

# **BENEFIT RIGHTS AND RESPONSIBILITIES**

## **UNDER THE**

# **TRADE ADJUSTMENT ASSISTANCE PROGRAM**

## **2015 Law Provision (Petition Certification Numbers 85,000 +)**

TAA certified workers may access a specific menu of services, including but not limited to: training (for TAA participants that require retraining in order to obtain suitable employment), income support, wage subsidy for older workers, relocation allowances, job search allowances, and the Health Coverage Tax Credit (HCTC).

### **TRAINING**

TAA certified workers who do not have the skills to secure suitable employment in the existing labor market may be eligible for training. **Suitable employment is defined as a job at the same or higher skill level that pays as close to or exceeding 80% of the wages earned at the past adversely affected employment.**

Training is targeted to a specific occupational goal and is provided to help certified workers secure suitable employment. The maximum duration of training is up to 130 training weeks.

The training may be full-time or part-time, and may include:

- Occupational Skills Training (OST)
- On-the-Job (OJT) Training
- Apprenticeship Training
- Employer Based Customized Training
- Prerequisite Training (Adult Basic Education (ABE)/High School Equivalency (HSE))
- Remedial Training

In order for an individual to receive training, the following criteria must be met:

- There is no suitable employment available to the worker
- The worker would benefit from appropriate training - the worker will be job ready at the end of training
- There is a reasonable expectation of employment following successful completion of the training
- The training must be reasonably available to the worker from either governmental or private sources (other than the worker and their family)
- The worker is qualified to undertake and complete the training, including having adequate financial resources available to complete the training when income support is exhausted
- The training is suitable and available at a reasonable cost

It is important to note that if the length of the training program the participant is interested in exceeds the length of their potential eligibility for income support, the training program may not be approved.

Training may be full or part time as defined by the training institution. However, TRA income support benefits are only available to training participants enrolled at full time status, as defined by the training institution. If a participant elects part-time training or drops below the level considered full time by the training institution, the participant may place TAA training and TRA benefits at risk.

Training is also available pre-separation. Workers who are under the threat of layoff from a TAA certified employer, may access the TAA training benefit prior to being fully separated from employment. However, it is important to note that if the threat of layoff is removed (employer offers continual employment, the worker voluntarily quits or is terminated for any reason other than layoff) the worker will be removed from training.

The cost of participant's training program includes all tuition, fees, books, and required supplies (materials, tools, equipment, and uniforms) listed in the syllabus as a requirement for each participant in the training program.

**Only one training plan is allowed per TAA certification**

## WAIVER FROM TRAINING (Protects potential TRA eligibility)

Under certain circumstances, eligible workers may be temporarily waived from participating in training. Workers must be enrolled in or waived from training within 26 weeks of the separation or certification date, whichever is later. It is important to note, TAA participants must be in one of three categories in order to potentially be eligible for TRA income support benefits:

- Waived from the TAA training requirement -OR-
- Enrolled\* or participating full time in an approved TAA Training plan -OR-
- Successfully completed TAA training plan (TRA-B ONLY)

\* To be "enrolled" in a TAA training plan, a participant must meet **all three** of the following criteria:

- Training plan has been approved by the State (Indiana Trade Adjustment Assistance (TAA) Unit), and
- Be accepted in the approved training program at the training institution, and
- The approved training program begins within thirty days of the TAA training plan approval by the TAA Unit.

Participant's local WorkOne staff will evaluate their individual reemployment situation, and assess their eligibility/readiness for training. Criteria established by the United States Department of Labor for the approval of a Waiver from Training include:

- The worker is unable to participate in training due to health reasons. However, the basis of this waiver does not exempt a worker from the availability for work, active search for work, or refusal to accept work requirements under Federal or State unemployment compensation laws
- The first available enrollment date for the worker's approved training is within sixty (60) days after the approval of the waiver, or, if later there are extenuating circumstances for the delay in enrollment
- Approved training is not reasonably available to the worker from either governmental agencies or private sources (which may include area vocational education schools and employers), no suitable training for the worker is available at reasonable cost, or no training funds are available

TAA sets specific requirements that once the Waiver from Training is issued, it must be reviewed **every 28-days** by WorkOne staff and the participant to determine whether the reason for the Waiver from Training still exists under program requirements. If during a 28-day check in it is determined that the reason for waiver is no longer valid (i.e. interest in training is removed) and no other appropriate waiver reason is available, the waiver will be revoked and TRA benefits will cease.

