**WorkforceGPS**

**Transcript of Webinar**

**Subpart G: Trade Adjustment Assistance (TAA) Final Rule**

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GRACE MCCALL: So without further ado I'd like to turn things over to our speakers for today, Julie Baker, supervisor, OTAA/ETA. Take it away, Julie.

JULIE BAKER: Thanks. This is Julie Baker. I'm with the Office of Trade Adjustment Assistance, Employment and Training Administration. And I will turn it over to my colleague Tim to introduce himself. Over to you, Tim.

TIM THEBERGE: Thanks, Julie. This is Tim Theberge. I'm a lead policy analyst with the Office of Trade Adjustment Assistance with ETA. So good afternoon or good morning.

Again, this PowerPoint – this presentation with the speakers' notes are include in the file share pod. Please remember to use the chat window to enter your questions; we will try to answer them throughout the session.

In addition, please consider having the Final Rule open so you can follow along. It is incredibly helpful during the more technical parts of the presentation and the Q&A as they may come in. For those of you that have that open, we are Section G – Subpart G, sorry, starts on page 52006 of that PDF version that is available in the file share pod.

We want to let you know that this presentation covers only the TAA Final Rule. We are not covering any questions related to the CARES Act or anything under the pandemic emergency – anything related to that. There are COVID-19 frequently asked questions and those are up on the DOL webpage at dol.gov/agencies/eta/coronavirus. So if you're looking for CARES Act or COVID questions, please head over there. We will not be covering those today. This is exclusively about Subpart G.

So with that, there are no shortage of topics that we'll be covering. These are all of the individual parts that are in Subpart G, the definitions, the scope, the types of TRA, applications, qualifying requirements, the enrollment deadlines, good cause and justifiable cause, waivers, evidence for qualifications, weekly amounts, maximum amounts, the eligibility period for basic, cover additional TRA, we're going to cover completion TRA, breaks in training, and disqualifications.

So all of this is in Subpart G. This is 618.700 and throughout the 700 sequence. This covers eligibility and requirements for, and the amounts and duration of, Trade Readjustments Allowances, also known as TRA.

This Subpart G reorganized and simplified some of the provisions in the previous rule to make them easier to follow and/or modified or excluded provisions to reflect statutory amendments and policy determinations previously found in administrative guidance.

Throughout this presentation we will be referencing adversely-affected workers as AAWs.

So these are some of the major updates. We are providing TRA-specific definitions about the three types of TRA. We are clarifying and simplifying the TRA provisions. We are codifying when TRA is payable; that an application is required for basic and completion TRA; conditions under which an individual may receive TRA prior to the 26-week enrollment deadline; deadline to enroll in training; and the good cause and justifiable cause provisions of the act.

In addition, we are providing that partially-separated workers are otherwise eligible for TRA. This is a change from 617. We're establishing regulations for the TRA election provision, the earnings disregard, and we are clarifying the payment of basic TRA after the completion of training. We are also updating the language on regulations related to waivers from training.

So the first two parts we're going to cover are 618.700 and 705. These are new. They do not have comparable parts in the existing rule.

Definitions. So 618.705 establishes definitions of the terms "participating in approved training," "training allowance," and "adversely-affected employment," as used in this Subpart G.

So paragraph (a) replaces the term "participation in training" with "participation in approved training" throughout Subpart G. The previous regulation did not interpret or define this term, despite using the phrase throughout.

Paragraph (a)(1) "participating in approved training" generally, relative to attendance or taking part in on-site classes, activities, and events, as well as covering excused absences. Paragraph (a)(2) describes the term specifically for distance learning but is otherwise the same as paragraph (a)(1).

Paragraph (b) establishes a definition of the term "training allowance," which is used throughout Section 232 of the act. The term "training allowance" has been used to describe such federal programs as Veterans Educational Assistance and Supplemental Educational Opportunity Grants, whereas payments would go directly to the AAW, as opposed to payments provided directly to a training provider. Federal student financial assistance is excluded from being a training allowance and reasons for the exclusion are discussed in more detail in 618.745(c)(4).

Paragraph (c) on the term "adversely-affected employment" is not a new interpretation or new concept. Instead, it is an explicit clarification of existing policy. This paragraph is derived from the definition of the term "firm," which provides that any predecessors or successor-in-interest are considered part of the same firm for purposes of Subpart B.

Paragraph (c) extends that logic to the wages earned by an AAW that may be reported under the subject firm named on a petition, a predecessor, or a successor-in-interest. For purposes of TRA, wages reported to a state or paid to an AAW by a successor-in-interest are to be treated as weeks and wages in adversely-affected employment for purposes of establishing TRA eligibility.

A question. What documentation is needed to show, under paragraph (a)(1) describing the term "participating in approved training," that a worker's absence from or failure to take part in training was excused by the training provider in accordance with the provider's written policy?

The department has determined that documentation may be varied and includes, but is not limited to, a written or electronic note or a documented phone call.

Categories of TRA. This is 618.710, explains that there are three categories of TRA: basic, additional, and completion. These three categories of TRA are used throughout Subpart G, so the basic explanation here should make the rest of Subpart G easier to follow.

So there are three. Basic TRA is approximately 52 weeks. Additional TRA is 65 payable weeks over a 78-week period. And completion TRA is 13 payable weeks over a 20-week period.

Paragraphs (a),(b), and (c) identify, respectively, basic TRA, additional TRA, and completion TRA, and reference their respective qualifying requirements contained in later sections of Subpart G.

Paragraph (a) describes Basic TRA, payable to an AAW who meets the requirements of 618.720.

Paragraph (b) describes additional TRA, which is payable to an AAW who meets the requirements of 618.760. Additional TRA begins the first week after exhaustion of basic TRA.

Paragraph (c), completion TRA, is payable to a worker who meets the requirements of 618.765. Completion TRA is payable after exhaustion of basic and additional TRA and only if the AAW is pursuing a program leading to a certificate or industry-recognized credential, participates satisfactorily, and the program is completed by the established eligibility period.

The eligibility period will begin once the individual files a claim for completion TRA, files for compensation for a given week while participating in training, and is expected to complete such training in the established 20-week period. The State must assist the worker to meet these strict requirements.

The State must work with the worker to determine the best timing for the start of the 20-week period to ensure that the training will be completed within the established period. The first week of completion TRA cannot automatically be established as the first week after exhaustion of additional TRA, as doing so could result in an AAW receiving no completion TRA at all.

For example, if a training program required 21 weeks beyond the end of additional TRA, and the first week of completion TRA were automatically started at the conclusion of additional TRA, no completion TRA would be payable as the AAW would not complete the training within the 20-week period.

Applications for TRA. This is 20 CFR 618.715. Paragraph (a) covers timing of applications and changes the phrase "may be filed within a reasonable period of time after publication of the determination certifying the appropriate group of workers" to "must be filed after publication of the certification of the appropriate worker group," to clarify that filing before a certification is issued is not allowable.

