**WorkforceGPS**

**Transcript of Webinar**

**Trade Adjustment Assistance for Workers, Revision 2021, Benefits and Services**

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*Transcript by*

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GRACE MCCALL: And welcome to Trade Adjustment Assistance for Workers, Revision 2021. So without further ado, I'm going to turn things over to one of our speakers for today, Tim Theberge. Take it away, Tim.

TIM THEBERGE: Thank you, Grace. So good afternoon or good morning, depending on where you are joining us from today. I note both Puerto Rico and – (inaudible) – are on, so we have pretty much run the gamut of the time zones, under which the trade adjustment program operates.

With that, my name is Tim Theberge. I am one of the lead program analysts for the Office of Trade Adjustment Assistance.

We are going to be walking through reversion 2021 today, specifically sort of through the lens of our recent training and employment guidance letter, 2420, of dealing with all of the ins and outs of reversion.

Presenting with me today is Georgia Economou. Georgia if you could quickly say hi.

GEORGIA ECONOMOU: Hi. Hello, everyone.

MR. THEBERGE: Georgia is one of our program analysts in the investigations unit who will be presenting on the group eligibility component. So the way this will work today is we're going to walk through a bunch of different information we want to make sure you have.

It is essentially a walkthrough of the TEGL, of the training employment guidance letter, and what we'd like you to do – (inaudible) – questions, please make sure you use the chat feature for that purpose.

We will either respond to you via the chat, we'll respond to some of those simply by answering them through the audio. If we can't answer it, we'll let you know that as well. Thank you again for telling us who you are and where you're from.

It was amazing to see the variety of individuals logged in to this session. That speaks volumes for how long or how far our system has come. Way of integration, there were – I would point out that there are states, locals, UI folks, RESEA specialists.

There were several rapid response folks. So it's really good to see all of you logged in and participating in today's session. So we're going to run through some acronyms to make sure that those of you that aren't as familiar with the trade program are familiar with some of the acronyms we'll be using.

It was exciting to look at all of the acronyms for all of your organizations and attempt to guess what they all stood for. We'll give you a little bit of background on what reversion is.

Georgia will then go through the group eligibility part of the TEGL and then I'll take it back over and go over the services, benefits and then specifically ATAA and then sort of next steps.

So these are the acronyms that are somewhere in this presentation or are ones that we will use. There's no shortage of those, we just want to make sure you are familiar with them as these are the ones that we tend to use, right?

So ATAA, as you will learn, is what reemployment trade adjustment assistance or RTAA has become. CFR is our regulations, right? So on and so forth and you can see those here. Most of these are stuff you'll be familiar with regardless of the program you're in, but many of these are trade-specific acronyms.

All right. So why are we here? So section 406 of the Trade Act of 2015 included what we call a reversion and a sunset provision. We are only addressing reversion, which is – (inaudible) – 1, 2021. We will deal with sunset clauses and sunset provisions at a later time if we need to go there. If no action is taken by Congress prior to that time.

So as you all know or will know by the end of this session, on July 1, 2021, the Trade Act program, the TAA program, is going to revert to what will be a modified version of the 2002 program. Okay? And we're going to go over what that looks like.

We issued our operating instructions on Friday. Those are contained in TEGL 24-20 and the important note that you'll see throughout that document, again, which you can and should download via the file share pod at the bottom of your screen, if you haven't read it, is that our regulations, which we recently introduced last year at the end of 2020, those apply unless specifically impacted by reversion.

And the TEGL will provide you with – (inaudible) – on which part of those regulations apply and which ones don't. There are tables included in each section of the TEGL that provide you a walkthrough of which parts of the regulations continue to apply, which have been modified and which don't apply.

So with that, we're going to move into group eligibility under reversion 2021 and I'm going to hand it over to Georgia. Georgia?

MS. ECONOMOU: Thank you, Tim. I will go through a broad overview of group eligibility under 2021's reversion program and back to the 2002 version of the TAA program. There are substantial changes to worker group eligibility portrayed adjustment assistance under the 2021 reversion. There will no longer be a path to certification for service sector workers. There will no longer be international trade commission-based certification. The shift and production criteria will be – (inaudible).

MS. MCCALL: This is Grace, just jumping in, Georgia. A few people are asking if you could speak up a little bit. It sounds like you're maybe farther away from the microphone.