You, the participant, are required to make contact with the WorkOne case manager every 28-days to review the Waiver from Training, and discuss the next logical step in your path to reemployment. **Failure to engage with the WorkOne case manager every 28-days could be cause for revocation of the Waiver from Training, placing any future TRA benefits at risk.**

## TRADE READJUSTMENT ALLOWANCE (TRA)

- You may be eligible for up to 26-Weeks of Unemployment Insurance (UI)
- You may be eligible for up to 52-Weeks of **Trade Readjustment Allowance - Basic (TRA-B) (minus any UI entitlement, regardless of the amount of UI received. Your total of regular UI and TRA received cannot exceed a total of 52 weeks of benefits).**

To receive TRA-B you must be:

- Waived from the TAA training requirement -OR-
- Enrolled\* or participating full time in an approved TAA Training plan -OR-
- Successfully completed TAA training plan (TRA-B ONLY)

\* To be "enrolled" in a TAA training plan, a participant must meet **all three** of the following criteria:

- Training plan has been approved by the State (Indiana Trade Adjustment Assistance (TAA) Unit), and
- Be accepted in the approved training program at the training institution, and
- The approved training program begins within thirty days of the TAA training plan approval by DWU.

- You may be eligible for up to 65 weeks (within a 78-week time frame) of **Trade Readjustment Allowance - Additional (TRA-A)** if you are participating in full time approved TAA training each week. In other words, once you become eligible, the clock starts and counts down for 78 weeks. If you receive benefits greater than \$0 in a week, it counts as one week of payment.

These benefits cease:

- Any time there is a break in training in excess of 30-training days; or
  - Anytime the participant schedule drops below full time status; or
  - The week the training is completed.
- You may be eligible for up to 13-weeks of **Trade Readjustment Allowance - Completion (TRA-C)** for a total of up to 130-weeks of income support. TRA-C is only available for consideration during a 20-week time frame dated back from the training plan's END date; even then, it is only available for 13 weeks out of the 20-week period. The participant is participating in training each week (TRA benefits are not payable during any break in training while on TRA-C benefits.)

It is important to note, most workers will not have a full 130-weeks of income support available at the beginning of training; rather most will have used some weeks of income support, such as 26-week unemployment insurance, before the first week of training occurs. Earnings or income (such as, pension, severance, vacation pay, wages, etc.) could reduce/offset the amount of potential TRA benefits. A break in TAA approved training that exceeds 30 days will terminate TRA weekly benefits. A claimant may be permitted to continue to be paid TRA benefits after a 30-day break in training as long as the break occurred due to a justifiable cause and the claimant meets all other eligibility requirements. Requested breaks in training must be submitted to and approved by the TAA Unit.

#### **REQUIREMENTS FOR TRA-COMPLETION (TRA-C)**

TRA-C may be available if:

- The requested weeks are necessary for the participant to complete a TAA approved training program that leads to completion of a degree/industry recognized credential; **-and-**
- The participant is participating in training in each week; **-and-**
- The participant has substantially met the performance benchmarks established in the participant's approved training program, this must be documented in the participant's Individual Employment Plan (IEP) **-and-**
- The participant is expected to continue to make satisfactory progress toward the completion of approved training; **-and-**
- The participant will be able to complete training during the period authorized for receipt of TRA- Completion.

In order to be potentially eligible for TRA benefits, the participant must:

- Be an adversely affected worker under a current TAA certification
- Be laid off due to lack of work in adversely affected employment
- Have been employed for 26-weeks of the previous 52-weeks at a TAA certified employer at wages of \$30.00 or more per week
- Exhaust their regular Unemployment Insurance Benefits
- Complete an application for TRA; **-and-**
- Be enrolled in an approved TAA training or on a Waiver from Training by the end of the 26th week after the TAA petition was certified **-or-** by the end of the 26th week after participant's qualifying separation date, whichever is later.

#### UNDER SPECIAL CIRCUMSTANCES

- Be waived from the TAA training requirement. However, participant must be granted a waiver by the latter of the end of the 26th week after the petition has been certified or by the end of the 26th week after their separation from the Trade Act certified employer.

## THE AMOUNT OF POTENTIAL TRA BENEFITS

If participant qualifies for TRA, the weekly amount of TRA benefits will be based on the unemployment insurance claim in effect at the time of the first qualifying separation from the adversely affected employment. Unemployment Insurance (UI) and TRA income support benefit amounts will be reduced by any earnings or other income (including pensions) participant receives. The date in which UI can be drawn may be impacted by the amount of deductible income received. Reference <http://www.in.gov/dwd/2334.htm> online and click on "Claimant Handbook" on the left side of screen for more information.