It also omits all references to applications for TRA for weeks of unemployment beginning before the initial application for TRA is filed, because it needlessly confuses the requirement that TRA cannot be paid until an AAW is covered by a certification.

Paragraph (b) is applicable procedures; it's nearly the same as existing rules. Provides the procedures for filing TRA applications, except that it updates references to Subpart G and newly provides for the filing and processing of applications by any means allowed for UI claims in the state. This new provision allows states flexibility in application processing.

Paragraph (c) covers treatment of determinations, establishes that TRA determinations are subject to specified requirements in Subpart H including determinations, appeals, and hearings. It requires that an AAW's case file include the worker's TRA application and determination on those applications. These have been added for clarity as a result of state monitoring and oversight findings.

Paragraph (d), payment of TRA, is new. Paragraph (d)(1) explains when TRA is payable and states that TRA payments must not be made until a certification is issued and the state determines that an AAW is a member of a worker group covered under certification.

Paragraph (d)(2) implements Section 231(a) of the act. It provides that the first week of TRA entitlement is the week that begins on or after the certification. This is a change, which eliminated the provision that previously established the first week of TRA entitlement as the later of: the week that begins more than 60 days after the date of the filing of the petition; or the first week beginning after the exhaustion of UI entitlement. The 60-day waiting period was removed from the act and is no longer applicable.

Paragraph (d)(3) is new, specifies that an adversely-affected worker may receive only one form of TRA for any given week. This was added for clarity.

Paragraph (e), taking of applications, has been added to make clear that an application is required for basic and completion TRA.

It is important for AAWs to be aware that the conditions for the receipt of each type of TRA are unique. Therefore, the department has established a requirement in paragraph (e)(3) that AAWs be notified when they move from basic TRA to additional TRA, so that they are aware of the eligibility conditions that must continue – they must continue to meet to remain eligible.

Providing a notice to AAWs informing them of eligibility criteria at each benefit entitlement stage fulfills due process requirements and reinforces program integrity. This also serves as the record that the state advised AAWs properly, and the state will be better able to sustain a denial of benefits at the appellate level since it was well-documented that benefit information was provided with specificity to all AAWs proximate to the benefit payments.

Regarding paragraph (a)(1) of this section that TRA applications be filed after publication of the certification of the appropriate worker group, does this mean after publication by the department in the Federal Register or after notification by the state itself? And how should states implement this provision for AAWs who are separated later in the certification period?

The certification date on the determination document would govern for this purpose, not the publication in the Federal Register. After receiving this question in the comment period, the department subsequently revised the rule in (a)(1) to remove the reference to publication of the certification to remove any confusion over when an application may be filed. The revision makes it clear that the application may be submitted as of the certification date of a petition.

For the second question, states must work with firms to continually update worker lists of those workers that have separations and threats of separations throughout the duration of the certification period.

Regarding the requirement in paragraph (c) that states must maintain copies of TRA applications and determinations in case files, does the department intend in such cases for the TAA program agency to keep the applications in the files or for the TRA agency to maintain them? Related, with a division of responsibilities between state agencies, most states maintain TRA determinations electronically. Does this requirement mean states need to keep paper copies as well?

It is the state's prerogative to determine where the TRA application is kept. TRA records must be stored according to federal and state record retention requirements and made available to the department for review, as appropriate.

The department maintains that participant records may be electronic or paper or both, but must be accessible to case managers and other state and federal officials who require access to a trade-affected worker's case file.

State files and recordkeeping procedures are at the discretion of the state. But if there is a lack of file integration between agencies who administer the TAA program and TRA, states may use Trade and other activities funds to improve their case file integration and accessibility. States may have to examine and modify policies and procedures to ensure that appropriate individuals have access to a trade-affected worker's complete file, including TRA.

Qualifying requirements for basic TRA. (Section) 618.720 sets forth the requirements for basic TRA eligibility. It replaces the term "individual" with "AAW" or "worker." It also updates the language about petitions and certifications in Subpart B and references the terms "worker group" and "group of workers" in order to be consistent with this Part 618.

Paragraph (a) that an AAW must be a member of a worker group certified under Subpart B of 618.

Paragraph (b) uses the term "certification period" to reference the certification under previous paragraph (a). Paragraph (b) also includes a significant change in eligibility for TRA by incorporating the amended definition of "qualifying separation" that includes partially-separated workers.

A qualifying separation was previously construed as requiring a total separation. The department's exclusion of partially-separated workers from the definition has been based on 1988 amendments to the act.

The '88 amendments added a 104-week limitation period on the receipt of basic TRA. The department's prior interpretation of Section 232(a)(2) was that it created a moveable 104-week eligibility period for basic TRA that only could be initiated based on a total separation.

However, partially-separated workers are eligible for TRA benefits if the requirement in Section 231 of the act are otherwise met. The department's revised interpretation is based on Section 231(a) of the act directing that TRA payments "shall be made to an adversely-affected worker" who meets the requirements for statutory eligibility contained in Section 231(a)(1) through (5).

The term "adversely-affected worker," in turn, is defined in Section 247(2) of the act as an individual who "has been totally or partially separated" from adversely-affected employment because of lack of work.

Section 231 of the act provides the qualifying requirements for receipt of TRA. (Section) 231(a)(1) explicitly references a partial separation. Further support for this revised interpretation is provided in 231(a)(2) of the act, which refers to partial separations with respect to the earnings requirements to establish TRA eligibility; and Section 231(a)(3)(A) of the act that refers to partial separations in the context of eligibility requirement of UI entitlement. Lastly, 234(a)(2) of the act explains which state law applies with respect to filing a claim for TRA and it references partially separated workers.

The department's revision of the definition of the term "qualifying separation" to include partial separations raises the question of how to interpret Section 231(a)(5)(A)(ii) of the act that establishes the 26-week training enrollment deadline, as well as Section 233(a)(2) of the act that establishes a 104-week eligibility period for basic TRA, because both sections of the act reference only total separations.

Section 618.725 uses the same 26-week training enrollment deadline for all qualifying separations, regardless of whether the worker experienced a total or a partial separation. Similarly, 618.755 limits the receipt of basic TRA to 104 weeks, regardless of whether the qualifying separation was total or partial.

Paragraph (c), wages and employment, is unchanged except for a few phrases have been modified for clarification.

Paragraph (d), entitlement to UI, provides that a worker must be entitled to UI or would have been entitled to UI had they filed.

Paragraph (e), exhaustion of UI, requires exhaustion of UI prior to receipt of TRA and sets forth two requirements. Paragraph (e)(1) requires exhaustion of UI entitlement. Paragraph (e) contains an exception to the exhaustion requirement under Section 231(a)(3)(B) of the act, that exhaustion of additional compensation that is funded by a state and not reimbursed from any federal funds, is not required. This was from an amendment to the act included in TAARA 2002 and retained by TAARA 2015.

