

# **TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT OF 2009**

ASSISTANCE FOR WORKERS  
UNDER THE TRADE ACT OF 1974, AS AMENDED, BY THE  
TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE  
ACT OF 2009

**FOR PETITIONS FILED ON OR AFTER  
MAY 18, 2009**

This booklet is issued for information only.  
It does not have the force of law or regulation.



**pennsylvania**

DEPARTMENT OF LABOR & INDUSTRY

OFFICE OF UNEMPLOYMENT COMPENSATION BENEFITS

*Auxiliary aids and services are available upon request to individuals with disabilities.  
Equal Opportunity Employer/Program*

# **READ THIS BOOKLET**

## **Keep it for Reference**

This booklet was prepared to help inform you of your rights and responsibilities for worker benefits available under the Trade Act of 2009 (Trade Act of 1974, as amended by the Trade Act of 2009). It will answer many of the questions that you may have while filing for these benefits.

This booklet is for your general information. It is not intended to be a statement of the official Trade Act or of the Pennsylvania Unemployment Compensation (UC) Law. The statements are merely a brief description of the procedures and requirements under the law. If you have any questions after reading this booklet, contact the nearest Pennsylvania (PA) CareerLink® or UC Service Center.

The benefits described in this booklet apply only to petitions filed with the U.S. Department of Labor on or after May 18, 2009, and that have been certified.

# TABLE OF CONTENTS

IMPORTANT ADDRESSES, TELEPHONE NUMBERS & WEB SITES.....	1
THINGS TO REMEMBER.....	2
WHAT IS TRADE ADJUSTMENT ASSISTANCE?.....	4
APPLYING FOR TRADE ADJUSTMENT ASSISTANCE.....	4
OBTAINING A CERTIFICATION OF GROUP ELIGIBILITY.....	4
CERTIFICATION AND IMPACT DATE.....	4
APPLYING FOR A DETERMINATION OF ENTITLEMENT TO TAA BENEFITS.....	5
APPLYING FOR EACH TAA BENEFIT.....	5
REEMPLOYMENT BENEFITS.....	6
JOB SEARCH ALLOWANCE.....	6
RELOCATION ALLOWANCE.....	6
FUNDED TRAINING.....	7
TRADE READJUSTMENT ALLOWANCES.....	8
QUALIFYING REQUIREMENTS.....	8
IMPORTANT DEADLINES.....	8
WAIVERS.....	9
GENERAL WEEKLY REQUIREMENTS.....	9
BASIC TRADE READJUSTMENT ALLOWANCES.....	9
AMOUNT OF BASIC TRA BENEFITS.....	9
ELIGIBILITY PERIOD FOR BASIC TRA BENEFITS.....	10
DEDUCTIONS FROM TRA BENEFITS.....	10
WITHHOLDING FOR FEDERAL TAXES.....	10
ADDITIONAL TRADE READJUSTMENT ALLOWANCES.....	11
REMEDIAL/P REREQUISITE ADDITIONAL TRADE READJUSTMENT ALLOWANCES.....	11
PAYMENT OF BASIC AND ADDITIONAL TRA DURING BREAKS IN TRAINING.....	11
SPECIAL RULES FOR MILITARY RESERVE SERVICE.....	12
JOB PROSPECTS CLASSIFICATION.....	12
WEEKLY WORK SEARCH REQUIREMENTS.....	12
APPEAL RIGHTS.....	13
WORKER PETITION FOR GROUP ELIGIBILITY UNDER THE TRADE ACT.....	13
INDIVIDUAL CLAIMS FOR TAA BENEFITS UNDER THE PA UC LAW.....	13
RIGHT TO REPRESENTATION.....	14
WHAT WILL HAPPEN IF I AM OVERPAID BENEFITS?.....	14
INTERSTATE CLAIMANTS.....	14
FEDERAL HEALTH COVERAGE TAX CREDIT.....	15
FEDERAL HEALTH INSURANCE TAX CREDIT.....	15
REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.....	15
UCP-11B, TRADE ACT OF 2009, CERTIFICATION.....	16

## IMPORTANT ADDRESSES, TELEPHONE NUMBERS & WEB SITES

<b>USDOL Telephone, Fax and Web Site</b>	
U.S. Department of Labor Employment and Training Administration Office of Trade Adjustment Assistance 200 Constitution Avenue, N.W., Room C-428 Washington, DC 20210	Tel.: (202) 693-3560 Fax: (202) 693-3584
U.S. Department of Labor Web Site	<a href="http://www.doleta.gov">www.doleta.gov</a>
U.S. Department of Labor Petition Web Site	<a href="http://www.doleta.gov/tradeact/petitions.cfm">www.doleta.gov/tradeact/petitions.cfm</a>
U.S. Department of Labor Petition Status	<a href="http://www.doleta.gov/tradeact/determinations.cfm">www.doleta.gov/tradeact/determinations.cfm</a>
<b>PA UC and TRA Telephone, Fax and Web Site</b>	
Pennsylvania Department of Labor & Industry Federal Programs Unit 651 Boas Street, Room 604 Harrisburg, PA 17121-0750	Tel: (717) 787-4268 Fax: (717) 772-0378
Pennsylvania Department of Labor & Industry Web Site	<a href="http://www.uc.pa.gov">www.uc.pa.gov</a>
<b>PA UC Service Center Toll-Free Numbers</b>	
To File a New UC or TRA Claim	1-888-313-7284
TTY Services For The Deaf & Hard of Hearing	1-888-334-4046
To File Your Biweekly UC Claim	1-888-225-4728
TTY Services For The Deaf & Hard of Hearing	1-888-411-4728
<b>PA Training &amp; Reemployment Benefits and Services</b>	
TCS Unit 651 Boas Street, 12th Floor Harrisburg, PA 17121-0750	Tel: (717) 783-8050
PA CareerLink® Web Site	<a href="http://www.pacareerlink.state.pa.us">www.pacareerlink.state.pa.us</a>

## THINGS TO REMEMBER

File a petition with the U.S. Department of Labor by mail, Internet or fax\* to:

U.S. Department of Labor  
Employment and Training Administration  
Office of Trade Adjustment Assistance  
200 Constitution Avenue, N.W., Room C-5311  
Washington DC 20210

[www.doleta.gov/tradeact/petitions.cfm](http://www.doleta.gov/tradeact/petitions.cfm)

\*Fax: (202) 693-3584, 3585

On the same day, send a copy of the petition to the PA Department of Labor & Industry by mail or fax\* to:

PA Department of Labor & Industry  
Federal Programs Unit  
651 Boas St, Room 604  
Harrisburg, PA 17121  
\*Fax: (717) 772-0378

\*Faxing is the best method.