## TRA ELIGIBILITY PERIOD

If participant qualifies for TRA and meets the 26/26-week enrollment in or waiver from training deadline, participant will potentially have up to a 104-week eligibility period in which participant could potentially be eligible for TRA-B benefits. This period will begin with the first week immediately following the week in which participant's last qualifying separation occurs.

## IMPACT OF ON-THE-JOB TRAINING (OJT) ON TRA BENEFITS

On-the-Job Training consists of job training that occurs at a firm (or employer) where the trainee is employed by that firm. A bona fide job offer must be made prior to the consideration of an On-the-Job Training plan.

On-the-Job Training pays not more than 50% of the wage rate of the participant to the Training Provider (i.e. the employer). Duration of the OJT plan must be within the same approvable time frame as a traditional training plan. A participant may **not** receive TRA for any week in which they are engaged in on-the-job training.

## IMPORTANT!

The rules regarding Unemployment Insurance (UI) benefits and Trade Readjustment Allowance (TRA) benefits can be confusing. A few basic rules apply:

1. Unemployment Insurance - (UI) weekly benefits are paid first. These benefits and any other temporary federal UI extensions must be exhausted before TRA (federal benefits) can be paid. You must file an Unemployment Insurance (UI) claim each quarter to determine whether a new UI claim can be established. If a new claim is established, your Trade Readjustment Allowance TRA (federal benefits) may stop and you may have to collect benefits from the Unemployment Insurance claim. Otherwise, you may be eligible to choose whether to collect benefits from your UI claim or TRA claim. Please contact your WorkOne case manager for additional information if your new UI establishes.

**NOTE:** *The weekly amount of the new Unemployment Insurance (UI) claim may be lower than the Trade readjustment Allowance (TRA) amount. If this occurs, please contact your WorkOne case manager.*

When the Unemployment Insurance (UI) claim exhausts, your TRA benefits may resume.

2. **Trade Readjustment Allowance - Basic (TRA-B)** benefits are paid until;

- They are exhausted **-or-**
- Your waiver expires **-or-**
- You obtain suitable employment **-or-**
- You reach the end of your eligibility period.

3. **Trade Readjustment Allowance - Additional (TRA-A)** benefits are up to 65 weeks (within a 78-week time frame) if you are participating in full time approved TAA training each week. In other words, once you become eligible, the clock starts and counts down for 78 weeks. If you receive benefits greater than \$0 in a week, it counts as one week of payment.

4. **Trade Readjustment Allowance - Completion (TRA-C)** benefits are available only for individuals who are making satisfactory progress and are within the last 20 weeks of completion of the TAA approved training program. Participants may be eligible to receive only 13-weeks of additional benefits if all eligibility requirements are met.



Please review your Uplink CSS Home Page each week. A notice will appear on your home page if your Unemployment Insurance (UI) expiration date occurs during the period you are receiving TRA benefits. If this happens, follow the instructions to open/re-qualify for a new Unemployment Insurance (UI) claim.

### **DISQUALIFICATIONS FROM TRA WHILE IN AN APPROVED TAA TRAINING PLAN**

- TRA benefit payments are administered under the provisions outlined in Indiana Unemployment Insurance (UI) law. As such, any cause for denial of Unemployment Insurance (UI) benefits, would likely be cause for reduction or denial of UI benefits may cause the reduction or denial of TRA payments.
- Any and all absences from training could potentially place income support benefits at risk.
- You may be waived from the Unemployment Insurance (UI) work search requirements while you are participating in an approved TAA training plan. You may, if circumstances warrant, and with pre-approval from your local WorkOne Staff, quit **unsuitable** employment if it is reasonable and necessary for you to do so in order to begin or continue an approved TAA training plan.
- You must be enrolled in, and not more than 30-days away from starting an approved TAA training plan, prior to quitting **unsuitable** employment.
- Once you begin an approved TAA training plan, you must continue in that approved TAA training plan, and make suitable progress, in order to receive Trade Readjustment Allowance (TRA) benefits.
- If you fail to begin an approved TAA training plan, you will lose all rights to TRA, but may begin training at a later date. If you quit school, you will lose all TAA training related and TRA income support benefits.

### **OUT-OF-AREA JOB SEARCH ALLOWANCES**

Job Search allowances may be payable to cover expenses incurred in seeking employment (a job interview or other directed job search activity) outside the State of Indiana's defined commuting distance of 25-miles from participant's residence. Job Search Allowances may reimburse 90% of the total costs of allowable travel and subsistence, up to a total of \$1,250.00. The WorkOne staff will provide the federal allowable rates and the proper application for job search allowances.