It explains that whenever an adversely-affected worker becomes entitled, or would become entitled if the worker had applied, to UI – except for additional compensation that is funded by a state and not reimbursed from any federal funds – TRA eligibility is suspended until the worker again exhausts UI. We will discuss paragraph (e) in further detail in the slide after next.

Paragraph (f), extended benefits – or EB – work test, combines the previous requirements and reorganizes and rephrases the paragraphs containing the specified means for meeting the EB work test requirements in an easier to follow format.

Paragraph (f) provides that the adversely-affected worker must be able and available for work and must meet the EB work test requirements for each week TRA is claimed, except while enrolled in, or participating in, approved training. In addition, the EB work test requirements do not apply during a break in training that does not exceed 30 days. Paragraph (f)(2)(iii) provides the weeks that the worker is not subject to the EB work test.

Paragraph (f)(3) contains the definition of "suitable work." Specifically, the term "suitable work" is either suitable work as defined in the applicable state law for claimants for regular compensation, or suitable work as defined in applicable state law provisions consistent with Section 202(a)(3) of the Federal-State Extended Unemployment Compensation Act of 1970 – EUCA.

The applicable definition depends on an AAW's job prospects, which is discussed in 20 CFR 615.8(d). For an AAW whose job prospects determined to be "good," the applicable definition is that of claimants for regular compensation. Conversely, where a worker's job prospects are "not good," the EUCA definition applies, and it considers any work within the worker's capabilities to be suitable.

Lastly, the definition, as well as the – right – 617 definition, excluded self-employment or employment as an independent contractor from the definition of suitable work.

Note that a portion of this language was omitted in the NPRM in error, specifically the reference that registrations for work be made consistent with the EB regulations found at 20 CFR Part 615. The applicable reference is 20 CFR 615.8(d), which provides those descriptions of "good" or "not good." The department revised paragraph (f) in the Final Rule to include the language that was omitted.

Paragraph (g) covers participation in approved training. Paragraph (g) no longer contains the definitions for "enrolled in training" and "completed training" because those definitions have been incorporated into Subpart A of Part 618.

Paragraph (g)(1) provides the general requirement that an AAW be enrolled or participating in approved training, or have a training waiver approved under 618.735 in place in order to receive basic TRA. Paragraph (g) specifically references basic TRA because the participation in training requirements differ from additional and completion TRA.

Paragraphs (g)(2) through (g)(4) explain the circumstances in which an AAW may receive basic TRA for weeks in which the general requirement we just discussed – the enrollment deadline – has not been met. Paragraph (g)(2) provides the department's position that the participation in training requirement does not apply to a worker before what is commonly referred to as the "26/26-week deadline" for enrollment in training, which is found at Section 231(a)(5)(A)(ii) of the act

An AAW may receive basic TRA up to the applicable training enrollment deadline in 618.725 without meeting the participation in training requirement. Applying the participation in approved training requirement before the training enrollment deadline would undermine one purpose of the deadline: to provide sufficient time to identify and make arrangements for appropriate training program.

Further, applying the participation in approved training requirement before the deadlines would cause some AAWs who do not participate in approved training before the training enrollment deadline to be denied eligibility for the Health Coverage Tax Credit, if available, because by not meeting a requirement for TRA eligibility, they would not be an eligible TAA recipient, as required to receive HCTC.

Paragraph (g)(3) represents the interpretation announced in administrative guidance, TEGL number 11-02, Change 3. It provides that the training enrollment requirement for claims for basic TRA for weeks of unemployment beginning before the filing of an initial claim for TRA does not apply until that deadline is reached.

Paragraph (g)(4) codifies the long-standing departmental interpretation that an adversely-affected worker may receive basic TRA after completing approved training, even though the AAW will no longer be participating in approved training. To continue to receive TRA upon completion of training, the AAW must otherwise be eligible for basic TRA and must have met the participation in approved training requirements in paragraph (g)(1) of this section in a timely fashion.

Furthermore, an AAW whose participation in TAA-approved training program occurred on a part-time basis, in part or in its entirety, may receive basic TRA after completing such training, even though no TRA eligibility was established or received at the time. This accommodates the statutory requirement that part-time TAA training is permissible, and that after completion of the training, basic TRA may be payable if the remaining eligibility requirements of the act are met.

Regarding the requirement in paragraph (e)(3) of this section that states provide adversely-affected workers a written summary of their potential TRA and UI benefits and document the worker's choice in his or her case file, in states where separate agencies handle the TAA program and TRA/UI, would the TAA program agency need to document the worker's choice in its files or would it suffice for the TRA/UI agency to document the choice in its files?

It is important that a record of actions taken and the choices selected by the worker be documented and readily available for review by the department. Whether this documentation is maintained at the local area or state level or with one state agency or another is up to the state. The department recognizes that this provision might require states to change their UI system to ensure proper documentation.

The department has determined that for an AAW to exercise the option between UI and TRA, the worker is required to file for UI benefits, establish a valid claim, and be found eligible to receive UI benefits, if such election is made. It is not enough only to consider potential monetary eligibility. A claimant can be found monetarily eligible, but still not be eligible to receive such UI entitlement consistent with 26 U.S.C. 3304(a)(7).

This is a requirement of the Federal Unemployment Tax Act, which requires a worker who has received compensation during a benefit year to have had work since the beginning of such year in order to qualify for compensation in the next benefit year. Accordingly, documentation of this choice is required to eliminate ambiguity and retain program integrity.

The TRA election provision; that's 20 CFR 617 – 618.720(e) – codifies Section 232(d) of the act. This provision allows an AAW to elect to receive TRA instead of UI in certain circumstances. The new entitlement must be based on employment that occurred after establishing the first UI benefit period. In such scenarios, the adversely-affected worker may elect to receive TRA instead of UI, provided that the initial UI claim was exhausted and the worker is otherwise eligible for TRA.

In adopting this statutory amendment to the weekly benefit amount payable to an AAW, Congress addressed a longstanding problem resulting from adversely-affected workers working after initially establishing TAA program eligibility.

For example, AAWs may have worked in part-time or short-term employment during summer breaks resulting in earning some wage and thereby establishing a new or subsequent UI benefit period with a lower weekly benefit amount.

Previously, TRA eligibility ceased if an AAW established a subsequent UI claim, in which some cases resulted in the AAW dropping out of TAA-approved training because the WBA was substantially reduced once the AAW became entitled to unemployment benefits while continuing or resuming training after a break.

This unwarranted outcome discouraged workers from completing training and from seeking employment between training periods. The department's interpretation is that subsequent employment that forms the basis of the subsequent UI benefit period can be any employment, including recalls to the adversely-affected employment.

Paragraph (e)(3) details the requirement that states provide the AAW with a summary of their potential UI and TRA benefits in writing and document the worker's choice in the case management file.