Immediately **after** the petition is certified or you are separated from certified employment:

- Telephone the UC Service Center at **1-888-313-7284** to file a claim for Trade Adjustment Assistance (TAA) program coverage, including cash Trade Readjustment Allowances (TRA). TRA claims may not be filed via the Internet at this time. Do **not** wait until you exhaust your regular UC benefits.
- Contact a PA CareerLink® to file an application for training or a written waiver of the training requirement (see below), job search allowances or relocation allowances, or to obtain other re-employment services. A list of PA CareerLink® offices may be found at [www.pacareerlink.pa.us](http://www.pacareerlink.pa.us), or in **your local telephone directory under State Government, Department of Labor & Industry, PA CareerLink®**.
- After exhausting your UC, continue to file your bi-weekly claims (Form B4 -POS) for benefits, even if you are appealing a denial of benefits. Make sure to complete all sections. If you run out of forms, contact the UC Service Center. TRA benefits may not be claimed via the Internet or PA Teleclaims (PAT) system.

**There are deadlines for Trade Act of 2009 benefits. See pages 8 through 9.**

For example, in order to receive weekly cash TRA payments under the TAA Program, you must:

- Be enrolled in a Trade Act-approved training program by the end of the **26th week** after the week in which the petition was certified, or
- Be enrolled in a Trade Act-approved training program by the end of the **26th week** after your most recent qualifying separation from the affected employment, or
- Apply for and have been issued a written certification by the PA Department of Labor & Industry waiving the training enrollment requirement by the later of the **26<sup>th</sup> or 26<sup>th</sup> week** enrollment deadlines as described above, or NOTE: You must be enrolled in a Trade Act-approved training program by the Monday of the first week occurring 30 days after the date the waiver expired or was revoked.
- Have completed a Trade Act-approved training program.

The **26/26th week** enrollment deadlines as described above may be extended up to **45 days** under extenuating circumstances (see page 8).

- While in training, payment of TRA benefits **cannot be issued** to you until the UC Service Center has received the biweekly TRA claim and training attendance forms for each week.
- You must make a systematic and sustained effort to obtain work during each week that you claim TRA. This means that you must conduct at least two work search activities per week on separate days.

NOTE: There are many ways to search for work. You may contact the person authorized to hire for a potential employer or follow the job application process specified by the employer. You may attend a job fair or utilize the reemployment services available at the PA CareerLink®. You may contact your union hiring hall or do what is customary in your community and labor market to find work. You should not restrict yourself to only one type of work search activity.

- You must provide tangible evidence of your efforts to find work during each week that you claim TRA. This means that you must identify your work search activities, the dates and methods of your activities, the kind of work you sought, and the results. You must provide this information on the reverse of your TRA claim form. You should keep an accurate and up-to-date record of your work search activities, because you may be requested to verify your efforts to find work. Individuals enrolled in training under the Trade Act or training approved by the PA CareerLink® are not required to search for work.
- If you are issued a waiver of training enrollment or have completed training, you must conduct a systematic and sustained work search that includes at least two work search activities on separate days during each week claimed. Enter the work search activity information on the reverse side of the biweekly TRA claim form.
- Your weekly TRA benefit amount is the same as the **last** weekly benefit amount payable on the UC application that existed at the time of, or that you filed (or could have filed) following, your **first** qualifying separation in adversely affected employment covered by the petition certification. Your TRA weekly benefit rate may reflect the application of federal or state benefit reduction provisions, if in effect.
- If you begin to receive TRA and requalify for a subsequent UC claim, you may elect to continue to receive TRA instead of regular UC only if the subsequent UC claim is based at least in part on part-time or short term employment that occurred after your most recent total separation from adversely affected employment. Otherwise, if at any time you have entitlement to regular UC, you must claim UC rather than TRA, even if at a lower weekly benefit rate.
- Working in a job considered self-employment **may** cause you to become **totally disqualified** from receiving benefits regardless of the amount of income you receive.
- Your entitlement to **additional** or **remedial/prerequisite additional** TRA benefits **will end** when you complete training, withdraw from training, your eligibility period ends, or you have exhausted your maximum benefits.
- There is **NO GUARANTEE** that you will receive weekly UC or TRA benefits throughout the course of your training.
- Contact the local PA CareerLink® for assistance with reemployment services and benefits, including:
  - Employment Registration
  - Career Guidance
  - Job Search Workshops and Activities
  - Job Development
  - Supportive Services
  - Self-Directed Job Search Services
  - Assistance with Resumes
  - Funded Training
  - Job Search Allowances
  - Relocation Allowances

These reemployment services and benefits are available only through a PA CareerLink®.

## WHAT IS TRADE ADJUSTMENT ASSISTANCE?

Trade Adjustment Assistance (TAA) is a federal program that provides assistance to adversely affected workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports or whose firms, public agencies, or service-sector firms have been affected by, or are threatened to be affected by, shifts in production of articles or the supply of services to foreign countries. It also provides assistance to workers whose firm is a supplier or downstream producer to a firm that received a certification of eligibility.

This program is administered by the U.S. Department of Labor through the PA Department of Labor & Industry, under the provisions of the **Trade Act of 1974, as amended (Trade Act)**. The Trade Act, as amended in 2009 (**Trade Act of 2009**), applies to workers covered under petitions filed on or after May 18, 2009. The current TAA Program will end on December 31, 2010.

TAA benefits include reemployment services to assist you in returning to work, funded training, and job search and relocation allowances. Additionally, cash weekly **Trade Readjustment Allowances (TRA)** may be payable to you. You also may be eligible for the **Health Coverage Tax Credit (HCTC)** which provides federal tax credits for the cost of health insurance.

Information on TAA reemployment services and benefits, and UC programs are available on the PA Department of Labor & Industry's Web site at [www.uc.pa.gov](http://www.uc.pa.gov).

## APPLYING FOR TRADE ADJUSTMENT ASSISTANCE

### OBTAINING A CERTIFICATION OF GROUP ELIGIBILITY

A TAA petition may have already been filed for workers in your company. You may verify whether a petition has been filed and the status of the petition by checking with the PA CareerLink<sup>®</sup> or UC Service Center, by visiting the U.S. Department of Labor's Web site at [www.doleta.gov/tradeact/determinations.cfm](http://www.doleta.gov/tradeact/determinations.cfm) or by contacting the U.S. Department of Labor, Employment and Training Administration (ETA), Office of Trade Adjustment Assistance (see "Important Addresses, Telephone Numbers & Web Sites" on page 1).