MS. ECONOMOU: Oh, sorry about that. Do you hear me a little bit better?

MS. MCCALL: A little bit. Are you on speakerphone?

MS. ECONOMOU: Let me try and see if this will help. One second. Do you hear me a little bit better now?

MS. MCCALL: Yes. Much better, much better.

MS. ECONOMOU: Okay. Sorry about that. Let's see.

MS. MCCALL: No worries.

MS. ECONOMOU: All right. Let me start from the beginning then. I will go through a broad overview of group eligibility under 2021's reversion program, back to the 2002 version of the TAA program.

There are substantial changes to worker group eligibility for trade adjustment assistance under the 2021 reversion. There will no longer be a path to certification for service sector workers. There will no longer be international trade commission-based certifications.

The shift and production criteria will be conditional. There will no longer be a certification for increased imports of finished articles continuing components and secondary certifications will be conditional as well.

Next. (Inaudible.) Under the 2021 reversion program, there are certain changes to worker group eligibility. Beginning with workers impacted by shift and production. The shift and production must occur to certain foreign countries that have free trade agreements with the United States and beneficiary countries.

For workers not impacted by a shift to these specified countries, there has to be an actual or likely increase in – (inaudible) – following the shift in production to qualify. In addition, there is no path to certification for service sector workers.

There is no longer an ITC, International Trade Commission, path to certification. There is no longer a path to certification for workers impacted by increased imports of finished articles containing components. And there are conditional – (inaudible) – for secondarily affected workers, specifically the downstream producer eligibility.

Also, there are alternative trade adjustment assistance, ATAA, eligibility requirements for workers age 50 years and over, which are specific to reversion and contingent on TAA certification. There are also still appeal rights under the 2021 reversion program as provided in the statute and 20 CFR 618. Next slide, please.

For worker group eligibility under shift and production certification, the shift and production must occur to a nation with a free trade agreement with the United States or a beneficiary country and you can see the current list of free trade agreement countries here. The Andean trade preference act authority has expired. Next slide, please.

So inclusive of the shift in production worker group eligibility, countries that participate in the African Growth and Opportunity Act as well as the country – (inaudible) – to the Caribbean Basin Economic Recovery Act and you can see the current lists of the beneficiary countries on this slide.

Next slide, please. My colleague will go over the specifics of worker group eligibility that I – (inaudible) – under the 2021 reversion program tomorrow, however this chart serves as a tool – (inaudible) – worker group eligibility under the various TAA program versions and as you can see under the 2021 reversion program, there are no paths to certification for service sector workers, public sector workers and ITC-based petitions and there is conditional inclusion for shift in production and secondary certification worker group eligibility.

And again, the details of these items will be presented tomorrow. And now I will hand you back over to Tim.

MR. THEBERGE: Thank you, Georgia. Yes, so tomorrow afternoon, same bat time, same bat channel. We do have a specific webinar dedicated to group eligibility that will go into more detail than what we provided you today.

So if you'll – (inaudible) – questions on downstream, you know, eligibility or shifts in production or any of that, I really encourage you to log in to tomorrow's session. Again, that's at the same time, 2:00 p.m. Eastern.

You can access that via WorkforceGPS in order to register for that event. Remember, if you have any questions, please put those into the chat. There's somebody asking if there will be a recording. The answer is yes, there will be a recording of this session. We are recording it right now. There are – these actual slides are available in the file share window that you should see on your screen along with a single .pdf. You're going to see screens that look like this, a different matrix – the matrices are available.

Someone is changing my slides. Please don't do that. I don't know who's pushing that button, but please, please stop clicking those slides. Thanks.

All right. So you're going to see this matrix and all of the matrices that are presented today are in the trade program version matrices. That is attached in the file share pod that you can download.

All right. So with that, there's another question that says we will revert back to 2002 and not 2014. So we're calling it a modified version of the 2002 statute and you'll see why. Part of that has to do with the fact that under reversion 2014, we still had our old regulations at 20 CFR 617 in place versus now where we have 618.

And so that changes some things that we'll go over today, but that's why it's – (inaudible) – the 2002 modified version rather than the 2014 modified version, I think is the easiest way to explain that. So what we're now going to cover are the employment services. So this is one of the bigger changes under reversion. This is section 235 of the statute, and again, the TEGL references for you here are page 18 and 20 or 18 through 20 of attachment A, which are the actual operating instructions.