Criteria established by the United States Department of Labor for the approval of Job Search Allowances include:

- The application for Job Search Allowances must be made in advance of job interview (pre-notification is required)
- Applications must be filed in a timely manner
- The time limitations for applying for job search allowances are:
  - 365-days after the petition certification date or participant's qualifying layoff date (whichever is later) **-or-**
  - 182-days (6 months) after the completion of participant's training
- A determination is required to be made by the WorkOne staff that the customer has no reasonable expectation of securing suitable employment in the commuting area, and has a reasonable expectation of obtaining suitable employment of long-term duration outside the commuting area (greater than 25-miles from participant's residence) and in the area where the job search will be conducted
- Completion of the job search within a reasonable period not exceeding 30-days from when the job search began
- The WorkOne staff verifies that a bona fide job search activity occurred (proof required from employer conducting the interview, job fair, etc.) with employers scheduled by the customer

Additional requirements:

- Proof identifying the need for job search activities outside the normal commuting distance of 25-miles from participant's residence
- Travel must be by the least expensive public transportation or mileage method, for the shortest duration of time
- Participant may be paid up to 50% of the allowable federal rates for lodging and meals

## **OUT-OF-AREA RELOCATION ALLOWANCES**

Relocation allowances may reimburse approved expenses when certified workers must move to a new area for employment. Relocation Allowances may reimburse 90% of the reasonable and necessary expenses of moving workers who have secured employment outside the State of Indiana's defined commuting distance of 25-miles from participant's residence. A lump sum payment of up to \$1,250.00 may be authorized. The WorkOne staff will provide the proper application for relocation allowances.

Criteria established by the United States Department of Labor for the approval of Relocation Allowances include:

- The application for Relocation Allowances must be made in advance of the relocation (pre-notification is required)
- Applications must be filed in a timely manner
- Relocation must be concluded within 182-days of the pre-notification
- The time limitations for applying for relocation allowances are:
  - 425-days after the petition certification date or participant's qualifying lay off date (whichever is later) **-or-**
  - 182-days (6 months) after the completion of participant's training
- A determination is required to be made by the WorkOne Staff that the customer:
  - Has no reasonable expectation of securing suitable employment in the commuting area of 25-miles from participant's residence and
  - Has obtained suitable employment, affording a reasonable expectation of long-term employment or a bona fide offer of such suitable employment outside the commuting area of 25-miles from participant's residence, in the area of intended relocation.
- Applications for Relocation Allowances and Job Search Allowances may not be approved concurrently. However, the prior payment of Job Search Allowances shall not otherwise preclude the payment of a Relocation Allowance.

## **HEALTH COVERAGE TAX CREDIT (HCTC)**

TAA certified workers who are eligible to receive income support under the TAA program may be eligible to receive tax credits for 72.5% of the monthly health insurance premiums they pay. HCTC is anticipated to be retroactive to 01JAN2014.

HCTC is administered by the Internal Revenue Service (IRS). Please visit the Internal Revenue Service's website ([www.irs.gov/HCTC](http://www.irs.gov/HCTC)) for up to date information regarding program benefits, the possibility of claiming this tax credit, and for eligible time frames.

## REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE (RTAA)

Reemployment Trade Adjustment Assistance (RTAA) program benefits are provided to TAA-certified workers age 50 or older. Participation in RTAA allows older workers to accept reemployment at a lower wage and receive a wage subsidy to help bridge the salary gap between their old and new employment. RTAA allows the participant the flexibility to work full time (35 or more hours per week), or to work part-time (20-hours per week) if engaged in a TAA approved training plan.

Under the RTAA program, participants are at least 50-years of age when they obtain new qualifying employment - OR - have obtained reemployment earlier but still must be 50+ years old when applying for the RTAA benefit. A participant may receive half of the difference between their annualized separation wages and their annualized reemployment wages. The wage subsidy benefit is a maximum of \$10,000 or for the standard eligibility period of two years; whichever occurs first.

To be eligible for RTAA you must apply for the RTAA benefit within the first 2-years of qualifying reemployment. RTAA 2-year (104 week) eligibility periods begins on:

- The date of qualifying reemployment; OR
- The date in which the Unemployment Insurance (UI) claim is exhausted, whichever comes first; OR
- If you received Trade Readjustment Allowance (TRA), the eligibility period begins on the date of reemployment, however, the total subsequent TRA weeks collected are deducted from the RTAA eligibility weeks up to 104 weeks (2 years). Your maximum benefit amount will also be reduced by any TRA received.