If a petition has not been filed, you should obtain the petition form and follow all instructions regarding properly filing the petition. You can obtain the petition form and assistance in preparing the petition by visiting a PA CareerLink<sup>®</sup>, by telephoning a UC Service Center, or by contacting the U.S. Department of Labor (see page 1). The petition form (in English and Spanish) is also available on the U.S. Department of Labor's Web site at [www.doleta.gov/tradeact/petitions.cfm](http://www.doleta.gov/tradeact/petitions.cfm).

**Tip:** When a petition is filed by three workers, **each** worker's separation date from the affected company should be no earlier than one year prior to the date the workers sign the petition. Incomplete or expired petition forms may be considered invalid and returned to the petitioner(s).

TAA petitions **must** be filed with the U.S. Department of Labor, ETA, Office of Trade Adjustment Assistance in Washington, DC. A copy must also be sent to the Federal Programs Unit in Harrisburg, PA (see page 1).

After a copy of the petition is received by the PA Department of Labor & Industry, workers will be provided rapid response and basic readjustment services available under other federal laws, if they have not already been provided.

### CERTIFICATION AND IMPACT DATE

The Office of Trade Adjustment Assistance will review the petition and issue a certification or denial of certification. Their review includes whether:

- Your company or subdivision produces an "article" or provides a "service;"
- Increased imports were an important cause of a significant number or proportion of the total or partial separations, or threatened separations, in your particular firm; or
- There has been a shift 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 that contributed to a significant number or proportion of separations or threat of separations at your firm.

Your firm may also be covered under the TAA program if it is **secondarily** affected. It may be considered secondarily

affected if it supplies components to a firm whose workers are **primarily** affected (see prior paragraph), or your firm performs additional, value-added production and finishing operations for a firm whose workers are **primarily** affected.

If an affirmative finding is made, your firm will be certified as having group eligibility to apply for program benefits. The certification will establish an **impact date**. The impact date cannot begin more than one year prior to the date of the **filing** of the petition. The certification may set a **termination date** which identifies the date that the adverse effect ceased. If there is no termination date, the certification will expire two years from the date it is issued. Only workers who have had a total or partial separation from certified employment **on or after the impact date and before the termination or expiration date** are eligible to **apply** for program benefits. A **total** separation is a layoff lasting seven or more consecutive days. A partial separation means that you had your hours of work and wages reduced to 80 percent or less of your average weekly hours and wages. However, if you are not yet separated, but are threatened with a total or partial separation, you may be eligible as an incumbent adversely affected worker.

If you were not separated from certified employment during the period covered under the certification, or the petition was denied certification, but you feel that you qualify for benefits, you have appeal rights that are explained in the "Appeal Rights" section on page 13.

## IMPORTANT

### APPLYING FOR A DETERMINATION OF ENTITLEMENT TO TAA BENEFITS

When you are informed by the U.S. Department of Labor, the PA Department of Labor & Industry, your employer or union, or any other source (e.g., newspaper, radio, television), that your group has been certified as eligible to apply for TAA, you must **contact the UC Service Center** if you wish to apply to receive any benefits available under the TAA Program. You must apply for a determination on your overall entitlement to TAA benefits. This determination will indicate whether you are entitled to apply for reemployment benefits (training, job search allowances and relocation allowances) and TRA.

If you are an adversely affected incumbent worker and you are interested in incumbent worker training, you must contact your local PA CareerLink<sup>®</sup> for assistance with filing an incumbent worker training application. You will not be eligible to receive TRA benefits while participating in incumbent worker training until you are totally separated from a adversely affected employment.

### APPLYING FOR EACH TAA BENEFIT

You will also need to make a separate application for each TAA benefit you are interested in receiving, but your applications cannot be approved until you are first determined to be entitled to apply for TAA benefits (see preceding section).

Your applications for each benefit must be filed by the deadlines for application established by law and regulation for each benefit, even if you are awaiting your entitlement determination, claiming state or federal unemployment benefits, or if you return to work.

**IMPORTANT: If you intend to claim cash TRA payments, you may need to be enrolled in approved training by the 26<sup>th</sup>/26<sup>th</sup> week deadline (see pages 8 through 9).**

You must also apply for the benefit **before** you begin the activity and **allow enough time** for the review and processing of your application. There are different qualifying requirements for reemployment benefits than there are for TRA. Information on the benefits available, the qualifying requirements, and the deadlines for application for each benefit are found in this booklet. More information is also available at your PA CareerLink<sup>®</sup> or by contacting a UC Service Center. The PA Department of Labor & Industry will determine your overall entitlement to TAA and your eligibility for each TAA benefit in accordance with the provisions of the Trade Act of 2009.

### Remember!

- **Apply for TAA entitlement.**
- **File separate applications for each benefit.**
- **Apply on time.**
- **Apply before you begin the activity.**
- **Allow time for the processing of your application.**

## REEMPLOYMENT BENEFITS

The Trade Act provides for a variety of reemployment benefits. These benefits are only provided through your local PA CareerLink®. You must apply separately for each of the following reemployment benefits:

- Job Search Allowance
- Relocation Allowance
- Funded Training

You may receive TAA reemployment benefits even while claiming state or federal unemployment benefits. You are not required to establish a claim for TRA to receive TAA reemployment benefits or other reemployment services.

## JOB SEARCH ALLOWANCE

If you have a job interview for suitable employment, a job search allowance of up to a maximum of \$1,500 may be payable to you to cover a portion of the necessary job search expenses. All of your costs (up to \$1,500) of travel, lodging, and meals that are not payable or reimbursable from any other source may be paid at amounts set by applicable federal regulations if you:

- Have been totally separated from adversely affected employment;
- Cannot be reasonably expected to secure employment in the commuting area in which you reside and have a reasonable expectation of obtaining suitable employment of long-term duration in the area of the job search; and
- **Meet the filing deadline** by filing your application for a job search allowance before the later of the 365th day after the certification of the petition under which you are a covered worker, or the 365th day after your most recent total separation from adversely affected employment covered by the petition, or the 182nd day after the concluding date of TAA approved training.

You may apply for a job search allowance at any time after you are totally or partially separated, whether or not a petition covering you has been certified. However, you must:

- Be **totally** separated and apply for the job search allowance **before you begin** the job search;
- Be registered with the PA CareerLink® for reemployment services; and
- Complete your job search within 30 days by obtaining employment or contacting each employer to which you were referred in connection with the job search.