Paragraph (e)(4) provides that if a worker exercises the election to receive TRA, state law governs what happens to the valid UI claim that was filed. For states where claims may be withdrawn if no benefits are paid, the worker might subsequently file a claim in a later quarter, and the worker might potentially exercise the TRA option a second time. Furthermore, the election made will be in effect until the election is available once again or the benefit chosen is exhausted.

Finally, it is important to recognize that in most cases, the main driver for the election is the possibility of a lower WBA in the subsequent UI benefit period, but other factors are also relevant.

For example, if the break in TAA-approved training is longer than allowed for TRA to be payable, the AAW may not be an eligible TAA recipient for purposes of the Health Coverage Tax Credit. In the latter scenario, it may be more advantageous to opt for the UI eligibility because, during an extended break in TAA approved training in which TRA is not payable, the UI benefit may allow the AAW to be an eligible TAA recipient and potentially be eligible for the HCTC.

Paragraph (e)(5), if the AAW elects to receive UI in the second benefit year or any thereafter in which the option is available, they must exhaust all UI entitlement before resuming TRA.

Paragraph (e)(6) provides that the AAW must have no unexpired waiting period applicable for such worker for any UI, except when collecting TRA.

A question. Does paragraph (f)(2)(ii), which provides an exception to both the able and available requirement and the EB work test requirement for workers during breaks in training not lasting more than 30 days, mean that these requirements do apply if the worker's break lasts longer than 30 days? The question relates to the application of the EB work test.

The EB work test is an eligibility requirement for all TRA, provided at 618.720(f)(1), except as provided at paragraph (f)(2). An AAW enrolled in TAA-approved training, or participating in such training, or on a break from training, does not need to continue meeting the EB work test.

As provided at 618.775, basic and additional TRA are payable during TAA-approved training breaks, not exceeding 30 days. However, basic and additional TRA are not payable if the break in such TAA-approved training exceeds 30 days.

The AAW can elect to seek employment at all times, consistent with the EB work test, but it would have no effect on the payment of TRA during the enrollment or participation in TAA-approved training nor during breaks in TAA-approved training, whether or not they exceed 30 days.

The department edited the regulatory text in the Final Rule at 618.720(f)(2)(ii) by removing the reference to breaks in training lasting longer than 30 days in order to clarify the relationship between the EB work test and breaks in training.

OK. The training enrollment deadlines. This is otherwise known as the 26/26-week deadlines. (Section) 618.725 does not have a counterpart in Part 617. It is administered by states based on administrative guidance. The rule establishes the deadlines by which an AAW must be enrolled or participating in approved training, or have a training waiver in effect as a condition for receiving TRA.

There are five possible deadlines which are outlined in Section 231(a)(5)(A)(ii) of the act and in 618.725(a).

The training enrollment deadlines are: one, the last day of the 26th week after the worker's most recent qualifying separation; two, the last day of the 26th week after the week in which the certification covering the workers is issued; three, 45 days after the later of the above two dates, if there are extenuating circumstances to justify an extension in the enrollment period; four, the last day of a period where there was a failure by the state to provide the worker with timely information related to the applicable deadlines; or five, the last day of a period to be approved for enrollment after the termination of a waiver.

These training enrollment deadlines are implemented in 618.725(a)(1) through (5). They are discussed in the preamble discussion of those paragraphs. Although the act does not provide a deadline for the issuance of a training waiver, the department's position is that the deadlines in 618.725(a) are also applicable to the issuance of a training waiver.

If the training is approved but not available at the time, a waiver of such training is appropriate. We'll walk through these on the next few slides.

Section 618.725 paragraphs (a)(1) and (2) implement the training enrollment deadlines that require an adversely-affected worker to be enrolled in training or have a waiver granted no later than the last day of the 26th week after either the worker's most recent qualifying separation, or last day of the 26 weeks in which the certification was issued, to receive basic TRA.

This is what's known as the 26/26-week deadline. These are from Section 231(a)(5)(A)(ii)(I) and (II) of the act.

Paragraph (a)(3) implements the deadline from Section 231(a)(5)(A)(ii)(III) of the act that allows an adversely-affected worker 45 additional days after the later of the training enrollment deadlines, if there are extenuating circumstances that justify the extension. The act does not elaborate on what are extenuating circumstances.

Paragraph (a)(3) explains that extenuating circumstances are those that constitute good cause, unusual situations that are beyond the control of the AAW and that make enrollment within the otherwise applicable deadline impossible or unreasonable. Additional discussion of extenuating circumstances and good cause is found in the preamble discussion for 618.730.

I cannot express to you enough the value of reading the preamble to the rules.

Paragraph (a)(4) implements Section 231(a)(5)(A)(ii)(V) of the act. The department determined the last day of a period determined by the secretary to enroll in training to be the Monday of the first week occurring 60 consecutive calendar days following the date of an adversely-affected worker's proper notification.

Paragraph (a)(5) implements Section 231(a)(5)(A)(ii)(V) of the act, which was added by TAARA 2002 – the 2002 reform act – which directs the department to determine the deadline by which an AAW must enroll in approved training after the termination of a waiver. The department provides a deadline of the Monday of the first week occurring 30 consecutive calendar days following the day of termination.

The department has determined that 30 calendar days is sufficient time for a worker whose waiver was terminated or revoked to be advised of, and consider, training options, select an option, and enroll in training.

Section 618.725 paragraph (b) provides three exceptions to the training enrollment deadlines. Paragraph (b)(1) extends the training enrollment deadline in specific circumstances when a denial of TRA application is later overturned on appeal or reconsideration.

Paragraph (b)(2) is the department's interpretation of the Special Rule with Respect to Military Service established in Section 233(i) of the act for purposes of the training enrollment deadline. If an AAW who is a member of a reserve component of the Armed Forces and has served a period of duty during the AAW's basic TRA eligibility period, but before enrolling in training, the AAW's training enrollment deadline will be the last day of the 26th week following the last day of the AAW's period of duty. Additional rules regarding Section 233(i) of the act are contained in Subpart H at 618.884.

Paragraph (b)(3) establishes that the training enrollment deadline may be extended for good cause, which we'll talk about in the next section.

Question. Wouldn't the establishment of a 26-week deadline to enroll in training in cases of partial separation, penalize partially separated workers who have not enrolled?

The deadline in the regulation is a statutory deadline and may not be modified. However, the deadline for a partially separated worker may actually change as a worker with a partial separation under an existing active certification would have 26 weeks from the week in which he or she became partially separated to enroll or be waived from training. And if he or she later experiences a total separation, the enrollment deadline would restart based on the date of the total separation.

Good cause, justifiable cause. This is 618.730 and 618.770. (Section) 618.730 does not have a counterpart in Part 617. It is administered by states based on administrative guidance implementing Section 234(b) of the act.