So we go back to, again, the 2002 version of employment services rather than the broader employment and case management services that started under the 2009 version of the program. But again, through the lens of 618.

So what that means is certain parts of 618 are still in place, the most important of which is the WIOA co-enrollment requirement. We have said it before, we'll say it again. All trade affected workers – (inaudible) – are by definition dislocated workers under the WIOA.

We have included that in our regulations. Those regulations apply to WIOA even though those regulations and that statement is included in the trade regulations. So this is not optional. States have an obligation to enforce this requirement in locals where it may not be occurring.

We are starting to look at that on a state by state – (inaudible) – meaning we are starting to look at the local level data that is reported via the PIRL and you won't be surprised to learn that there is a wide variance in what those rates are.

So in a single state, we've seen one local that had a 90 percent co-enrollment rate. Another local that had a 10 percent co-enrollment rate and another local that had a 50/50 co-enrollment rate. And we've actually seen that in two different states, so it's been a fascinating look at those levels.

The key change is under the 2009 act and in 618, you'll see the language was, shall make available. We revert to make every reasonable effort and so it's a change in that language and that's why now it's no longer a – as firm a requirement as it was.

Now, you – (inaudible) – provide these services, but you're going to have to do that through partner programs. Why? Well, so there's going to be – and I think I maybe should have revised this slide, but I'll leave it here and sort of talk you through this. So all participants who are served under petitions filed on or before June 30, 2021, the state must make available the employment and case management services to all of those workers.

You can continue to use all of the funding that's live right now, so '19, '20 and '21 fiscal year money is all live. You have access to those funds and you can continue to expend those funds even after – (inaudible). When we get past July 1, for petitions that are filed on or after that day – so again, its petitions filed on or after that date. There will be other petitions that are certified after July 1 that are still actually going to be under the 2015 rules, right?

So I understand that this gets complicated and that's why you should tune in on June 15 for our more in-depth discussion of the benefits and services.

Your TAA funding is going to be limited for what you can use to provide and – (inaudible) – have available to provide certain employment and case management services. There is one that's still required and we will talk about that in a bit. So how are you going to provide those services for those new participants? These are the four major partner programs that you should be working with. Wagner-Peyser, which is Title III under WIOA.

A dislocated worker program under WIOA. Dislocated worker grants are available if you need additional funding to carry out those employment and case management services, all of the states would be eligible to apply for a DWG in order to provide those services. You can also utilize rapid response money to provide all of the services that are also available under – (inaudible) – dislocated worker.

There's a question from Nicholas Olsen about adult versus WIOA. So the regulations at 618.325 require dislocated worker co-enrollment. Whether you also choose to co-enroll them in adult, that's up to the state or local.

Our position is that by definition all adversely affected workers under trade meet the dislocated worker eligibility requirements under WIOA and must be co-enrolled if they're otherwise eligible and the only other thing that would essentially make them immediately ineligible, but then eligible later, is with regard to selective service.

All right. So there's a couple more. What supportive services could rapid response provide? So rapid response can provide any dislocated worker service. So if we go back to the slide, so quite literally that means counseling, assessments, labor market information, workshops, support services, follow up.

Everything you can do under formula dislocated worker money; you can do under rapid response funds and you can do under dislocated worker grants.

So those three are exactly the same. The only one of that pool of money, of those four that are on this slide that are a little bit different, is Wagner-Peyser, because there's some stuff that's different under Wagner-Peyser, right? It doesn't do support services.

Another question. Can co-enroll in adult but doesn't count co-enrollment in the PIRL. That's correct. We have adjusted the – not that doesn't count. So the actual what it doesn't count in, is our TAADI measure, which is our data integrity measure, is where that co-enrollment – (inaudible) – account.

So it shows up in the PIRL, but when we look at what is the co-enrollment rate in the states and the locals, we're looking at dislocated worker specifically. All right. I'm going to move on to training. Keep your questions coming into the chat. Again, if there's any I can't get to today, we will try to answer those at the session on the 15th, which will go into a little bit more detail on the benefits and services side of this.

