

ASSISTANCE FOR WORKERS UNDER THE TRADE ACT OF 1974

FOR PETITIONS FILED BEFORE NOVEMBER 4, 2002



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

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
BUREAU OF UC BENEFITS AND ALLOWANCES

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Equal Opportunity Employer/Program

READ THIS PAMPHLET
KEEP IT FOR REFERENCE

This pamphlet was prepared to help inform you of your rights and responsibilities for benefits available under the Trade Act of 1974, as amended prior to 2002. It will answer many of the questions that you may have while filing for these benefits.

This pamphlet is for your general information and applies to petitions filed before November 4, 2002. It is not intended to be a statement of the official Trade Act or of the Pennsylvania Unemployment Compensation Law. The statements are merely a brief description of the procedures and requirements under the law. If after reading this pamphlet you have any questions, contact the nearest Pennsylvania CareerLink or UC Service Center.

OFFICE STAMP



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WHAT ARE TRADE AND TRANSITIONAL ADJUSTMENT ASSISTANCE?

Trade Adjustment Assistance (TAA) is a Federal program that provides assistance to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports. The North American Free Trade Agreement (NAFTA) Implementation Act (P.L. 103-182) established a similar program, called the Transitional Adjustment Assistance (NAFTA-TAA) Program. The NAFTA-TAA Program provides assistance for workers whose firms have been affected by, or are threatened to be affected by, imports from Mexico or Canada specifically, or by shifts in production to those countries. Both programs are administered by the U.S. Department of Labor's Employment and Training Administration through the Pennsylvania Department of Labor and Industry, under the provisions of the Trade Act of 1974, as amended.

On August 6, 2002, President George W. Bush signed into law, the Trade Act of 2002. The Trade Act of 2002 makes several amendments to the 1974 Act. Generally, the amendments apply only to petitions for adjustment assistance that are filed on or after November 4, 2002. The provisions of the 1974 Act that were in effect on September 30, 2001, cover petitions filed on or before November 3, 2002. Those provisions are described in this pamphlet.

For information on the benefits and requirements of Trade Adjustment Assistance (TAA) Program as provided under the Trade Act of 2002, ask for the pamphlet, UCP-11A, Trade Act of 2002, Assistance for Workers under the Trade Act of 1974.

The Trade Act of 2002 also repealed the North American Free Trade Act (NAFTA - TAA). However, workers covered under certifications issued pursuant to NAFTA-TAA petitions filed on or before November 3, 2002, will continue to be covered under the provisions of the NAFTA-TAA program that were in effect on September 30, 2001, as described in this pamphlet.

The Trade Act of 2002 did provide for Health Coverage Tax Credit (HCTC) for qualified workers, regardless of the petition filing date. Applicable to all TAA and NAFTA-TAA eligible workers, the HCTC was available beginning with December 2002. General information on HCTC benefits is provided in this pamphlet.

The TAA Program is reauthorized through September 30, 2007. The amendment also authorizes the payment past that date of program benefits to workers who are covered by a certification issued on or before that date and are otherwise eligible to receive the benefits.

Note: For purposes of this pamphlet, "TAA" will be used to include both regular TAA and NAFTA-TAA Program benefits and requirements, unless otherwise specified.

If your employment was adversely affected by increased imports or a shift in production to Mexico or Canada, and you became unemployed or had your work week shortened, you may be eligible for benefits which help you prepare for and obtain new employment. You may qualify to receive reemployment services, such as allowances for training, job search, and relocation. Additionally, weekly Trade Readjustment Allowances (TRA) may be payable to you, if you qualify, following the exhaustion of all of your State and Federal unemployment compensation (UC) benefits.

APPLYING FOR TRADE OR TRANSITIONAL ADJUSTMENT ASSISTANCE

As of November 4, 2002, petitions may only be filed under the Trade Adjustment Assistance (TAA) program as provided for under the Trade Act of 2002. See the pamphlet, UPC-11A, Trade Act of 2002, Assistance for Workers under the Trade Act of 1974, for information on the petition filing process in effect since November 4, 2002.

A petition for TAA benefits 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 local Pennsylvania CareerLink, UC Service Center, by contacting the Division of Trade Adjustment Assistance, or by visiting the U.S. Department of Labor's website at www.doleta.gov/tradeact/determinations.cfm.

