

UNITED STATES DEPARTMENT OF LABOR  
Employment and Training Administration

TA-W-98,261

MEDTRONIC PLC  
METALS PROCESSING PLATFORM DIVISION  
WARSAW, INDIANA

Certification Regarding Eligibility  
To Apply For Worker Adjustment Assistance and  
Negative Determination Regarding Eligibility To Apply For  
Alternative Trade Adjustment Assistance

TRADE ADJUSTMENT ASSISTANCE

In accordance with Section 223 of the Trade Act of 1974, as amended ("the Act"), 19 U.S.C. § 2273, the Department of Labor ("Department") herein presents the results of an investigation regarding certification of eligibility to apply for Trade Adjustment Assistance ("TAA") for workers.

The group eligibility requirements for workers of a firm under Section 222(a) of the Act, 19 U.S.C. § 2272(a), are satisfied if the following criteria are met:

(1) a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) (B) (i) there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

(ii) (I) the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

(II) the country to which the workers' firm has shifted production of the articles is a beneficiary under the African Growth and Opportunity Act, or the Caribbean

Basin Economic Act; or

(III) there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision

The investigation was initiated in response to a Trade Adjustment Assistance for Workers (TAA) and Alternative Trade Adjustment Assistance (ATAA) petition dated April 14, 2022 and filed on April 13, 2022 by a State Workforce Office, on behalf of former workers of Medtronic PLC, Metals Processing Platform division, Warsaw, Indiana. In accordance with 20 CFR 618.110 a worker group is defined as, "...inclusive of teleworkers and staffed workers."

The group of workers is engaged in activities related to the production of implantable spinal devices and are not separately identifiable by article produced.

Workers of Medtronic PLC, Metals Processing Platform division, Warsaw, Indiana were covered under a previous determination under petition number TA-W-95,858 which expired April 23, 2022.

The petition alleges that worker separations, or threats thereof, were due to a shift in production to a foreign country.

During the course of the investigation, the Department collected information from the petitioner(s), the workers' firm, and other relevant sources.

Section 222(a)(1) has been met because 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.

Section 222(a)(2)(B) has been met because a partial shift in production of implantable spinal devices to a foreign country that is party to a Free Trade Agreement with the United States has occurred.

#### ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE

In accordance with Section 246 the Trade Act of 1974, as amended ("Act"), 19 U.S.C. § 2813, the Department herein presents the results of its investigation regarding certification of eligibility to apply for Alternative Trade Adjustment Assistance ("ATAA") for older workers.

The group eligibility requirements for workers of a firm under Section 246 (a) (3) (A) (ii) of the Trade Act are satisfied if the following criteria are met:

- (I) Whether a significant number of workers in the workers' firm are 50 years of age or older;
- (II) Whether the workers in the workers' firm possess skills that are not easily transferable; and
- (III) The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

The Department has determined that criterion (II), section 246(a)(3)(A)(ii)(II), has not been met because workers in the workers' firm possess skills that are easily transferable.

Conclusion

After careful review of the facts obtained in the investigation, I determine that workers of Medtronic PLC, Metals Processing Platform division, Warsaw, Indiana, engaged in activities related to the production of implantable spinal devices, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. § 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. § 2273, I make the following certification:

"All workers of Medtronic PLC, Metals Processing Platform division, Warsaw, Indiana, who became totally or partially separated from employment on or after April 24, 2022, through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended; and I further determine that all workers of Medtronic PLC, Metals Processing Platform division, Warsaw, Indiana, are denied eligibility to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974, as amended."

Signed in Washington, D. C. this 25<sup>th</sup> day of May, 2022.



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HOPE D. KINGLOCK  
Certifying Officer, Office of  
Trade Adjustment Assistance