So the next piece is training. This is covered under section 236 of the statute, and again, if you're reading along in the TEGL, we're looking at pages – attachment A, pages 16 and 17. All right, with that, I'm going to move on and at the end of the training session, I will look back and take a look at the questions that have come in.

So the first, and this is important, is for all of you to know that under reversion, the requirement that work-based learning is the preferred method of training, that's back. So that means that prior to the approval of any other type of training, the states are going to have to see if there is work-based learning available.

That doesn't mean you have to take weeks or months to try to develop one, it just means that that should be the preferred method of training and is the preferred method of training under reversion 2021.

So you have to rule that out first. You'll see there's some – OJT is still limited to 104 weeks. There's no change there. This next one is actually pretty big, and so this is why we're not calling this the same as 2014.

Under reversion 2021, in addition to part time training being allowable, TRA is otherwise payable during periods of part-time training. So this is a fundamental shift from where we are right now under 2015 and under 618. Under the current statute and the current regulations, if somebody is enrolled in part-time training, they are not eligible for TRA.

Under reversion 2021, that statutory prohibition is no longer in effect. That means that TRA is otherwise payable. Now, whether they'll actually get a payment or not is a different issue, because if they have earnings that will potentially knock them out, and we'll explain why later, because there's no earnings disregard and so on.

So that is a fairly significant change from the last time we went through reversion. Training plans can still be amended. Training plans can still contain multiple types of training, all from multiple providers – (inaudible) – to any of that and all training-related costs can still be covered.

So there's really no change from that aspect of the training. Again, the two biggest changes, that work-based training is now the preferred method of training and the change to the fact that part-time training is allowable and TRA is otherwise payable.

So again, here's our matrix on the differences between training and again, we want to look at the right-hand side of this, in each of these, where we show you the changes from 2015 to reversion 2021. So you'll see the overall maximum weeks of training hasn't changed. Obviously there are two exceptions to that.

That's on-the-job training, which is limited to 104, and then our special rules on apprenticeship, which look at the different things for whether it's the work-based learning under apprenticeship, which is limited to 130 weeks or the related instruction, which is limited to the duration of the apprenticeship itself. For breaks in training, that's still 30 days. Of remedial training and prerequisite courses can still be provided and online or distance learning is also still allowable.

All right. So I'm going to now look through. There's a question relative to merit staffing. So there's no change to – that's covered in 618.890. There are no changes to that. That is a regulatory action that has nothing to do with the statute, except for the requirement around determinations and redeterminations. So nothing changes in 618.890 relative to the staffing flexibility rules that were established under – (inaudible).

And under reversion, that's really going to matter more, because you're going to have to rely on your partners more so to be providing those services and funding, frankly, those services, because trade won't be able to cover most of those costs.

In the TEGL and in next week's presentation, we will go into more detail about the fact that initial assessments are still required, so that is sort of that one service that's under that. Again, we will go into more detail on that on the 15th and you can read the TEGL for a little bit of the discussion on that.

One of the questions was how can we make someone co-enroll if they're not interested. I've never understood why someone wouldn't be interested in WIOA services unless you're making the registration process too onerous. I could be wrong. I don't know someone that would be like, no, no, I'm not interested in your additional services, thanks. But yes, they can refuse co-enrollment.

It's unclear to us why they would, unless they're being – it's unclear to me, I guess, why they would do that, unless the manner in which WIOA is being presented to them doesn't seem appealing.

Another question on tutoring, would tutoring be covered under Wagner-Peyser DWDWG or Rapid Response. So the short answer is likely not under Wagner-Peyser. That doesn't strike me as something you would be paying for under that, but tutoring is an allowable cost, because it's related to training and a support service under dislocated worker, dislocated worker grants or rapid response.

So that would be fine. We have another question about if somebody comes in multiple years after their separation to access TAA benefits and they have had – (inaudible) – in the meantime or is currently employed, are they still dislocated worker eligible?

So that's actually a really good question and I don't know that we answered that in our FAQ during the regulatory process. Interesting. I may have to ponder that one. So I am going to put that one to the side.

My instinct is to say they are not eligible, so let's go with no, that they wouldn't be eligible – (inaudible) – because they're still employed and that previous dislocation from trade wouldn't make them eligible.

So again, that would be like the exception to the rule, not the norm. So and again, we're not looking for 100 percent on that, but there we go.