Although the website listed above is updated periodically by the U.S. Department of Labor, official notices of petition filings and determinations are published in the Federal Register. The Internet address for the Federal Register Main Page is www.gpoaccess.gov/nara/index.html.

Only workers whose total or partial separation from certified employment that occurred on or after the impact date, and before the termination or expiration date, are eligible *to apply* for program benefits. 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 which are explained in the "Appeal Rights" section ahead.

IMPORTANT

Workers who are certified under NAFTA-TAA may also be able to be certified under regular TAA. Workers should carefully examine the criteria for both of these programs. While the benefits available under both the regular TAA and the NAFTA-TAA Programs are the same, there are some differing deadlines and application requirements. One major difference is that to qualify for TRA weekly benefits under the NAFTA-TAA Program, workers must be "enrolled in training" approved under the Trade Act by the later of:

- The end of the 6th week* after the week in which the petition was certified; or
- The end of the 16th week* beginning with the week following the worker's most recent qualifying separation.

*These deadlines may be *extended for up to 30 days only if* there are extenuating circumstances that delay the worker's enrollment. (See "Trade Readjustment Allowances" ahead.)

Applying for a Determination of Entitlement to TAA Benefits

When you are informed, by the U.S. Department of Labor, the Pennsylvania Department of Labor and Industry, your employer or union, or any other source (e.g., newspaper, radio, television, etc.), 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 reemployment services (which include training, job search allowances, and relocation allowances) and Trade Re-adjustment Allowances (TRA). There are different qualifying requirements for reemployment services than there are for TRA. You must apply for entitlement to TRA benefits within a reasonable period of time after publication that a petition has been certified.

You will also need to make a separate application for each TAA benefit you are interested in receiving, but your applications for each benefit cannot be approved until you are first determined to be entitled to TAA benefits. 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 or if you return to work. You must also apply for the benefit before you begin the activity and allow enough time for the review and processing of your application. Information on the benefits available, the qualifying requirements, and the deadlines for application for each benefit are found in this pamphlet. More information is also available at your Pennsylvania CareerLink or by contacting a UC Service Center.

The Pennsylvania Department of Labor and 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 1974, as amended prior to 2002.



Remember!

- Apply for TAA entitlement.
- File separate applications for benefits.
- Apply on time.
- Apply before you begin the activity.

REEMPLOYMENT SERVICES

The Trade Act provides for a variety of reemployment services. These services are only provided through your local Pennsylvania CareerLink. You must apply separately for each of the following reemployment services: (1) job search allowances, (2) relocation allowances and (3) funded training.

To qualify for any of these TAA reemployment services, you must have been totally or partially separated, due to lack of work, from the import-affected employment on or after the impact date and before the termination or expiration date. 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. You are not required to establish a claim for weekly Trade Readjustment Allowances (TRA), to receive TAA reemployment services.

Job Search Allowance

If you have a job interview for suitable employment with a person who has hiring authority, a job search allowance of up to a maximum of \$800 per worker may be payable to you to cover a portion of the necessary job search expenses. Ninety (90) percent of your travel, lodging, and meals expenses, which are not payable or reimbursable from any other source, may be paid at amounts set forth in applicable federal regulations, if: (a) you have been totally separated from adversely affected employment, (b) you cannot be reasonably expected to secure employment in the commuting area in which you reside, and (c) you file your application for a job search allowance by 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, you must be registered with the Pennsylvania CareerLink for reemployment services, you must 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, and the allowances cannot be approved until after you are covered under a certification.

In order to be paid, you must provide the Pennsylvania CareerLink with required certifications and receipts. Additional restrictions concerning job search allowances are indicated in Federal regulations. Contact your Pennsylvania 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, not to exceed \$800, equal to 3 times your average weekly wage, and 90 percent of your travel, lodging, meals, and moving expenses, which are not payable or reimbursable from any other source, may be paid at amounts set forth in applicable Federal regulations, if: (a) you have been totally separated from adversely affected employment, (b) you cannot be reasonably expected to secure 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, (c) you have not previously received a relocation allowance under the same petition, (d) another family member has not already received a relocation allowance with respect to this same relocation, (e) you are relocating within the United States and outside of your present commuting area, (f) you begin and complete your relocation within a reasonable period of time, (g) you are registered with the Pennsylvania CareerLink for reemployment services, and (h) you file your application for a relocation allowance by 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.