**Job search allowances cannot be approved until after you are covered under a certification.** In order to be paid, you must provide the PA CareerLink® with required certifications and receipts. Additional restrictions concerning job search allowances are provided in federal regulations. Contact your PA CareerLink® for additional information.

## RELOCATION ALLOWANCE

A relocation allowance may be payable to you to cover a portion of the necessary costs associated with relocating you and your family upon your obtaining new suitable employment outside your commuting area. A lump sum payment equal to three times your average weekly wage, not to exceed \$1,500, may be payable for your travel, lodging, meals, and moving expenses, which are not payable or reimbursable from any other source, may be paid at amounts set by applicable federal regulations, if:

- You have been totally separated from adversely affected employment at the time relocation commences;
- You cannot be reasonably expected to secure suitable employment in the commuting area in which you reside, and you have obtained suitable employment affording a reasonable expectation of employment of long-term duration, or a bona fide offer of such suitable employment, outside the commuting area and in the area of intended relocation;
- You have not previously received a relocation allowance under the same petition;
- Another family member has not already received a relocation allowance with respect to this same relocation;
- You are relocating within the United States and outside of your present commuting area;
- You begin and complete your relocation within a reasonable period of time;
- You are registered with the PA CareerLink® for reemployment services; and

- **You meet the filing deadline** by filing your application for a relocation allowance before the later of the 425th day after the certification of the petition under which you are a covered worker, or the 425th day after your most recent total separation from adversely affected employment covered by the petition, or the 182nd day after the concluding date of your TAA approved training.

You may apply for a relocation allowance at any time after you are totally or partially separated, whether or not a petition covering you has been certified. However, you must be totally separated and apply for the relocation allowance before the relocation begins. You must be given your relocation within **182** days after the date of application for the relocation allowance, or within **182** days after the conclusion of your approved training. The allowances cannot be approved until after you are covered under a certification.

In order to be paid, you must provide the PA CareerLink<sup>®</sup> with required certifications and receipts. Additional restrictions concerning relocation allowances are provided in federal regulations. Contact your PA CareerLink<sup>®</sup> for additional information.

## FUNDED TRAINING

If **suitable** employment is not available to you based on your current educational level or work experience, training opportunities may be immediately available to you if you are an adversely affected worker. **Act quickly** to discuss your goals with your PA CareerLink<sup>®</sup> representatives. They can advise you on the employment outlook for workers with different job skills, help you decide what kind of work is best suited to your aptitudes and interests, and tell you about opportunities for funded training.

Eligibility requirements for several TAA benefits refer to the term **suitable employment**, which is work of a 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, in the past adversely affected employment.

Funded training opportunities may include up to 156 weeks of full-time or part-time,\* on the job, pre requisite, remedial, vocational, technical, trade-related, apprenticeships, incumbent worker, community college, or college programs. The length of a training program may only exceed a worker's eligibility period for benefits if the worker demonstrates the financial ability to complete the training after having exhausted all state and federal unemployment and TRA benefits. **You are entitled to only one training program under a single certification.** Under limited circumstances, you may also be eligible for payments to help cover the costs of subsistence and transportation.

\*IMPORTANT: If you are approved for only part-time training, you are ineligible for TRA and RTAA benefits while in training.

All training must be **approved before** incurring any training costs. Approval of training is subject to the availability of federal Trade Act funding.

To be approved for funded training, the following requirements must be met:

- You were not previously determined entitled to a training program under the same certification;
- You must be an adversely affected worker or, an adversely affected incumbent worker (as determined on a case-by-case basis by the Secretary of Labor) at the time you apply;
- You must be determined to be entitled to TAA reemployment benefits (unless you are an adversely affected incumbent worker, as determined by the certified employer);
- You must have no suitable employment available to you;
- You must benefit from appropriate training;
- There must be a reasonable expectation of employment following completion of the training;
- Training must be reasonably available and generally within commuting distance;
- You must be qualified to undertake and complete the training; and
- The training must be suitable and available at a reasonable cost.

**You might not be eligible for weekly UC or TRA to cover the entire period of your training.** A training program may be approved only if you show that you have the financial resources to undertake and complete the training, including if your training period exceeds your remaining weeks of UC and TRA payments.

IMPORTANT: You must be enrolled in approved training, or be granted a waiver from training, by the applicable deadline in order to be eligible for TRA.

Therefore, in order to be able to receive income support for as much of the time period while attending training, it may be to your advantage to apply for training as soon as you believe you may be covered by a petition, or early in your regular unemployment claim.

## TRADE READJUSTMENT ALLOWANCES

Trade Readjustment Allowances (TRA) are weekly cash benefits payable to eligible workers. You may apply for TRA by contacting a UC Service Center. However, **you can only be paid TRA for weeks beginning on or after the date the petition is certified by the U.S. Department of Labor.** You **cannot** be paid TRA if you have entitlement on your TRA qualifying UC claim to other state or federal unemployment benefits for the same week, or are serving an unemployment waiting period.

## QUALIFYING REQUIREMENTS

To qualify for TRA benefits, you must:

1. Be an adversely affected worker covered by a certified petition.
2. Be separated from certified employment due to lack of work.
3. Be totally or partially separated from certified employment on or after the impact (beginning) date and before the termination or expiration date (ending date) of the certification before your application for TRA, and
4. Be entitled to unemployment benefits based on your total or partial separation, or have entitlement to unemployment for a week within the benefit period in which the total or partial separation took place (or would have been entitled to benefits if you had applied for them).

NOTE: A **total separation** is necessary to establish a 104-week eligibility period - weeks during which basic TRA may be paid.

5. Have worked and earned wages in certified employment of \$30 or more a week, in at least 26 of the 52 weeks ending with the week of your separation (see "Eligibility Period for Basic TRA Benefits" on page 10).

NOTE: Under certain circumstances, up to 26 weeks of compensable disability for workers' compensation or weeks on call up for active duty in a reserve status in the Armed Forces, or up to a combined seven weeks of employer authorized leave or service as a full-time representative of a labor organization at your firm, may be counted as part of the 26 weeks needed to qualify.