The act uses three different concepts where exceptions to certain deadlines are appropriate: extenuating circumstances, justifiable cause, and good cause. However, the act does not explicitly define these terms. For purposes of the TAA program, extenuating circumstances, justifiable cause, and good cause will now all have the same meaning and application.

(Section) 618.730 simplifies previously issued administrative guidance. Paragraph (a) provides that states must apply the good cause exception for waiving the time limitations with respect to an application for TRA, the training enrollment deadline, and the receipt of a training waiver, if the AAW makes a showing of good cause.

Paragraph (b) provides that for good cause to exist, the AAW must have acted diligently yet been unable to complete the task described in paragraph (a) of this section because of exigent circumstances.

Finally, paragraph (c) provides that good cause must always be determined on a worker-by-worker basis. The following factors should be considered when determining whether good cause exists: one, whether the state failed to provide timely notice of the need to act before the deadline passed; two, whether factors outside the control of the worker prevented the worker from taking timely action to meet the deadline; three, whether the worker attempted to seek an extension of time by promptly notifying the State; four, whether the worker was physically unable to take timely action to meet the deadline; five, whether the employer warned, instructed, threatened, or coerced the worker in any way that prevented the worker's timely filing of an application for TRA or enrolling in training; six, whether the state failed to perform its affirmative duty to provide advice reasonably necessary for the protection of the worker's entitlement to TRA; and seven, other compelling reasons or circumstances that would prevent a reasonable person from meeting a deadline.

We're going to move to quickly to Section 618.770. It is more clearly addressed along with good cause for training purposes.

(Section) 618.770 addresses the Special Rule for Justifiable Cause contained in Section 233(h) of the act. There is no similar provision in Part 617.

Paragraph (a) allows for an extension of the basic, additional, and completion TRA eligibility periods for good cause, according to the same good-cause standard found in 618.730.It is discussed in the preamble for that section.

Paragraph (b) specifies that while the eligibility period for basic, additional, and completion TRA may be extended for justifiable cause as determined by the state, the maximum benefit amount and number of weeks this benefit that may be received must not change.

And with that, I will hand it over to Julie.

MS. BAKER: Great. Thank you so much, Tim. We are going to move on to training waivers. This is Section 618.735. This section addresses waivers of the training requirement as a condition for receiving basic TRA.

This section differs substantially from the waiver provisions in 20 CFR 617.19(a)(2) and (b) through (d) because there are fewer statutory bases for waiver now. The act, at Section 231(c), has three conditions for waivers of the training requirement and the statutory language for these conditions is used in the regulatory text.

So paragraph (a), Waiver for Basic TRA, implements the requirement of Section 231(c) of the act that a state may issue a waiver of the training requirement to an AAW if it finds that training is not feasible or appropriate for one or more of the reasons listed in paragraph (b) of this section.

Paragraph (a) also explains that the waiver must contain the information required in the contents of a waiver – or paragraph (c) of this section – and newly specifies, for the sake of clarity, that no waiver of the training requirement is permitted for additional TRA or completion TRA eligibility.

Finally, paragraph (a) requires, as discussed in the preamble of Section 618.720(g), that a waiver must be issued no later than the latest of the applicable training enrollment deadlines described in Section 618.725 of this Subpart G.

Paragraph (b) is bases for a waiver. It implements the permissible bases for a waiver of the training requirement. So prior to the 2002 program, the department was not limited to prescribed conditions for determining whether training is not feasible or appropriate. Then the 2002 and 2009 programs included six bases for a waiver.

The 2011 program reduced the waiver conditions to the three that are detailed the slide that you see before you. They're also included in the Section 618.735(b). The reduction in the types of waivers available was to place an additional emphasis on the training component of the TAA program rather than an emphasis on income support. At least one of these conditions must be cited in any determination that training is not feasible or appropriate for a worker.

Paragraphs (b)(1) through (b)(3) of this section identify the three conditions, mostly verbatim from the act; however, some of them elaborate a little bit on the statutory requirement.

Paragraph (b)(1), health, implements the statutory waiver criterion that the adversely-affected worker is unable to participate in training for health reasons.

Paragraph (b)(2), enrollment unavailable, implements the statutory waiver criterion that the first available enrollment date for the approved training of the worker is within 60 consecutive calendar days after the date of the waiver determination; or, if later, there are extenuating circumstances for the delay in enrollment.

Paragraph (b)(2) also repeats the 60 consecutive calendar day deadline almost verbatim from the statutory language and, for consistency, interprets the phrase "extenuating circumstances" by applying the good cause provisions at 618.730 for determining if there are extenuating circumstances.

Paragraph (b)(3), training not available, implements the statutory waiver criterion that a waiver of the training requirement may be issued if training is not reasonably available.

Paragraph (c), contents of a waiver, governs the contents of a waiver and provides that a waiver does not take effect unless it contains, at a minimum, six specific items of information. And you can see those on this slide.

Paragraph (c) is modified from 20 CFR 617.19(a)(2)(i) through (vii) to account for the statutory change concerning allowable conditions for issuing a waiver, and is slightly reorganized to make it easier to follow. In particular, the requirement for the recipient's signature has been modified to account for current claims-taking practice and to permit evidence of the adversely-affected worker's receipt and acknowledgement of the waiver by means other than the worker's signature. Electronic signatures are also permitted.

States may use paper-based or electronic files, or a combination thereof, for documentation purposes. Records in either format must be made available to the department upon request, or access to those systems must be provided to the department upon request for oversight purposes, in accordance with Subpart H. And it's further discussed in paragraph (h) of this section.

Paragraph (d), request for a waiver, has no corollary in Part 617 and was added to clarify the parameters for requesting a waiver. Paragraph (d) advises this – I'm sorry. Paragraph (d) advises that as a best practice, states may find it helpful to determine if an AAW's initial assessment indicates the need for a waiver. Paragraph (d) also allows an AAW to request a waiver from the state before the applicable deadline in 618.725.

Paragraph (e), denial of a waiver, simplifies the language in order to clarify the required contents of a waiver determination denial. It requires that whenever a waiver determination is a denial, the AAW to whom the denial pertains must be furnished with a notice of the denial, and that the notice must contain certain specified information, including the right to appeal, consistent with the procedures in 618.828 of Subpart H.

Paragraph (f), duration of a waiver, replaces 20 CFR 617.19(c)(1) due to statutory revisions. Paragraph (f) implements the provisions of Section 231(c)(2)(A) and (3)(B) of the act.

Paragraph (f)(1) implements Section 231(c)(2)(A) of the act, which requires that a waiver be in effect for not more than six months after the date on which it is issued, unless the secretary determines otherwise.

Paragraph (f)(2) implements the statutory authority to extend a waiver beyond six months by providing two criteria that must be met in order for a state to extend a waiver. The first criterion is that the training continues not to be feasible or appropriate for the AAW for one or more of the reasons described in paragraph (b) of this section, even if the original conditions for issuing the waiver no longer apply. And the second criterion is that the worker has not yet exhausted their basic TRA entitlement.