**Time is
Running
Out!**

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 begin your relocation within 182 days after the date of application for the relocation allowance, or 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 Pennsylvania CareerLink with required certifications and receipts. Additional restrictions concerning relocation allowances are indicated in Federal regulations. Contact your Pennsylvania CareerLink 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 a qualified import-affected worker when partially or totally separated. Act quickly to discuss your goals with your Pennsylvania CareerLink 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. Funded training opportunities may include remedial, vocational, technical, trade-related, community college, or college programs; however, training programs must be full-time and may not exceed 104 weeks. Under limited circumstances, you may also be eligible for payments to help cover the costs of subsistence and transportation.

Once you have identified the specific occupational training you would like, you should apply for TAA funded training. The training must be approved before incurring any of the costs or actually beginning training. To be approved, you must be an adversely affected worker at the time you apply, be determined to be entitled to TAA reemployment services, 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. A training program may be approved only if you show that you have the financial resources to undertake and complete the training.

ONLY ONE TRAINING PROGRAM may be approved under a single certification. While an approved training program may have up to 104 weeks of training, you may not be eligible for weekly UC or TRA to cover the entire period of your training. 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. Further, in order to receive "additional weeks" of TRA under the regular TAA Program, payable for up to 26 additional weeks if you are still in training and have no more "basic weeks" of TRA payable to you (see section on "Additional Trade Readjustment Allowances" ahead), you must make a bona fide application for training within 210 days after the date the petition under which you are covered is certified by the U.S. Department of Labor, or within 210 days after your most recent separation from import-affected employment covered by the petition certification, whichever is later.



**"We were retrained
and it didn't cost us
any money!"**

Note: To be eligible for both basic and additional TRA under the NAFTA-TAA Program, you must enroll in Trade Act approved training by the end of the 6th week after the week in which the petition was certified or the end of the 16th week beginning with the week following your most recent qualifying separation. (See "Trade Readjustment Allowances" ahead)

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 more than 60 days after the date that your petition was filed with the Division of Trade Adjustment Assistance or the NAFTA Unit, and you cannot be paid TRA if you have other UC payable to you for the same week.

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;

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

4. Be entitled to unemployment benefits based upon your separation;
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;

Note: Under certain circumstances, up to 26 weeks of compensable disability (workers' compensation) or weeks on call up for active duty in a reserve status in the Armed Forces, or up to 7 weeks of employer authorized leave (including service as a full-time representative of a labor organization at your firm or subdivision) may be counted as part of the 26 weeks needed to qualify.

6. Under the regular TAA Program, be enrolled in a Trade Act approved training program or have completed such a training program after your separation from import-affected employment, or have been issued a certification by the Pennsylvania Department of Labor and Industry, waiving the training program requirement because training is not feasible or appropriate for you.

Under the NAFTA-TAA Program, be enrolled in training approved under the Trade Act by the later of the end of the 6th week* after the week in which the petition was certified or the end of the 16th week* beginning with the week following your most recent qualifying separation. This requirement must be met to qualify for weekly TRA benefits under the NAFTA-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 Pennsylvania Trade Coordination Services (TCS) Unit to begin within 30 days. Waivers of the "enrollment in training" requirement cannot be granted for NAFTA-TAA/TRA.

*These deadlines may be extended for up to 30 days only if there are certain extenuating circumstances that delay your enrollment. Requests for extensions must be completed on the reverse of Form ES-1941A, and must be submitted to and approved by the TCS Unit.

7. Be actively seeking, applying for and accepting work within your capabilities, and reporting your active work search efforts to the Pennsylvania CareerLink or 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
8. Not have State or Federal unemployment benefits payable to you for the same week, including Unemployment Compensation (UC) from any state, Railroad UI (RRUI), UC for Ex-Servicemembers (UCX), UC for Federal Civilian Employees (UCFE), Extended Benefits (EB), or any other Federal unemployment benefits.

Note: If you begin to receive TRA and requalify for a subsequent UC claim or any other unemployment benefits before exhausting your maximum TRA benefit amount, your TRA benefits must be suspended until your UC or other benefits are exhausted.

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" qualifying total or partial separation — a separation which meets the first four "Qualifying Requirements", (see numbered paragraphs 1 through 4 above). 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" ahead).