6. Be actively seeking, applying for and accepting work within your capabilities, and reporting your active work search efforts to the UC Service Center as required, while claiming benefits under the waiver of the training program or after completion of an approved training program; and
7. Not have state or federal unemployment benefits payable to you (or an unexpired waiting period) on your TRA qualifying UC claim for the same week, including unemployment benefits from any state, Railroad Unemployment Insurance (RRUI), UC for Ex-Service members (UCX), UC for Federal Civilian Employees (UCFE), Extended Benefits (EB), **or any other federal unemployment benefits** such as Emergency Unemployment Compensation (EUC).

## IMPORTANT DEADLINES

Payment of **basic weeks** of TRA under the TAA Program can only be made if you meet one of these four deadlines:

- Be enrolled in a Trade Act-approved training program by end of the **26th week** after the week in which the petition was certified, or, if later, by the end of the **26th week** after your most recent qualifying separation from the affected employment; or
- Apply for and have been issued a written certification by the PA Department of Labor & Industry waiving the training enrollment requirement by the later of the **26th or 26th** week enrollment deadline; or
- Be enrolled in a Trade Act-approved training program by not later than the Monday following a waiver's expiration or revocation or apply for and be issued a written renewal waiver before the original waiver expires or has been revoked; or
- Have completed a Trade Act-approved training program. If you do not meet this requirement, you will not qualify for any further weekly TRA benefits under the TAA Program. The **26th or 26th** week enrollment deadline may be extended up to **45** days under extenuating circumstances.

NOTE: These deadlines to be enrolled in training may be extended for up to 45 days only if there are certain extenuating circumstances that delay your enrollment. Requests for extensions must be completed in writing on the form provided, and must be submitted to and approved by the TCS Unit in Harrisburg. This enrollment requirement deadline **must be met to qualify for any further weekly TRA benefits** under the TAA Program.

**Enrolled in training** means that you have:

- Completed all necessary forms and applications for training,
- Been accepted by a training facility, and
- Your training has been approved by the TCS Unit to begin within 30 days.

## WAIVERS

The enrollment in training deadline may be waived only if enrollment in training is not feasible or appropriate for one or more of the following reasons:

- You have been notified that you will be recalled by the firm from which your separation occurred.
- You possess marketable skills for suitable employment and there is a reasonable expectation of employment at equivalent wages in the foreseeable future. This may include the possession of a postgraduate degree from an institution of higher education or equivalent institution or postgraduate certification in a specialized field.
- You are within two years of meeting all requirements for entitlement to either old-age insurance benefits under Title II of the Social Security Act or a private pension sponsored by an employer or labor organization.
- You are unable to participate in training due to your health. (This does not exempt you from requirements relating to the availability for work, active search for work, or refusal to accept work under federal or state unemployment compensation laws.)
- The first available enrollment date for approved training is within 60 days after the issued date of the waiver, or, if later, there are extenuating circumstances for the delay in enrollment.
- Training is not reasonably available, suitable training at a reasonable cost is not available, or training funds are not available.

You must apply for and be issued a waiver at a PA Care erlink<sup>®</sup> before the 26/26-week enrollment deadline. Waivers are issued in writing only and state an expiration date. Waivers are valid for not more than six months from the date issued. If you are given a waiver, it is your responsibility to enroll in Trade Act-approved training as required or obtain a written renewal of the waiver before the waiver expires or is otherwise revoked.

If a waiver expires, without renewal, you will lose eligibility for TRA benefits. If the basis of a waiver is no longer applicable, you will be notified in writing that the waiver is revoked. You should contact the PA Care erlink<sup>®</sup> immediately. You must be enrolled in Trade Act-approved training by the Monday of the first week occurring 30 days after the date the waiver expired or was revoked.

If you obtain work before the enrollment deadline, and there is any possibility that a future separation will not meet the TRA-qualifying requirements (see page 8), you should apply for and obtain a waiver before the 26/26-week deadline, or a renewal waiver before the expiration date of the waiver.

## GENERAL WEEKLY REQUIREMENTS

For claim weeks after you file your initial TRA application, you must file within the same time limits as is required under state UC law. You must meet other eligibility requirements similar to state UC law, such as being unemployed, able and available to work, complying with reporting requirements, and reporting all work and earnings for each TRA claim week.

## BASIC TRADE READJUSTMENT ALLOWANCES

### AMOUNT OF BASIC TRA BENEFITS

Your basic TRA weekly benefit rate will be the same as the weekly benefit rate payable on the UC claim in effect at the time of, or which followed, your **first** total or partial separation due to lack of work from the affected employment during

the certification period. For that separation, you also must have met the requirements of paragraph 4 in the prior section on Trade Readjustment Allowances "Qualifying Requirements" (see page 8).

Your weekly benefit rate will be reduced by certain training allowances and income deductible under the provisions of applicable state or federal law. (See "Deductions from TRA Benefits" below).

The maximum amount of basic TRA payable to you is 52 times your basic TRA weekly benefit rate. However, all of your entitlement to unemployment benefits (e.g., UC, EB, RRUI, UCX, UCFE or EUC) in your first benefit period will be deducted from this amount. For example:

- A worker was entitled to 26 weeks of UC at the weekly benefit rate of \$200 (\$5,200). The maximum amount of basic TRA payable is 52 times the weekly benefit rate of \$200 (\$10,400). Subtracting \$5,200 from \$10,400 leaves this worker with a basic TRA maximum benefit amount of \$5,200.
- A worker was entitled to 26 weeks of UC, followed by 13 weeks of EUC at the weekly benefit rate of \$200 (\$5,200 + \$2,600 = \$7,800). The maximum amount of basic TRA payable is 52 times the weekly benefit rate of \$200 (\$10,400). Subtracting \$7,800 from \$10,400 leaves this worker with a basic TRA maximum benefit amount of \$2,600.

Entitlement to unemployment benefits under a subsequently established unemployment application does not reduce weekly or maximum TRA entitlement. If you begin to receive TRA and requalify for a subsequent UC claim, you may elect to continue to receive TRA instead of regular UC if the subsequent UC claim is based at least in part on part-time or short-term employment that occurred after your most recent total separation from adversely affected employment. For more information on UC eligibility, please refer to the Pennsylvania Unemployment Compensation Handbook (UCP-1) available from a UC Service Center.

## ELIGIBILITY PERIOD FOR BASIC TRA BENEFITS

The eligibility period for basic TRA benefits is the 104-week period beginning with the Sunday after your most recent **total** separation due to lack of work from the affected employment during the certification period for which you also met the requirements of paragraph 5 in the prior section on Trade Readjustment Allowances "Qualifying Requirements" (see page 8). In order to receive TRA, you must claim and be otherwise eligible for weeks occurring within the eligibility period.

