an additional lump sum payment of up to \$1,500.	90% of allowable relocation costs, plus an additional lump sum payment of up to \$1,250, available if state elects to provide the benefit.	90% of allowable relocation costs, plus an additional lump sum payment of up to \$1,250, available if state elects to provide the benefit.
<p><u>Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance:</u> A wage supplement provided to eligible workers over the age of 50 that supplement a portion of the wage difference between their new wage and their old wage (up to a specified maximum amount).</p>	<p><u>Alternative Trade Adjustment Assistance:</u></p> <ul style="list-style-type: none"> ▪ Requires a separate group certification; ▪ Available to workers earning less than an annual salary of \$50,000; ▪ Maximum total ATAA benefit of up to \$10,000; ▪ Reemployed within 26 weeks of separation; ▪ Reemployed in full time employment; ▪ Training benefit NOT available. 	<p><u>Reemployment Trade Adjustment Assistance:</u></p> <ul style="list-style-type: none"> ▪ Does not require a separate group certification; ▪ Available to workers earning less than an annual salary of \$55,000; ▪ Maximum total income support (RTAA and TRA) benefit of \$12,000; ▪ Reemployed with no deadline; ▪ Reemployed in full-time or part-time employment in combination with approved training; ▪ Training benefit is also available. 	<p><u>Reemployment Trade Adjustment Assistance:</u></p> <ul style="list-style-type: none"> ▪ Does not require a separate group certification; ▪ Available to workers earning less than an annual salary of \$50,000; ▪ Maximum total income support (RTAA and TRA) benefit of \$10,000; ▪ Reemployed with no deadline; ▪ Reemployed in full-time or part-time employment in combination with approved training; ▪ Training benefit is also available. 	<p>[Same as 2011] <u>Reemployment Trade Adjustment Assistance:</u></p> <ul style="list-style-type: none"> ▪ Does not require a separate group certification; ▪ Available to workers earning less than an annual salary of \$50,000; ▪ Maximum total income support (RTAA and TRA) benefit of \$10,000; ▪ Reemployed with no deadline; ▪ Reemployed in full-time or part-time employment in combination with approved training; ▪ Training benefit is also available.

Benefit	2002 Program	2009 Program	2011 Program	2015 Program
<u>Health Coverage Tax Credit:</u> A tax credit offered to eligible TAA recipients to help pay for qualified health insurance premiums of the worker and their family.	72.5% of qualifying health insurance premium costs.	72.5% of qualifying health insurance premium costs.	72.5% of qualifying health insurance premium costs.	72.5% of qualifying health insurance premium costs.

APPENDIX II. Trade Adjustment Assistance for Workers Programs: Amending Statutes⁸

Year	Law Amending the Trade Act of 1974	The TAA Program, as Amended by this law	Effective Dates of Amendments	Explanation
2002	Trade Adjustment Assistance Reform Act of 2002 (TAA Reform Act)	The Trade Act of 1974, title II, chapter 2, as amended in 2002 by the TAA Reform Act (2002 TAA Program)	Applies to petitions filed: 1. Between November 4, 2002 and May 18, 2009; and 2. On or after February 15, 2011 through October 20, 2011* <i>*Some workers covered under these petitions may receive 2011 TAA Program benefits</i>	The President signed into law the Trade Adjustment Assistance Reform Act of 2002 (TAA Reform Act) on August 6, 2002. It reauthorized the TAA Program through fiscal year 2007.
2009	Trade and Globalization Adjustment Assistance Act of 2009 (the TGAAA)	The Trade Act of 1974, title II, chapter 2, as amended in 2009 by the TGAAA (2009 TAA Program)	Applies to petitions filed: 1. Between May 18, 2009 and February 14, 2011	The President signed into law the ARRA, which contained the TGAAA, on February 17, 2009. The Omnibus Trade Act of 2011 (Public Law 111-344) extended the 2009 Amendments for six weeks.
2011	Trade Adjustment Assistance Extension Act of 2011 (TAAEA)	Trade Act of 1974, title II, chapter 2, as amended in 2011 by the TAAEA	Applies to petitions filed: 1. On or after October 21, 2011* <i>*Some workers covered under petitions filed on or after February 15, 2011 through October 20, 2011 may be eligible for 2011 TAA Program benefits</i>	The President signed into law the TAAEA on October 21, 2011.
2015	Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)	Trade Act of 1974, title II, chapter 2, as amended in 2015 by the TAARA 2015 (2015 Program)	Applies to petitions filed: 1. On or after June 29, 2015* <i>*OTAA will automatically reconsider negative determinations (denials) of petitions filed on or after January 1, 2014, and before June 29, 2015; and, will investigate petitions filed during that period for which a determination has not yet been issued, and make a determination under the 2015 Program criteria.</i>	The President signed into law the TAARA 2015 on June 29, 2015.