The first criterion maintains the statutory requirement that a waiver be in effect only if one or more of the specified conditions for the waiver are met. And the second criterion is because a waiver of the training requirement cannot be extended if the worker has exhausted basic TRA eligibility. The department has concluded that these criteria provide the maximum flexibility to extend a waiver within the spirit of the statutory requirements for such waivers.

Paragraph (f)(3) requires regular review of the waivers. States are required first to review the waiver three months after it is issued to determine if one or more of the criteria in paragraph (b) of this section apply, but they are encouraged to review the waiver every 30 consecutive calendar days during this period.

After the first three months, states are required to review the waivers on a monthly basis. The department has concluded this requirement will be an effective means of ensuring that the waiver criteria continue to be met for the duration of the waiver. A failure to review waivers regularly would undermine the statutory requirement that waivers remain in effect only as long as the basis for a waiver continues to apply.

Paragraph (g), revocation of a waiver, requires that a waiver be revoked if the waiver criteria are no longer met, and that the AAW be notified in writing of the revocation. The notice to the worker must contain the same information as what would be required in a denial of waiver issued under the denial of a waiver section. And that was paragraph (e) of Section 618.735. The revocation must contain appeal rights.

Paragraph (h), submission of waivers and notices, requires states to transmit, upon request only, a copy to the department of any or all waivers or revocations of waivers together with a statement of the reasons for the waiver or the revocation.

As a practical matter, a separate statement of reasons will not need to be submitted if the waiver follows the requirements of paragraphs (c) and (f) and contains the reason for the waiver or revocation.

Information on waivers at the individual level is also submitted to the department via the performance and service reports submitted by the state under Section 249(b) of the act. Electronic copies are acceptable.

And just a note. Waivers must be revoked, in accordance with Section 231(c)(2)(B) of the Trade Act, when the conditions that led to the issuance of such waiver are no longer in effect. So if during the periodic review of the waiver it is discovered that reason or reasons for such waiver are no longer applicable, the waiver must be revoked and the adversely-affected worker must meet the requirements of Section 618.725(a)(5). This would include when an adversely-affected worker enrolls in approved training.

States must issue determinations on revocations and provide appeal rights consistent with Subpart H Section 618.820 and 618.828.

Question. Does the requirement in paragraph (c)(1)(vi) of this section mean that a waiver cannot take effect unless it contains a signature from "an official of the state authorized to grant the waiver"? And would the state's approval in the electronic case management system suffice?

So as provided by the department in Subpart H, electronic signatures are allowable, as are scanned signed copies. This would be the same for training approval or approval of other benefits. The department strongly encourages states to move toward electronic case files and electronic benefit management wherever possible to reduce operational costs and improve efficiency of the provision of the TAA program benefits and services.

Evidence of qualifications for TRA. Section 618.740 provides the requirements for evidence of qualification for basic, additional, and completion TRA.

Paragraph (a), state action, contains the requirement that states obtain the basic information necessary to establish whether a TRA applicant is eligible to receive TRA. However, paragraph (a) excludes the requirement from the previous regulations that a state must obtain a TRA applicant's average weekly wage for all adversely-affected workers.

This information is not administratively necessary in the case of a TRA applicant who is totally separated from adversely-affected employment, but is needed for partially-separated adversely-affected workers.

Paragraphs (b), insufficient data, and paragraph (c), verification, address obtaining alternative information where records are unavailable. Whereas 20 CFR 617.12(c) required verification by the employer of information received from other sources, the Final Rule requires such verification only if possible. This change acknowledges that in some cases the employer might have gone out of business, so that obtaining the required verification is virtually impossible.

Paragraph (d), determinations, concerning the data on which a state must base a determination on TRA entitlement and benefit amounts, is substantively similar to 20 CFR 617.12(d). But rather than requiring the state to make adjustments to the suspect data and make its determinations on the basis of the adjusted data, it requires the state to make its determination from the best available information. This change provides states with more flexibility.

And paragraph (e), timing, is new and is included as a clarification in response to technical assistance provided to states by the department. Paragraph (e) instructs states to follow established methods used for processing regular UI claims. If, for example, the employer is provided 10 days to respond to a request for information under regular UI, then the same process should be used for TRA. If an employer does not respond within the established timeframe, the state must act on the best available information.

Questions. Does 20 CFR 618.740 mean that a state does not need an application to determine TAA program eligibility if, based on the worker list it receives from the employer, it has enough information to assess a worker's eligibility for benefits? And also, can the department confirm that the state does not need to require workers to apply if the information from the employer provides sufficient grounds on which to base an eligibility determination as to the TAA program and TRA?

OK. The department explains that if the worker list provides sufficient information for the state to determine that a trade-affected worker was separated for lack of work as a member of the worker group, then no additional information is required to render a general determination on overall TAA program eligibility, allowing a worker to receive employment and case management services. Benefits and services such as training and TRA have other eligibility requirements that must be met, however.

And a side note here. This needs to be balanced out with being prudent and asking the firm for only the information on the worker list that is absolutely necessary so as not to prolong or delay the receipt of a worker list. States should review their worker list requests and templates and make this information request as easy to provide as possible.

Further, the worker list initiates the process by which the state contacts the trade-affected workers, advising them of the availability of benefits. All members of the certified worker group must be provided notification of their potential eligibility.

The state must request the firm to provide a list of workers who have experienced a separation or are threatened with separation from employment from the certification's impact date through its expiration date, as soon as the certification is issued and throughout the certification period. The information provided by the firm is then used to advise workers of the potential TAA program eligibility.

If there is a conflict between the information provided by the firm and information provided by a worker, additional fact-finding is necessary from both parties.

It is important for states to ensure that firms provide a list of all separations, regardless of the reason for the separation. This avoids situations in which the firm only submits to the state workers who the firm believes had a lack-of-work separation. Otherwise, some workers considered by the firm as not experiencing a lack-of-work separation may be left off the list, when in fact they should have been included, resulting in unnecessary delays for receipt of benefits and services for those workers.

States must also work with the firm to identify workers who are individually threatened with separation. The worker list provides valuable information that is used by the state as a basis for issuing determinations of program entitlement. But the state is the responsible party and the final authority for issuing individual determinations as to which workers had a lack of work. And once this action occurs, the workers are considered to be either an adversely-affected worker or an adversely-affected incumbent worker.

Weekly amounts of TRA. Section 618.745 governs the determination of an adversely-affected worker's weekly amount of TRA, whether basic, additional, or completion TRA.

OK. So Paragraph (a), TRA amount, is equal to the most recent weekly benefit amount of UI, including dependents' allowances, payable to the adversely-affected worker for a week of total unemployment preceding the worker's first exhaustion of UI following the worker's first qualifying separation.