The Basic Eligibility Period may be **extended** for up to an additional **26** weeks if:

- Remedial/prerequisite training is part of the approved TAA training package, and
- The Basic TRA entitlement is **not** exhausted at the end of the **52-week** Basic TRA Eligibility Period, and
- The claimant is participating in TAA-approved training.

## DEDUCTIONS FROM TRA BENEFITS

Any income deductible from unemployment benefits under the Pennsylvania UC Law. However, if an adversely affected worker is participating in training, such income shall not include earnings from work during weeks that are equal to or less than the weekly benefit amount of the qualifying UC claim. Deductible income may include wages, vacation pay, holiday pay, and pensions or annuities earned or received during the week claimed.

- Enforced child support obligations for which the PA Department of Labor & Industry has received a court order or a withholding agreement.
- The amount of certain other training allowances you receive, such as Veterans Educational Assistance.
- A state weekly percentage reduction, if required by Pennsylvania law.
- A federal weekly percentage reduction, if required by federal law.

## WITHHOLDING FOR FEDERAL TAXES

TRA benefits are considered **taxable income** for federal income tax purposes and are reported in the calendar year in which the benefits are paid, regardless of when the claim for benefits was filed. It is your responsibility to determine if you will owe tax on these benefits.

You will be mailed a federal 1099-G tax form in January for any unemployment benefits, including TRA, paid in the prior tax year.

Automatic deduction of federal withholding tax from TRA benefits is available. If you had elected automatic deduction of federal withholding tax on any prior UC claim, the deduction will continue for your TRA claim unless you elect to discontinue this option. See the booklet UCP-1, Pennsylvania Unemployment Compensation Handbook, for additional information on federal taxation of benefits.

## **ADDITIONAL TRADE READJUSTMENT ALLOWANCES**

Additional TRA benefits are weekly benefits payable to eligible workers to assist the worker in completing a TAA-approved training program. Entitlement to additional TRA ends with the last week of your training program. You may be entitled to up to 78 weeks of additional TRA benefits at the same weekly benefit rate as your basic TRA weekly benefit rate if you are still in training and have no more "basic weeks" of TRA payable to you.

**IMPORTANT:** In order to be eligible for additional TRA, you must make a bona fide application for training at a PA CareerLink®.

TRA benefits are payable during the **additional TRA eligibility period** of 91 weeks immediately following the week in which your basic TRA entitlement expires. However, if your training approval is not granted until after your basic TRA entitlement ends, you may be paid additional TRA benefits during the additional TRA eligibility period beginning with the week you enter Trade Act-approved training. You may be paid additional TRA benefits only for weeks during which you are participating in Trade Act-approved training.

You may receive **less** than 78 full weeks of additional TRA benefits if, for example, you:

- Complete your approved training prior to claiming all 78 weeks,
- Are ineligible for any such week(s) because you are not participating in training or have a break in training that exceeds 30 days, or
- You have not claimed all 78 weeks during the 91-week eligibility period.

Additional TRA is subject to the same deductions and federal income taxes as basic TRA as explained in the previous section.

The ending date of your additional TRA eligibility period **cannot be extended**, even though you may not have completed your approved training, or did not receive benefits for, or were not eligible for, one or more weeks during the eligibility period.

## **REMEDIAL/PREREQUISITE ADDITIONAL TRADE READJUSTMENT ALLOWANCES**

Remedial/prerequisite additional TRA is another benefit available if remedial/prerequisite education was part of your approved TAA training package. If eligible, you may be entitled to up to a further 26 weeks of TRA benefits. Remedial/prerequisite benefits are payable in the 26-week period that follows the last week of entitlement to any other TRA benefits. You may receive fewer weeks of benefits if, for example, you complete your training before you claim all 26 weeks, you are not participating in training or have a break in training exceeding 30 days, or you do not claim all 26 weeks in the 26-week eligibility period.

## **PAYMENT OF BASIC AND ADDITIONAL TRA DURING BREAKS IN TRAINING**

If you are enrolled in Trade Act-approved training, and there is a break in the training program, you may be paid basic or additional TRA benefits during the break in training only if:

- The break in training is a scheduled break, published in the schedule of the training institution or indicated in the approved training program,
- You are participating in the training program immediately before the beginning of the break and immediately after the end of the break, and
- The duration of the break does not exceed 30 calendar days (excluding Saturdays, Sundays, and state or national holidays, if training would not have ordinarily occurred on such days.)

If training is scheduled for a portion of a week at the beginning or ending of a break in training, and you attend all scheduled training classes and activities, you may be paid benefits for these weeks, regardless of whether the break is a scheduled break or exceeds 30 days. However, you may not be paid benefits for weeks in which no training classes or other training activities are scheduled unless the break in training meets the requirements stated above.

NOTE: If enrolled in training, you cannot qualify for TRA benefits by completing a weekly work search in lieu of meeting the above requirements during a break in training.

## SPECIAL RULES FOR MILITARY RESERVE SERVICE

Revised deadlines and TRA eligibility periods apply to certain individuals who were in the Armed Forces reserves. Contact the UC Service Center and PA CareerLink® for more information.

## JOB PROSPECTS CLASSIFICATION

If you are not enrolled in Trade Act-approved training, and if you have no definite job prospects, or do not have a recall date to begin work within four weeks, you must apply for and accept work within your capabilities, provided:

- The work pays at least the higher of the state or federal minimum wage and exceeds your TRA weekly benefit amount plus the amount of any supplemental unemployment benefit you receive, and
- The work offered is listed with the PA CareerLink®, or offered to you in writing by the employer. If in training, the effect an offered job will have on your training will be considered.

## WEEKLY WORK SEARCH REQUIREMENTS

If you have completed TAA approved training after your TRA qualifying separation, or have been granted a waiver of the TRA training program requirements, you must conduct a weekly active work search. Specifically, you must:

- Seek work on at least two days during each week claimed and make a total of at least two job contacts per week, contact being made on different days of the week,
- Report your weekly work search activity on your biweekly claim form provided to you by the UC Service Center. You must use at least two different methods of making job contacts for each week claimed, unless all contacts are in person. You may not continually repeat the same job contact method during each week claimed, except in-person applications **and** a union with a placement service.