All right. Let's see. How do you co-enroll if the individual was enrolled in dislocated worker prior to trade certification? They already are. So they already are employed – not employed, sorry. They're already enrolled – (inaudible) – so then when the trade certification kicks in, they'll show up as co-enrolled. Right? What hours are considered part time? For training purposes, it's defined by the training institution.

So if the training institution says it's 12 hours or 12 credits or whatever, that's what full time training is. So you're going to follow whatever the training institution says for part time.

Clarifying question, TRA is payable during part time training to petitions on or after 7-1-2021. That – (inaudible) – correct. Only for ones that are filed under reversion. So filed on or after 7-1-2021 and then certified, those individuals would have that.

So that answers the next question, which is when does reversion take place? It's on any petition received on or after July 1, 2021. So again, it's important to know that there will be petitions certified in July that are not under reversion.

Those are actually going to be 2015 cases still. Right? Let's see. Work-based training should lead to suitable employment or should be suitable employment positions when training plans are developed? So OJT has to lead to suitable employment, not just the likelihood of employment, is what the regulations talk about on that question. So training in general has to be a reasonable expectation of employment.

On-the-job training specifically requires that it lead to suitable employment. So that's the difference there.

Let's see. I'm going to move on and then I'll come back to some of these so I can make sure I get through some of the other slides here and then I'll come back to answer some of the additional questions. Thank you for these. These are great questions – (inaudible) – getting.

All right. So the next is job search allowances and relocation allowances. These are the easiest ones to present, because literally nothing changes. So there is no change to this at all. It's still 90 percent of allowable costs for either job search allowances or relocation allowances.

The up to amount for job search allowance did not change. That's still $1250 and again can still be multiple job search allowance events. Relocation is still up to $1250 for the lump sum payment and then 90 percent of all allowable relocation costs. So no changes to the relocation or job search parts. Again, we have our matrix slide and again the matrices are available via download in the file share pod.

All right, I am going to go back through some of these again and see all of these. So one of the questions is what role does TAA final rule play in reversion 2021? So as you will read throughout the operating instructions, essentially 618 applies unless reversion says it doesn't.

And we've put that into that document. There's even a table for each section and subpart of the rule that provides what does and does not apply. I'm not sure I understand the next one, so if one of my other presenters could do a follow up for number 18, that would be great.

Nineteen. – (inaudible) – are assisting with obtaining progress reports, time and attendance. Will state merit staff be able to continue doing this as an admin function? Yeah. So on the admin versus program costs, I would encourage all of you to tune in on the 15th.

We're going to go into more detail on that. We're trying to develop an infographic or some type of visual chart that will indicate what can and can't be charged to the various programs that we have. The next one is do you have a scenario or example where this would happen or be the case where a training plan can contain multiple types of training for multiple providers. Yes.

So what we have is a situation where a person could go to a community college for a couple of classes and in developing that training plan, it's clear that most employers will require some type of experience for whatever that occupational training is, so the state could develop an OJT that could occur alongside that training at a community college.

Or you could have a situation where the community college offers one particular program and a technical institute offers a certificate that's related to that or additional training in that same field.

You could enroll the person at both the community college and that technical institute at the same time. They can combine that training under their training plan. So under trade, it's never limited to a single provider or a single type of training.

Meaning you can have work-based learning. You can have regular classroom instruction. You can have distance learning. All of that can all be combined into a training plan versus just a single trade – what do you call it? A singular program.

Is TEGL 320 applicable to trade reversion 2020? I need to be reminded which one is. Is that suitable employment? Which one is that? Ah, yes. That's actually a good question. Put a hold on that one and to whoever that was, I will answer it on the 15th.

Is job search available for job fairs or only interviews for specific bona fide jobs? So we actually answered this. We provided a fairly detailed list of descriptions for what the job search allowances can be used for. So I would encourage you to look in the rule on that, in 618. There's pretty good detail on what that means. So it's not just the bona fide jobs. There's more to that in the rule. The TAA final rule was effective on, I believe, September 22? 21? I always forget which specific date it was.

September 21, say the experts in the room behind me. Thank you very much. So that was the effective date of the TAA final rule. Is it based on petition file date? Yes. So any petition filed on or before June 30, 2021, will be under the current rules and current version of the statute.