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) in your first benefit period will be deducted from this amount. For example:

1. 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.
2. A worker was entitled to 26 weeks of UC, followed by 13 weeks of EB at the weekly benefit rate of \$100

(\$3,900). The maximum amount of basic TRA payable is 52 times the weekly benefit rate of \$100 (\$5,200). Subtracting \$3,900 from \$5,200 leaves this worker with a basic TRA maximum benefit amount of \$1,300.

UC, EB, RRUI, UCX, or UCFE entitlement payable under a subsequently established unemployment claim does not reduce TRA entitlement established by the first benefit period. However, your unemployment benefit entitlement must have ended before any TRA can be paid.

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 qualifying separation" — a total separation which meets the necessary "Qualifying Requirements" (see numbered paragraphs 1, 2, 3 and 5 above). In order to receive TRA, you must claim and be otherwise eligible for weeks occurring within the eligibility period.

Deductions from TRA Benefits

The following will reduce your weekly TRA entitlement:

1. Any income deductible from unemployment benefits under the Pennsylvania Unemployment Compensation Law is deductible from TRA benefits. Deductible income may include wages, vacation pay, holiday pay, and pensions or annuities, including Social Security benefits, earned or received during the week claimed;
2. Enforced child support obligations for which the Pennsylvania Department of Labor and Industry has received a court order or a withholding agreement;
3. The amount of certain other training allowances you receive - Veterans Educational Assistance for example;
4. A State weekly percentage reduction, if required by Pennsylvania law; and
5. A Federal weekly percentage reduction, if required by Federal law.

Note: 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. Automatic deduction of Federal withholding tax from TRA benefits is available. If you had elected automatic deduction of Federal withholding tax on a prior UC claim, the deduction will continue for your TRA claim unless you elect to discontinue this option. See the pamphlet UCP-1(SC), Pennsylvania Unemployment Compensation Handbook, for additional information on Federal taxation of benefits.

ADDITIONAL TRADE READJUSTMENT ALLOWANCES

Additional Trade Readjustment Allowances (TRA) are weekly benefits payable to eligible workers to assist the worker in completing a Trade Act approved training program.

You may be entitled to up to 26 weeks of additional TRA benefits at the same weekly benefit rate as your basic TRA weekly benefit rate. Additional TRA benefits are payable during the 26 consecutive week period 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 26 consecutive week 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 26 full weeks of additional TRA benefits if you:

1. Complete your approved training prior to claiming all 26 weeks;
2. Are ineligible for any such week(s) because you were not participating in training or have a break in training which did not meet eligibility requirements;
3. Become eligible for another unemployment benefit claim, either State or Federal; or

4. Your maximum weekly TRA benefit amount is reduced due to deductible income, Social Security or other pensions, support obligations, other training allowance, or any other weekly TRA deduction required by Law.

The ending date of your additional TRA eligibility period cannot be extended, even though you may not have completed your approved training or were not eligible for one or more weeks during the eligibility period. To qualify to receive additional TRA, you must make a bona fide application for Trade Act approved training at the Pennsylvania CareerLink or UC Service Center within 210 days after the date your petition was certified or after the date of your most recent total or partial separation from employment covered by a certification, whichever is later.

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:

1. The break in training is a scheduled break, published in the program of the training institution;
2. You are participating in the training program immediately before the beginning of the break and immediately after the end of the break; and
3. The duration of the break does not exceed 14 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 14 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.

JOB PROSPECTS CLASSIFICATION

If you have no definite job prospects, or do not have a recall date to begin work within 4 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 (e.g., SUB pay) you receive; and
- The work offered is listed with the Pennsylvania 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 Trade Act approved training after your TRA-qualifying separation, or have been granted a waiver of the TRA training program requirements, you must conduct the same weekly active work search as claimants filing for Extended Benefits (EB) in Pennsylvania. Specifically you must:

- Seek work on at least 2 days during each week claimed and make a total of at least 2 job contacts per week, contact being made on different days of the week;
- Attempt to submit at least one in-person job application, other than with the Pennsylvania CareerLink or a union hiring hall, during each week claimed. If unable to do so, you must explain the reason when you file your weekly claim; and
- Report your weekly work search activity on the form provided to you by your Pennsylvania CareerLink or UC Service Center.

You must use at least 2 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 (at least one each week required)
- Pennsylvania CareerLink
- Union with a placement service (this should be in-person)
- 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 last employer for whom you worked immediately before applying for either regular unemployment compensation or TRA benefits.