Examples of acceptable job contact:

- In-person applications
- PA CareerLink®
- Union with a placement service
- Telephone calls
- Private employment agencies
- Letters, resumes

If you are working part time for your regular employer, your continuous attachment to and contact with that employer may satisfy the weekly active work search. If you are working part time for other than your regular employer, you must conduct an active work search as explained above. Your "regular employer" is your primarily- or secondarily-affected TAA employer for whom you worked immediately before applying for either regular unemployment compensation or TRA benefits.

## IMPORTANT

The UC Service Center will be monitoring your weekly efforts to seek work. Failure to make a systematic and sustained work search during each week claimed or failure to accept a referral to or an offer of suitable work during a week **may result in a denial of benefits for that week and all subsequent weeks**. The denial will remain in effect until you are subsequently employed for four or more weeks and earn four times your weekly benefit rate and have a qualifying separation. If you don't meet the active work search requirements during a week, you can avoid this continuing disqualification by not claiming that week.

NOTE: While you are enrolled in training approved under the Trade Act, you are exempt from the weekly work search requirement. Enrolled means you have been approved by the department to begin training within 30 days or are participating in approved training.

## APPEAL RIGHTS

### WORKER PETITION FOR GROUP ELIGIBILITY UNDER THE TRADE ACT

Workers whose petition for adjustment assistance has been denied by the U.S. Department of Labor may:

- Request administrative reconsideration by the U.S. Department of Labor within 30 days after publication of the determination in the Federal Register. Such requests must be in writing, provide specific information or reasons why the workers consider the Department's decision to be in error, either as to facts not considered or as to the interpretation of the facts or the law, and be mailed to:

U.S. Department of Labor  
Employment and Training Administration  
Office of Trade Adjustment Assistance  
200 Constitution Avenue, N.W.  
Room C-5311  
Washington, DC 20210

or

- File an appeal seeking judicial review of the U.S. Department of Labor's notice of final negative determination within 60 days of publication of the denial in the Federal Register. Petitions for judicial review must be filed with the Case Management Supervisor, U.S. Court of International Trade, One Federal Plaza, New York, New York 10007. If administrative reconsideration has been applied for, workers may file a petition for judicial review within 60 days of the Department's final notice of disposition of the administrative reconsideration regarding their application.

For more information, see [www.doleta.gov/tradeact/fact.cfm](http://www.doleta.gov/tradeact/fact.cfm).

### INDIVIDUAL CLAIMS FOR TAA BENEFITS UNDER THE PAUC LAW

If you receive a determination regarding your TAA benefits from the PA Department of Labor & Industry that you believe contains an error (e.g. determinations regarding your eligibility period, weekly and maximum benefit rate, entitlement to TAA, or eligibility to one or more benefits), you may:

- Appeal the decision to a UC referee within 15 days from the date the ruling is mailed to you. If the fifteenth day of an appeal period falls on a day on which the office is closed, the appeal period is extended to the next workday. A representative at the PA CareerLink® or UC Service Center can assist you in filing an appeal. A UC referee will hold a hearing on your appeal and issue a decision.
- If you disagree with the UC referee's decision, you may file an appeal within 15 days after the date of the UC referee's decision. Your appeal will be reviewed by the PA Unemployment Compensation Board of Review (Board) and a further decision will be issued. A representative at the PA CareerLink® or UC Service Center can assist you in filing this appeal.
- If you are not satisfied with the decision and order of the Board, you may file an appeal to the Commonwealth Court within 30 days after the mailing date of the Board's decision and order. You may also request the Board to reconsider the decision within 15 days from the mailing date of the Board's decision. However, unless the Board grants reconsideration, the appeal to Commonwealth Court must still be filed within 30 days.

## IMPORTANT

If you file an appeal, you **must**:

- Continue to file your claims for weekly TRA benefits or applications for other Trade Act benefits, as long as you remain unemployed, and
- Continue to meet all of the weekly qualifying requirements (e.g., enrollment and participation in training; or completion of or waiver of the training program requirement and conducting an active search for work).

## RIGHT TO REPRESENTATION

Whenever you appear for a fact-finding interview or appeal a decision concerning your eligibility for benefits, you have the right to be represented by a lawyer or other person if you so desire. If you can not afford a lawyer, you may contact your local Legal Aid Society or Legal Service agency, or you may take a friend or witness with you to help present the facts.

## WHAT WILL HAPPEN IF I AM OVERPAID BENEFITS?

If you are determined to have been paid benefits under the Trade Act to which you were not entitled, you may be required to repay that full amount unless a waiver of the repayment is requested and granted.

A waiver may only be granted if the overpayment was determined to be:

- without "fault" on the part of the individual,
- and would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household).

Unless the overpayment is waived or otherwise repaid, it will be recovered by deductions from any amount payable to you under:

- The Trade Act,
- Most federal unemployment benefit programs,
- Any other federal law administered by the Department of Labor & Industry which provides for the payment of assistance or an allowance with respect to unemployment, or
- Any unemployment benefits payable to you under the provisions of the PA UC Law.

If it is determined that an overpayment resulted from your knowingly making a false statement or misrepresentation of a material fact, you may be determined **ineligible to receive any further benefits** under the Trade Adjustment Assistance Program.

### WARNING

**Under the Federal Trade Act, if you hide facts or do not tell the truth in order to obtain or increase benefit payments, you are subject to:**

- REPAYMENT OF MONEY RECEIVED
- LOSS OF FUTURE BENEFITS
- PROSECUTION

## INTERSTATE CLAIMANTS

Generally, the state in which you were first separated and established an unemployment benefit claim as a result of your separation from adversely affected employment is the state that will determine your eligibility for TAA benefits and will issue payments for TRA benefits and TAA job search and relocation allowances (liable state). However, the state in which you reside is generally the state that will procure and pay the costs of approved training.

Applications for training approval should be filed with the state workforce agency in the state of your residence, which will coordinate your eligibility determination with the other state.

If you reside out-of-state and Pennsylvania is the state liable for payment of your TRA benefits, TAA job search and relocation allowances, your eligibility for TRA will be determined and payments issued by the Pennsylvania UC Service Center. If you have any questions about a Pennsylvania interstate claim, you may telephone 1-888-313-7284.