Meaning ITC workers are eligible, service sector workers are eligible, there's employment and case management must be provided if RTAA not ATAA. All of that stuff is based on the petition date of the petition and not the certification date. So it's on or before.

Can TAA funds be used to pay for tutoring? Yes. That is also an allowable cost of training. All right. I am now going to go through ATAA and then I will come back to the remaining questions that we have.

All right. So the next is ATAA. We are, again, reverting back to the ATAA version. So this replaces RTAA. This is covered in the TEGL on pages 20 through 26 of attachment A.

Group eligibility is required. This is what it used to be under ATAA where our investigators and certifying officers had to determine that there were certain conditions met amongst the group of workers versus our TAA, which was individual-based. So again, this will be part of that investigation process as it was previously. The petition forms will be effective July 1, 2021. We will be publishing those new forms – (inaudible) – July 1, 2021.

Only use the updated forms. Please do not submit petitions after July 1 on the forms under – from 2015. The big changes between RTA and ATAA is that it truly is as it was originally under the demonstration project an alternative, meaning it cannot be combined with training.

You can't receive ATAA after you've received TRA. You can't receive TRA after ATAA. So these are truthfully and truly an alternative program as opposed to RTAA, which can be blended into the other benefits. So again, you'll see on the matrix that we provided you the side by sides for what the differences are. You'll see the asterisk next to no on part time employment. So that's because you can combine – a person can have multiple part time jobs if those equate to full time employment.

Then it's eligible. But you can't do what you can do now, which is the next no, which is combined part time employment with training to maintain your eligibility. So that doesn't work under ATAA.

There is also a difference now in the deadline for reemployment. It's 26 weeks from separation. So it's really independent of the certification date and that's going to be an important factor for the rapid response folks that are on these calls, to make sure that workers are aware of that.

Is that there are – (inaudible) – is that there are 26-week deadline for that person to find qualifying reemployment based on their separation date and not the certification date. All right? So that's ATAA.

Looking down here to see what else I have. Let's see. Has the requirement for RTA changed? Yeah. So there's no change to our – again, this all is based off of the petition under which the person is eligible. So you're going to be operating – so as you have in the past, for those of you that haven't been through this before, you're now going to be operating yet another version of the trade program, right?

So you've got people that'll be being served under 2015, that's about 90-something percent of the people we serve now. You've got a smattering of people from those earlier programs, but you'll now be operating sort of side-by-side trade programs where there's going to be groups of workers eligible under reversion 2021 and workers eligible under 2015 that you're essentially looking to provide the same or similar services to at the same time, but they will be under two separate sets of rules.

We are well aware of the complexity of that. We understand the frustration you have with that, but unfortunately that is the way that the statute is written and the way that – (inaudible) – will have to do that.

So the next question was could I explain the 26-week deadline? Sure. So a person has to be eligible for ATAA. A person has 26 weeks from their separation date in order to find qualifying reemployment in order to be eligible for ATAA.

That's significantly different than the rules under RTAA, which had really a two-year moving eligibility window. What if the separation date precedes or pre-dates certification by – (inaudible) – weeks? So that actually doesn't matter. What matters is that they have qualifying reemployment and that they are eventually certified.

In that situation, the state's going to still do the math and determine whether or not the individual is eligible and how much for and if they are, essentially cut them a retroactive – a check for all of that time that they would have been eligible and what that payment would have been.

And so that's what would happen in that particular scenario. All right? So that – (inaudible) – ATAA and RTAA. And again, thank you very much for these questions. These will help us refine our session that we will provide on the 15th. So these are – thank you very much for those questions. It will definitely improve the session slated for the 15th.

All right. So now we're going to move into trade readjustment allowances. There are some fairly significant changes here as well. – (inaudible) – dedicated a full 10 pages to TRA in the TEGL. There are changes to the enrollment deadlines.

There are no changes, however, in the number of weeks. Right? So basic additional completion. It's still 52 weeks of basic. It's still 65 weeks of additional within a 78-week period. It's still 13 weeks of completion within 20 weeks.

There is no change to the waivers. It's still only three. It's health, enrollment unavailable and training unavailable. We are not going back to the six waivers or the infamous other. There's no change there. We are specifically talking about the same waivers you're currently operating on for 2015. So no change there.