One, where a state calculates a base period amount of UI and calculates dependents' allowances on a weekly supplemental basis. TRA weekly benefit amounts must be calculated in the same manner and under the same terms and conditions as apply to claimants for UI except that the base amount must not change.

And two, for partially-separated workers, the weekly amount of TRA must be calculated as determined under the applicable state law.

So Section 618.745 paragraph (a) incorporates the eligibility of partially-separated workers for TRA. It specifies the partially-separated worker's weekly benefit amount must be calculated under applicable state law.

The Final Rule removed the language in 20 CFR 617.13(a) that discussed varying amounts related to wages with separate employers, because this was an exception used only by one state at the time of the last promulgation of these rules. And that state no longer uses that exception, so this language is not needed.

So looking at (b), training allowance, or workers who are undergoing training, any adversely-affected worker in approved training who is entitled for any week to TRA and a training allowance under any other federal law, will be paid TRA in the amount computed for each week equal to the amount computed under paragraph (a) or, if greater, the amount of any weekly allowance for which the AAW would be entitled if the AAW applied for such allowance.

Also, TRA must be paid in lieu of any payment for training made directly to the AAW to which the AAW is entitled under such other federal law.

So paragraph (b) has been changed from 20 CFR 617.13(b) and replaced with language from Section 232(b) of the act, except some language has been simplified and it cross-references Section 618.705 of this Subpart G, as the term "training allowance" is not defined in the act.

Earnings disregard. Paragraph (c), reductions to the TRA weekly amount, requires specified reductions to the TRA weekly amount.

Specifically, paragraph (c)(1) explains that the weekly amount of TRA payable under the section will be reduced, but not below zero, by income that is deductible from UI under the disqualifying income provisions of the applicable state or federal UI law.

The Final Rule implements the earnings disregard in Section 232(a)(2) that allows TRA recipients participating in approved training to earn up to their most recent weekly UI benefit amount without a reduction in their TRA payment.

Paragraph (c)(2), requires a deduction of the training allowance, including a training allowance referred to in paragraph (b) of this section. And this is modified from the previous regulations.

Paragraph (c)(3) is taken directly from Section 232(c) of the act, but some language is simplified. And again, a cross-reference is provided to Section 618.705 to define the term "training allowance."

Paragraph (c)(4) is intended to resolve a conflict between Section 232(c) of the act and a provision in subchapter IV of the Higher Education Act. Specifically, Section 232(c) of the Trade Act requires that an adversely-affected worker's TRA weekly benefit amount be reduced by the amount of a training allowance to which the worker was entitled for that week under any other federal law.

The Higher Education Act, at 20 U.S.C. 1087uu, prohibits taking into account federal student financial assistance received under subchapter IV of the Higher Education Act, or under Bureau of Indian Affairs student assistance programs, in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any federal program financed in whole or in part with federal funds.

And paragraph (c)(4) resolves this conflict by excluding the receipt of federal student financial assistance from the definition of "training allowance" in paragraphs (c)(2) and (3) of this section. As a result, the receipt of federal student financial assistance is not excluded from the weekly amount of TRA payments. Nor are weeks in which federal student financial assistance is paid to be deducted from the maximum number of weeks for which TRA can be paid.

Paragraph (c)(5) requires that TRA payments be reduced by any amount that would be deductible from UI for days of absence from training under the provisions of the applicable state law that apply to adversely-affected workers in training.

OK. Moving on to maximum amount of basic TRA. Section 618.750 explains how to calculate the maximum amount of basic TRA.

The calculation in paragraph (a), general rule, is largely the same as 20 CFR 617.14(a), except for two changes. The first change is that additional compensation is not included in the total sum of UI entitlement that must be subtracted as part of the calculation of the maximum amount of basic TRA. This allows the state to pay TRA either before or after additional compensation.

The second change concerns the reduction for the total sum of the worker's UI entitlement. Paragraph (a)(2) of 20 CFR 617.14 provided that a worker's UI reduction must include, in addition to any UI to which the worker was entitled, any UI to which the worker would have been entitled had the worker applied for it during the worker's first benefit period.

The last sentence of that paragraph adds that, in calculating the worker's maximum TRA amount, the worker's full UI entitlement for the first benefit period must be subtracted, regardless of the amount, if any, actually paid to the worker.

The last sentence of 20 CFR 617.14(a)(2) created an unintended result for adversely-affected workers who, during the first UI benefit period exhausted regular compensation; became eligible for EB under 20 CFR Part 615; and while continuously unemployed, could not receive the full EB entitlement because prior to EB exhaustion, the EB period triggered "off," such that no further EB benefits were payable in the state.

This proposition created a manifest injustice because, while the statutory and regulatory language implies that the full entitlement must be reduced, the worker could not have filed and received such benefits.

The department has determined that the reduction of benefits is mandated in the event the worker could have filed but did not because such worker was not eligible for many reasons such as returned to work or chose not to file.

In this case, the worker would have been able to receive the benefit had the worker filed and met all other eligibility requirements. A similar situation occurs when a worker becomes eligible for a supplemental compensation benefit amount, collects a few weeks but forgoes the full entitlement because the worker's benefit year ends and such worker is now entitled to regular compensation in a second benefit year.

Reducing the entire supplemental compensation entitlement amounts to another example of a manifest injustice if the worker is not eligible for the remaining entitlement in the future.

Accordingly, the department's revised position is that if, and only if, the benefit was available to the adversely-affected worker, it must be reduced.

There is another situation to consider and clarify, such as when an adversely-affected worker, during the first UI benefit period, has exhausted regular compensation, become entitled and received TRA, and subsequently becomes eligible for EB or the supplemental compensation in such first benefit period.

The EB and/or supplemental compensation arising from the first UI benefit period must be exhausted prior to resuming TRA. Consequently, TRA must be suspended. The worker will receive the full entitlement to EB or the supplemental compensation until exhaustion or until the worker is eligible for a subsequent UI benefit period.

The amount of EB or supplemental compensation payable subsequent to the TRA paid during the first UI benefit period reduces the maximum amount of TRA payable, such that the adversely-affected worker will receive the balance, if any.

The amount of TRA already paid in the first benefit period also reduces the maximum TRA benefit amount payable. The initial amount of TRA paid is not to be construed as an overpayment, as the worker was entitled to such benefit at the time and properly paid.

Paragraph (b), exceptions, contains exceptions to the maximum TRA amount calculation. Paragraph (b) excludes language that references additional weeks and provides that nothing in that paragraph will affect the worker's eligibility for supplemental, increased, or additional allowances. The department has concluded that this language is unnecessary.

OK. A couple of questions here. Can the department clarify the provision in 20 CFR 618.750(a) concerning the reduction on the maximum amount of basic TRA payable based on workers forgoing a UI benefit to which they were entitled? And would a worker who elects to wait until filing be out those two weeks?"