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 4 or more weeks and earn 4 times your weekly benefit rate and have a qualifying separation.

Note: If you are enrolled in training approved under the Trade Act, you are exempt from the weekly work search requirement.

If you receive a disqualifying determination, you have a certain period of time during which you may file an appeal to have the determination reviewed. (See "Appeal Rights" ahead.)

WHEN MAY I BE IN DANGER OF LOSING MY BENEFITS?

You may be denied benefits for reasons including, but not limited to:

1. You do not meet the individual qualifying requirements of the benefit that you are applying for;
2. You do not file an application for entitlement to TAA within a reasonable period of time after certification, you are no longer an adversely affected worker, or you do not file an application for the benefit within the specific time limitation which applies to that benefit;
3. You fail to begin participation in an approved training program, you cease participation in such a training program without justifiable cause, or a waiver of the training program enrollment requirement is revoked;
4. You are enrolled in an approved training program and there is a break in the training program which exceeds 14 days or is not a scheduled break, or if you do not participate in the training program immediately before and after the break;
5. You do not conduct or fail to report an active search for work when required;
6. You do not accept an offer of suitable work when required;
7. You are unable or unavailable to work when required;
8. You fail to comply with the reporting requirements;
9. You fail to report all wages earned during a week of TRA claimed; or
10. You are no longer unemployed.

APPEAL RIGHTS

Individual Claims for TAA Benefits

Under the Pennsylvania Unemployment Compensation Law, if you feel that the Pennsylvania Department of Labor and Industry has been wrong in any determination made regarding your TAA benefits, including, but not limited to, your eligibility period, your weekly and maximum benefit rate, or your entitlement to TAA or eligibility to one or more benefits, you may:

1. Appeal the decision to a UC Referee within 15 days from the date the ruling is handed or 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 work day. A representative at the Pennsylvania CareerLink or UC Service Center can assist you in filing this appeal. You may always file an appeal even if you or anybody else believes you will not win. Your appeal will be reviewed with an opportunity for a hearing before the UC Referee, and a decision will be issued by the UC Referee.
2. If you are not satisfied 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 Pennsylvania Unemployment Compensation Board of Review and a decision and order will be issued. A representative at the Pennsylvania CareerLink or UC Service Center can assist you in filing this appeal.
3. If you are not satisfied with the decision and order of the UC Board of Review, 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.

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. Additionally, you must continue to meet all of the weekly qualifying requirements (e.g., enrollment 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 cannot 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 any benefit payment under the Trade Act to which you were not entitled, you will 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 requiring repayment would be contrary to "equity and good conscience", which is defined as "extraordinary financial hardship." Fraud overpayments cannot be waived. Unless the overpayment is waived or otherwise repaid, it will be recovered by deductions from any amount payable to you under:

1. The Trade Act;
2. Most Federal unemployment benefit programs;
3. Any other Federal law administered by the Department of Labor and Industry which provides for the payment of assistance or an allowance with respect to unemployment; or
4. Any unemployment benefits payable to you under the provisions of the Pennsylvania Unemployment Compensation 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.

INTERSTATE CLAIMANTS

Generally, the State in which you were first separated and established an unemployment benefit claim as a result of your separation from import-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. However, the State in which you reside is generally the State which will procure and pay the costs of approved training.

If you reside outside of the State which is liable for making eligibility determinations and for the payment of your TRA benefits and TAA job search and relocation allowances, you may file a claim for any of these benefits through the Interstate Benefit Payment Plan. In such cases, to initiate the claim, you must contact the unemployment compensation agency in the State in which you reside. The claim will be forwarded to the liable State agency, which will process and pay eligible claims.

Thereafter, if you are filing for TRA benefits, you will file weekly or biweekly claims directly with the liable State. Applications for training approval should be filed at the local unemployment compensation agency in the State of your residence, which will coordinate your eligibility determination with the other State.

As explained in the "Trade Readjustment Allowances" section on page 5, to qualify to receive basic TRA, you must be enrolled in Trade Act approved training, or have completed such a training program since your separation from import-affected employment. However, if training is not feasible or appropriate for you, you may be issued a temporary waiver of the training program requirement (under the regular TAA Program only). If you are an interstate TRA claimant, you must report to the unemployment compensation agency in the State of your residence for a determination of whether you have satisfied this requirement. If you have not already completed an approved training program, the employment security agency will help you enroll in a training program, or issue a waiver, if appropriate.