⁸ U.S. Department of Labor, “Trade Adjustment Assistance for Workers Programs: Statutes,” <https://www.doleta.gov/tradeact/statutesregs.cfm> (accessed May 24, 2017)

APPENDIX III. Trade Act Programs: Directives and Guidances⁹

Directives and Guidances for Trade Act Programs
UIPL 01-17: Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance (TAA) Recipients and Alternative TAA (ATAA) and Reemployment TAA (RTAA) Recipients)
TEGL 12-16: Questions and Answers on the Effects of Strikes and Lockouts on Eligibility for Trade Adjustment Assistance (TAA) and Trade Readjustment Allowance (TRA)
TEN 08-16: Implementation of an Integrated Performance Reporting System for Multiple Employment and Training Administration (ETA) and Veterans' Employment and Training Service (VETS) Administered Programs
TEGL 03-16: Second Distribution of Fiscal Year (FY) 2016 Trade Adjustment Assistance (TAA) Training and Other Activities Funds and the Process for Requesting TAA Program Reserve Funds
TEGL 02-16: Revised ETA-9130 Financial Report, Instruction, and Additional Guidance
TEN 25-15: Reinstatement of the Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance (TAA) Recipients and Alternative TAA (ATAA) and Reemployment TAA (RTAA) Recipients
TEGL 21-15: Fiscal Year (FY) 2016 State Initial Allocations for Trade Adjustment Assistance (TAA) Training and Other Activities and the Process for Requesting TAA Reserve Funds
TEGL 05-15: Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)
TEGL 05-15 Change 1: to the Trade Adjustment Assistance (TAA) Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)
TEN 23-14: How-To-Guide for Completing a Petition for the Trade Adjustment Assistance (TAA) Program and Partnering with Rapid Response Teams to Improve the Quality of State-Filed Petitions
UIPL 07-14: Expiration of the Health Coverage Tax Credit (HCTC) for Eligible Trade Adjustment Assistance (TAA) Recipients
TEGL 04-14: Trade Adjustment Assistance Data Integrity
TEGL 01-14: Second Distribution of Fiscal Year (FY) 2014 Trade Adjustment Assistance (TAA) Training and Other Activities Funds and the Process for Requesting TAA Program Reserve Funds
TEGL 27-13: Impact of the U.S. Supreme Court's Decision in United States v. Windsor on the Trade Adjustment Assistance Program
TEN 15-13: Expiration of the Health Coverage Tax Credit (HCTC) Program for Eligible Trade Adjustment Assistance (TAA) Recipients and Eligible Alternative TAA (ATAA/RTAA) Recipients or Eligible Pension Benefit Guaranty Corporation (PBG) Recipients
TEGL 07-13: Operating Instructions for Implementing the Sunset Provisions of the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011 (TAAEA or the 2011 Amendments)
TEGL 15-12: Delivery of Benefits and Services to Trade Adjustment Assistance (TAA) Program Recipients through the American Job Center Network Delivery System
TEGL 08-11: Availability of Equitable Tolling of Deadlines for Workers Covered Under Trade Adjustment Assistance (TAA) Certifications

⁹ U.S. Department of Labor, "Trade Act Programs: Directives and Guidances," <https://www.doleta.gov/tradeact/directives.cfm> (access May 24, 2017)