The next one is that, again, this is from the previous version of the statute. An individual must have filed a bona fide application for training within 200 days of separation to be eligible for additional – (inaudible). This isn't in 618. This isn't in 2015. This is in the older version of the statute and it's back under reversion. So if the person doesn't meet the 210-day deadline, they will not be eligible for additional TRA.

Note that this is an application deadline. It is not an approval deadline. So they have to apply within the 210, but they don't need to necessarily be approved by the 210.

The next is significant and we pulled the data on this recently, thank you to Robert for doing that, because it was one of my fears and one of the questions of what of the impact really of reversion and when combined with COVID and the changes in your operation and the increase in people seeking services and now starting to really seek services as states end the supplemental unemployment insurance.

Individuals now under reversion will – (inaudible) – the old 8-16-week deadlines. So the later of eight weeks from certification or 16 weeks from separation, an individual must be enrolled in or waived from training.

So that's going to put a strain on your locals, on your American Job Centers to be able to meet those deadlines. Again, we recognize that. We feel your frustration. The data shows that that's not – (inaudible) – we tend to make by any stretch of the imagination, but nonetheless, you're going to have to do the best you can in order to help people meet those deadlines.

The earnings disregard is gone. The election provision is gone. Good cause is gone. There's no more exception for military service. There's no extensions for justifiable cause for the 104-week rule. There's no extensions for judicial or administrative appeal. So TRA is – (inaudible) – impacted by reversion. The additional flexibilities and allowances that have been added in more recent versions of the statute are now gone.

And so the earnings disregard of the loss of that is largely why, when I say people may be eligible for part time training, but may not still get TRA, even though they're otherwise eligible, is that if they're doing that because they're employed, it's likely that those earnings will knock them out of TRA monetary payment.

Again, workers will no longer have the option to choose TRA over UI. We go back to the days of individuals having to exhaust that UI claim before coming back to TRA. So these are significant changes.

Again, this is one of the matrices that we have on that, to give you sort of a snapshot of what that looks like. There's actually two, because there's so many changes and so many different provisions of TRA that are impacted.

The 45-day extenuating circumstances extension does remain. There's no change there and equitable tolling is still allowable. So those two provisions – (inaudible) – but as you'll see, the rest of the flexibility ones around good cause and federal good cause and military service, those are all gone.

I'm going to take a look now, because I see that there are some questions with regard to ATAA and TRA. One is if someone – this is an ATAA question. If someone returns to work and then gets laid off again, does the ATAA time get reset? As long as they met the initial 26-week period of eligibility, they can continue to apply. They're not eligible for ATAA during periods of unemployment, because they're unemployed, but yes, so they can get back on ATAA once they have qualifying re-employment.

Another question that I just realized I don't think I put on this slide, so thank you for pointing that out. I'm not sure how I missed that. One of the other changes is that the first payable week of TRA – so again, this is a throwback to what the rule used to be, was that the first payable week could not be before 60 days after the petition is filed. That's back.

The intent of this, I don't actually know. So I know that the 60 days lines up with what the 60 days was for the department to render a determination. That's the only thing I can imagine Congress thought that was lining up with, but – (inaudible).

So yes, so the first payable week is not the week after certification anymore. If they were otherwise eligible, it is 60 days after. Can I explain in more detail the difference between 8-16 and 210? Sure.

So the 8-16-week deadlines are actual enrollment or waiver from training versus the 210 days, which is a bona fide application for training. I'd have to do the math. I don't think you – but I'm pretty sure in most of these scenarios, you're going to meet the 210, right?

If you meet the 8-16, though, I think there's a couple of situations in which that's impossible. But yes, so they are different, because the 210 days is an application deadline versus the 8-16, which is an actual enrollment, which means the training has been approved and the individual is to begin training within 30 days or a waiver has been issued because enrollment isn't available within 30 days.

There's a question about equitable tolling and when that's applicable. I'm going to actually refer you back to our final rule on that, to both the language in the final rule and the preamble.

I think rather than go into detail on that today, so I would – 20 CFR – (inaudible) – the equitable tolling provision I think is in subpart H. So I would take a look at the language that's both in, again, the rule itself and in the preamble language that would have been in the federal register version.