If you reside out-of-state and Pennsylvania is the State liable for payment of your TRA benefits and 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 contact:

UC Service Center - Interstate Claims
Telephone: 1-888-313-7284

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

TCS Unit
Labor and Industry Building
13th Floor
7th and Forster Streets
Harrisburg, PA 17121

Telephone: (717) 783-8050

FEDERAL HEALTH COVERAGE TAX CREDIT

If you qualify to receive TRA benefits under the TAA or NAFTA-TAA Programs, or you would be eligible for TRA benefits but have not yet exhausted your UC, including TEUC, you may be eligible for a federal **Health Coverage Tax Credit (HCTC)** equal to 65% of the amount you pay for "qualified health coverage" for you and your family members. An individual who meets the TRA qualifying criteria as an "eligible individual" must be covered by a qualified health program, have no other coverage, and not be in prison.

Note: To qualify for the federal tax credit you first must qualify for TRA benefits by either: 1) enrolling in training under the TAA or NATA-TAA Programs; **OR** 2) receiving a written waiver from the TAA eligibility training requirement (Waivers are not available under NAFTA-TAA). There are specific deadlines for applying for, and enrolling in, train-

ing that may affect your eligibility for TRA benefits. For information regarding meeting this TRA eligibility training requirement, immediately after filing your TAA or NAFTA-TAA claim you should contact your local Pennsylvania CareerLink office Monday through Friday from 8:30 a.m. until 4:00 p.m. To find the Pennsylvania CareerLink nearest you, access the PA PowerPort at **www.state.pa.us**; PA Keyword “jobs”. Select “Job Seeker Services,” and click on the hyperlink titled “local Pennsylvania CareerLink office or participating agency.” You may also refer to your local telephone directory under State Government, Department of Labor & Industry, PA CareerLink.

The earliest month for which you can claim HCTC is one that begins more than 60 days following the date that the petition that covers you was filed with the U.S. Department of Labor.

For any month during the year that you received TRA benefits (or UC or TEUC benefits in lieu of TRA), had “qualified health coverage,” and did not file for and receive an advance tax credit, you may claim this tax credit when you file for your federal income taxes for that year. However if you want to receive this 65% 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 received TRA (or UC or TEUC in lieu of TRA) 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 advance 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 and receiving 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-HCTC** (TDD/TTY: 1-866-626-HCTC), or online at **www.irs.gov**, search for ...“HCTC”.

Also, information on HCTC can be found in IRS Publication 502.

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

RECORD OF TRA WEEKLY CLAIMS

For each week that you claim benefits, enter the week ending date and the date you filed the claim in the “CWE” and “FILED” columns respectively. When you receive your benefit check, enter that date in the “RECEIVED” column.

If properly maintained, this section will represent a complete record of all the claims you have filed and all of the TRA checks you have received.

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Continued on next page.

RECORD OF TRA WEEKLY CLAIMS

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UCP-11, ASSISTANCE FOR WORKERS UNDER THE TRADE ACT OF 1974, CERTIFICATION

I hereby acknowledge that I received the pamphlet UCP-11. 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 that it is my responsibility to contact the UC Service Center and/or the Pennsylvania CareerLink. I understand that:

- Four main benefits are available under both the regular Trade Adjustment Assistance (TAA) and Transitional Adjustment Assistance (NAFTA-TAA) Programs, including Job Search Allowances, Relocation Allowances, Training, and Trade Readjustment Allowances;
- Each benefit has distinct eligibility requirements, must be applied for separately, and that there are specific time limitations to apply for most benefits;
- I must apply for training within 210 days of my most recent qualifying separation or petition certification date to be eligible for additional weeks of TRA under the regular TAA Program; or

I must enroll in training approved under the Trade Act by the end of the 6th week after the petition certification date or the end of the 16th week after my most recent qualifying separation to be eligible for TRA, including additional weeks of TRA, under the NAFTA-TAA Program; and

- If required, I must make at least 2 job contacts on 2 different days during each week claimed, at least one being in-person, and report this work search on forms provided.

SOCIAL SECURITY NO.	TA-W	PETITION NUMBER	NAFTA-TAA	PETITION NUMBER	OFFICE NO.
WORKER'S SIGNATURE			DATE		
TRADE ACT REPRESENTATIVE'S SIGNATURE			DATE		