Your eligibility for TAA job search, relocation and training allowances will be determined and payments issued by the PA Trade Coordination Services (TCS) Unit. If you have any questions about these TAA reemployment benefits, you may contact:

TCS Unit  
Labor and Industry Building  
651 Boas St, 12th Floor  
Harrisburg, PA 17121  
Telephone: (717) 783-8050

## FEDERAL HEALTH COVERAGE TAX CREDIT (Trade Act of 2009)

### FEDERAL HEALTH INSURANCE TAX CREDIT

**Health Coverage Tax Credit (HCTC)** is a currently available federal tax credit that covers 80% of the premium for “qualified health coverage” for qualified individuals and their family members. If you qualify to receive TRA benefits under the TAA Program, or you would be eligible for TRA benefits but have not yet exhausted UC, EUC, or any other state or federal extended benefits, you may be eligible for the HCTC. An individual who meets the TRA qualifying criteria as an “eligible individual” must be covered by a qualified health plan, have no other coverage, and not be in prison. The earliest month for which you can claim HCTC is one that begins on the date that the Trade Act petition that covers you was certified by the U.S. Department of Labor.

NOTE: There are specific deadlines for applying for, and enrolling in, training that may affect your eligibility for TRA benefits. For information regarding meeting this TRA eligibility training requirement, immediately after filing your TAA claim you should contact your local PA CareerLink® office. To find the PA CareerLink® nearest to you, access [www.pacareerlink.state.pa.us](http://www.pacareerlink.state.pa.us) and click on “Search for Service Locations.” You may also refer to your local telephone directory under State Government, Department of Labor & Industry, PA CareerLink®.

You may claim this tax credit when you file for your federal income taxes for that year. However, if you want to receive this 80% tax credit in advance on an ongoing monthly basis, you may apply to register for the advanced credit by contacting the federal **HCTC Customer Contact Center** at telephone number **1-866-628-4282** (TDD/TTY: 1-866-626-4282, for claimants who are deaf or hard of hearing).

If you were eligible for the HCTC and received TRA benefits (or any other state or federal unemployment insurance benefits) during the year, at the end of that year the Internal Revenue Service (IRS) will send Form 1099-H or substitute Form 1099-H to you. Form 1099-H provides the amount of advance tax you have received and the months during which it was received for the prior tax year. Form 1099-H will also assist you in claiming the tax credit for months during which you were eligible but did not receive the advanced credit. You may claim HCTC on your federal tax return even if you do not owe any federal income taxes.

For information regarding your TRA eligibility for HCTC purposes, you should contact the UC Service Center. All other questions about registering for an advanced tax credit under the HCTC Program, including obtaining “qualified health insurance,” should be directed to the **HCTC Customer Contact Center** at telephone number **1-866-628-4282** (TDD/TTY: 1-866-626-4282), or online at [www.irs.gov](http://www.irs.gov), Search for...“HCTC”. Also, information on HCTC can be found in IRS Publication 502.

### REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE

**Reemployment Trade Adjustment Assistance (RTAA)** provides assistance to eligible Trade-affected workers age 50 or older who obtain new employment that pays less than their Trade-affected employment. RTAA benefits are available to workers covered under certified petitions filed on or after May 18, 2009.

#### Qualifying Requirements

- Must apply for TAA and receive an eligibility determination from the UC Service Center.
- Must be at least 50 years of age at time of reemployment.
- Must be reemployed full-time as defined by the state and if not enrolled in approved full-time training; **or**
- Must be employed at least 20 hours per week if enrolled in approved full-time training.
- May not be employed by the separating trade certified employer.
- Cannot be projected to earn more than \$55,000 each year in the new employment.

## Benefits of RTAA for qualified workers

If no TRA benefits have been received by the worker:

- RTAA pays 50% of the difference between the worker's wages at the time of the qualifying separation and the worker's wages from new employment.
- RTAA benefits may be paid for a period of up to 2 years beginning on either the date of exhaustion of eligibility for UC benefits based on the separation from trade affected employment or the date the worker obtains new employment, whichever is earlier.
- RTAA benefits may not exceed the maximum of \$12,000 in an eligibility period.
- RTAA participants may be eligible for the Health Coverage Tax Credit (HCTC).

If TRA benefits have been received by the worker:

- RTAA pays up to a maximum of 50% of the difference between the worker's wages at time of qualifying separation and the worker's wages from new employment.
- RTAA benefits may be paid for a period of up to 2 years following the date the worker obtains new employment, reduced by the total number of TRA weeks received.
- RTAA benefits will be reduced by a portion of the TRA benefits received during the RTAA eligibility period.
- RTAA participants may be eligible for the Health Coverage Tax Credit (HCTC) for any month that they receive an RTAA benefit.

Workers who are interested in the RTAA program should take advantage of all available reemployment services offered by the PA CareerLink®. If a worker pursuing RTAA is not able to obtain new employment after a qualifying separation, the worker should contact the PA CareerLink® TAA representative to consider other TAA benefit options, including training.

For more information, contact your local Pennsylvania CareerLink®.

# UCP-11B, TRADE ACT OF 2009, CERTIFICATION

I hereby acknowledge that I received the booklet UCP-11B. I understand that it is my responsibility to read and understand the important information contained within this publication. I also understand that if I have questions concerning the information I have been given, it is my responsibility to contact the UC Service Center and/or the PA CareerLink®. I understand that:

- The main benefits available under Trade Adjustment Assistance (TAA), include Job Search Allowances, Relocation Allowances, Training, and cash Trade Readjustment Allowances (TRA);
- Each benefit has distinct eligibility requirements, must be applied for separately, and that there are specific time limitations to apply for most benefits;
- In order to be eligible for TRA, including additional weeks of TRA, under the TAA Program, I must meet the enrollment in training requirement by enrolling in training approved under the Trade Act by: (1) the end of the 26th week after the petition certification date or the end of the 26th week after my most recent qualifying separation; (2) the date specified on a waiver of the enrollment requirement; (3) by the enrollment date specified if I am issued a waiver that is revoked; or (4) by the date of any written extension of these deadlines;
- It is my responsibility to request and obtain a subsequent written waiver prior to the date an existing waiver expires, if not enrolled in approved training;
- If I am claiming basic TRA and I have completed training, have received a waiver of the training requirement, or am on a break in training exceeding 30 days, I must make at least two job contacts on two different days during each week claimed and report this work search on forms provided;
- I may request up to 45 additional days to enroll in training, or request a waiver from training if extenuating circumstances exist; and
- I understand there is **no guarantee** that I will receive UC, TRA or other federal benefits for the duration of my training program.

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\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
TA-W Petition Number

\_\_\_\_\_  
Worker Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
TRA Representative Signature

\_\_\_\_\_  
Date

**DETACH AND RETURN TO THE UC SERVICE CENTER**

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Social Security Number

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TA-W Petition Number

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Worker Signature

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Date

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TRA Representative Signature

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Date

**WORKER COPY (Retain for your records)**