So the regulatory citation tracks the statute at Section 233(a)(1) of the act. This requires that the full UI entitlement during the first benefit period is reduced, independent of the actual receipt, to establish the maximum basic TRA payable. For purposes of this calculation, UI includes regular compensation, EB, and federal supplemental compensation.

Accordingly, if the AAW was entitled to compensation and had a balance in such compensation, such compensation must be reduced from the maximum basic TRA payable, independent of the reasons the adversely-affected worker could not receive such compensation.

OK. I know we are down. I'm just going to kind of plow through the rest of this as fast as I possibly can. I am aware we may go over slightly, so I'm just going to keep plowing through this. Sorry about that.

Section 618.755, establishing the basic TRA eligibility period, differs a bit from 20 CFR 617.15. Paragraph (a) uses different phrasing to state that adversely-affected workers are ineligible to receive basic TRA for any week of unemployment beginning after the close of the 104-week period beginning with the first week following the week in which the adversely-affected worker's most recent qualifying separation occurred, except as provided in paragraph (b).

As provided in the revised definitions on separations, this change is needed to track the plain English meaning and language of the act. Additional exceptions established under Section 233(h) of the act are discussed in Section 618.770. Deadlines and eligibility periods may also be impacted by periods of military service, as discussed in Subpart H in Section 618.884, and by equitable tolling, discussed in Subpart H, 618.888.

The term "qualifying separation" in Section 618.755(a) is used in place of the term "total qualifying separation," and incorporates the same maximum eligibility period in the case of partially-separated adversely-affected workers. Section 233(a)(2) of the act provides that no basic TRA may be paid after the close of the 104-week period after a worker was most recently totally separated from adversely-affected employment.

The Act does not address when the receipt of basic TRA must end for partially-separated workers, though theirs count as qualifying separations for TRA in Section 618.720(b). The department limited the receipt of basic TRA to 104 weeks for both partially- and totally-separated workers, and use of the term "qualifying separation" in paragraph (a) effects this result.

Paragraph (b) is a longstanding practice. It addresses situations where certification issued after delays associated with litigation following denials of petitions resulted in covered worker groups with a limited eligibility period or expired eligibility periods in which to receive basic TRA.

Paragraph (b) tolls the eligibility period during the pendency of any judicial or administrative appeal of the department's denial, and establishes the 104-week eligibility period with the week that begins after the certification.

OK. Qualifying requirements for additional TRA. Sorry. OK. Section 618.760, establishing the qualifying requirements for, and duration of, additional TRA, has no specific counterpart in 20 CFR Part 617. However, most of the provisions in 618.760 are contained in various sections of 20 CFR Part 617 and have been updated through administrative guidance in the form of operating instructions. These requirements are now codified.

I'm basically going to have to kind of jump ahead a little bit, just to make sure that we cover everything here. So I will just move to the next slide right quick.

So this Section 618.760 will go over the qualifying requirements for additional TRA. I do recommend you go ahead and look at today's PowerPoint. We have the speakers' notes in there and you just may want to make sure to review the language. Like it said, the language has been updated and we've also brought in some of the administrative guidance that was issued separately. It's all been consolidated in this section.

OK. I'm going to just move on to qualifying requirements for completion TRA. So this Section 618.765 provides the qualifying requirements for, and duration of, completion TRA. It's a new section because completion TRA was added by the 2011 program and administrative guidance was issued to states. So 618.765 codifies Section 233(f) of the act as well as, again, the provisions that we issued in administrative guidance implementing the provision and resolving policy issues arising from the implementation.

And once again, I do apologize but we are running out of time. So I'm not going to go through all of these qualifying requirements for completion TRA. None of these should be new to you at this point. But I will tell you, it is really helpful to go ahead and go through all of the language, either in the speakers' notes and also just looking at 618.765 in the rule.

OK. Moving ahead to breaks in training, payment of TRA. I'm going to cover this real quick.

Paragraph (a) eliminates the provisions concerning the effects of breaks in training on basic and additional TRA payments and eligibility periods, because the maximum eligibility periods for basic and additional are covered in detail in Sections 618.750, 618.755, and 618.760.

Paragraph (b) provides a basis for counting days, and that's similar to the previous regulations.

And paragraph (c) addresses breaks in training for completion TRA and references the eligibility period for completion TRA in Section 618.765. No payment for breaks in training are allowed, and the worker only can be paid completion TRA for each week of approved training, and then only if all of the completion TRA eligibility criteria are met.

The 20-week consecutive calendar period within which an adversely-affected worker may receive up to 13 weeks of completion TRA, in accordance with Section 618.765, allows the further flexibility of continuing eligibility to accommodate any break in training, scheduled or unscheduled, of up to but no longer than seven weeks, so long as the worker completes the approved training by the end of the 20-week eligibility period.

And for those savvy people, you'll know that those were items that we had included in administrative guidance that have now been codified here.

OK. The last section, again I'm going to just kind of move this right along. Section 618.780 governs disqualifications from receiving TRA. And it's structured the same as we did in 20 CFR 617.18.

I'm going to leave this slide up for a moment here. We've got a few things – I do want to get to the – a few final questions. So we have – we cover paragraphs (a) and (b) on this slide, and then we continue to talk about some further disqualifications.

Again, I would recommend that you take a look at the speakers' notes for this question, especially here where we have OJT, no payment of TRA may be made while a worker is enrolled in OJT. And also, no payment of TRA may be made while a worker is participating in part-time training.

OK. Let me get to this last question and then we will wrap up. The definition in Subpart A 20 CFR 618.110 of "full-time training," which provides in paragraph (2) of the definition that students in their last semester of training will be considered in full-time training, even if their courses do not meet the training provider's definition of full-time, if those courses are the only training or coursework required to finish the training. Does a state need to obtain additional documentation from a training provider in order to pay TRA for a worker's last semester of training?

So yes, states should ensure that courses taken in the last semester of the adversely-affected worker's approved training program are the only classes or coursework needed to complete training. And if they are less than full-time, that should be documented in the worker's case file.

OK. I'm not going to have a whole lot of time to wrap up here. I know we may have had a few questions that came in via the chat and, unfortunately, we have run out of time. But one of the things I'm going to do is I'm going to give you the email address so you can send your questions there and we can get back to you.

But first of all, I want to show you some resources. There are additional resources here that include the links to the TAA community on WorkforceGPS and a link to the official TAA program website.

We also have a link here to the TAA Final Rule, located on the Federal Register website, as well as the link to the official law, which is 2015 program.

Please save the dates for the remaining two upcoming trainings. Wednesday is Subpart H and Friday is Subpart I. You can register via taa.workforcegps.org.

And again, for those of you who we did not get back to on questions, please go ahead and send them to regulations.taa@dol.gov. You can also send them to your appropriate regional trade coordinator. We do have a team standing by to respond to your questions.

And finally, thank you so much. I do apologize again for having to squeeze the final bit of this in. And with that, I'm going to turn this over to Grace. Thank you very much.

(END)