To be eligible for the RTAA program, participants may not earn more than \$50,000 per year in the new employment. In addition, the participant group must be certified as eligible to apply for TAA benefits and meet other RTAA eligibility criteria. Once a participant is approved for RTAA, they may not receive TRA income support; however they may be eligible for other TAA benefits.

Applications for RTAA benefits can be obtained through the local WorkOne staff.

## EMPLOYMENT AND CASE MANAGEMENT SERVICES

In addition to the benefits mentioned previously, all TAA-certified workers are eligible to receive the following case management services to assist workers in securing suitable and sustainable employment:

- **Comprehensive Assessments**- *in-depth interviewing, assessments, and evaluation of training and/or employment barriers*
- **Development of an Individual Employment Plan (IEP)**- *development of goals and objectives for training and/or employment*
- **Information on Available Training Programs/Providers**- *information on area training providers, application and admission requirements, and how to determine suitable training*
- **Financial Aid Information**- *assistance in filing for financial aid and identifying educational opportunity centers*
- **Short-term pre-vocational services**- *short-term training to address soft-skill needs to prepare workers for training and/or employment.*
- **Individual Job Search, Placement, and Career Counseling**- *One-on-one assistance needed to apply and access benefits through the TAA program for the purposes of job placement.*
- **Provision of local employment statistics information**- *information on job vacancy, job skills, and earning potential through local labor market needs*
- **Information on Available Community/Supportive Services**- *information on services related to child care, transportation, housing assistance, and other needs-related payments to support an individual gain employment or support a successful outcome of training.*

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# BENEFIT RIGHTS AND RESPONSIBILITIES ACKNOWLEDGMENT

Trade Adjustment Assistance (TAA) for Law Benefit Years 2002, 2009, 2011, and 2015

State Form 56417 (R2/ 4-19)

INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT

\*CONFIDENTIAL RECORD Pursuant to IC 22-4-19-6, IC 4-1-8

Name (Last, First, Middle Initial):

Last Four SSN\*

WorkOne Location

TAA Petition No.

Agent/Liable?

If Yes, Indiana is:

Second State:

Certification Date

(mm/dd/yyyy):

Separation Date

(mm/dd/yyyy):

## TRA DEADLINE

Twenty-Six (26) Weeks from

Certification Date (mm/dd/yyyy):

Twenty-Six (26) Weeks from

Separation Date (mm/dd/yyyy):

## ATTESTATION

I have reviewed the information contained in the Benefit Rights and Responsibilities with my WorkOne Case Manager. I understand the information contained in the Benefit Rights and Responsibilities and have had all of my questions as of now answered to my satisfaction. I understand that any future questions concerning the content of the Benefit Rights and Responsibilities or TAA related benefits should be addressed with my WorkOne Case Manager immediately. I understand that the contact information on file with WorkOne will be used to notify me of important details concerning benefits and services. I understand that it is my responsibility to promptly inform the WorkOne staff of any changes to my contact information; failure to update my contact information promptly could place my TAA related benefits at risk.

Print Worker Name

Signature of Worker

Date (mm/dd/yyyy)

Address (number and street)

City

State

ZIP Code

Telephone Number

Alternative Telephone Number

E-mail

By signing below, the case manager certifies, that they have reviewed the Benefit Rights and Responsibilities with the above named participant and that the participant has received a copy of the Benefit Rights and Responsibilities. The case manager is required to retain the original signed Benefit Rights and Responsibilities Attestation in the participant file and the participant is required to receive a signed copy of the Benefit Rights and Responsibilities Attestation form.

Print Case Manager Name

Signature of Case Manager

Date (mm/dd/yyyy)

Case Manager Telephone Number

Case Manager E-mail Address

**\*Confidentiality Statement and Notice Concerning the Use of the Information Provided:** The information requested by the Indiana Department of Workforce Development and the U.S. Department of Labor is authorized under Section 231 of the Trade Act of 1974, amended 2002, 2009, 2011, and 2015; Section 806 of the Social Security Act, and the Tax Reform Act of 1976 (42 U.S.C. § 405(c)(2)(C)(i)). Disclosure of your Social Security Account Number is mandatory pursuant to 42 U.S.C. § 405(c)(2)(C)(i) and in accordance with IC 4-1-8-1 and IC 4-1-8-2. All information provided will remain confidential in accordance with IC 22-4-19-6 except to the extent necessary to process this application or to meet other department obligations as required by IC 22-4-19-6, Section 303 of the Social Security Act, Federal Regulations, and other Indiana state provisions concerning the use of personal information.