One of these questions is on the deadline dates are missed, are they no longer TAA eligible? Well, if they miss the deadlines, they're likely not TRA eligible. There is no deadline to apply for TAA training. That has a lifetime entitlement to apply. So let's see. What is the 210 day, how does it differ? So I think I've covered that really as best I can.

Really, the difference between the 210 and 8-16 is the 8-16 is an enrollment deadline, which means the training is approved or waiver-provided and then enrollment is supposed to begin versus the 210 day, which is a bona fide application for training.

All right. We'll – (inaudible) – the rest of these. No. So there's a ton of good questions on the 8-16 and the 210 and I'll try to – so you can't receive additional TRA if you weren't eligible for basic TRA. You have to be eligible for basic in order to receive additional. In order to – (inaudible) – receive – (inaudible) – any TRA, you have to meet – (inaudible) – deadline.

The 45-day extenuating circumstances exception, again, for guidance on how that applies, I'm going to – (inaudible) – language in our final rule and the language in our preamble to the final rule. I think that's the best guidance to provide you.

So there's another one, and again, I want to make sure I say this clearly. It says there's a deadline for TRA funded training, but none for TAA funded training. No. So there is a deadline to receive TRA income support, Trade Adjustment Allowances. Those have a deadline. There is no deadline – there is a lifetime entitlement to apply for TAA-approved, and I'm using that word very specifically, TAA-approved, training. Currently has a lifetime entitlement to apply.

So missing either the 8-16 or the 210-day deadline may impact one or more of their TRA benefits, but that does not impact their access to TAA training.

Does the bona fide request have to identify specific training with a signature? So it definitely has to say something other than, I want training. They can't write that on the back of a cocktail napkin and hand it in at the One Stop, so it needs to have a little bit more than that.

I don't think we've ever provided guidance further than that, other than the fact that bona fide, bona fide, does have, I guess, some concept of intent behind it, that it has to be true or real and so in theory, it should at least be identifying, I would tell you from a reasonable perspective, an occupational goal or something like that. Something other than, yes, I want training, I guess is how I would provide you some additional guidance on that.

How about incumbent workers in reversion? So adversely affected incumbent workers are not eligible under reversion 2021. – (inaudible) – So that part is gone. So those don't exist under reversion 2021.

All right, administrative provisions. So there are no changes to the reporting requirements. You still need to file the PIRL. There's no changes to any of the elements. We're still doing the TAADI. The 9130 M is still required for our training and other activities money. The 9130 is still required for your TRA funds, for RTAA funds, for ATAA funds.

There are changes to the overpayment's provisions, and again, as stated previously, there are removal of the exceptions for military service. Those are gone.

All right? So what does that mean? So overpayments currently talks about shall waive. That changes back to a may waive statement and instead of there needing to be a financial hardship, the waiver needs to be based on whether collection of that overpayment is contrary to equity and good – (inaudible).

This is directly – language directly from the Social Security Act rules, which is where that old language came from. So although it's now a may waive instead of shall waive, it's also a change in the conditions under which those overpayments may be waived.

I'm not going to attempt to define any of that further, because we've never, to my knowledge, defined contrary to equity and good conscious previously and I'm guessing that there's a ton of decisions and potential – (inaudible) – in your states relative to unemployment compensation that will potentially have defined all of that for you under applicable state law.

Having said that, I do recognize that some of you may be seeking additional guidance under that. But at this time, I don't have that to give you. But it is on our list.

All right, I'm going to take another look. Yeah, so it's if there is a lifetime entitlement for training, then why is there – states may not waive the enrollment requirement. So again, that's the deadline – the 8-16 deadline is – only impacts TRA eligibility, the income support. It does not – there is no deadline to apply for training under the trade act.

All right, if a staff realizes they cannot meet the 8-16 even when they – because they placed the worker on a waiver. So there's three very specific conditions under which waivers can be granted.

We have provided that guidance in our regulations, in the regulatory text and the preamble and I would refer you both to that for waivers and for 45-day extenuating circumstances since we did promulgate those rules and there's really no change under reversion two, those concepts, there's no changes in these operating instructions relative to that.

Funding and allowable cost. So again, there will be a lot more of this on the session that is on – in the session, sorry, that is next Tuesday. So a week from today, I will join you all again at 2:00 p.m. Eastern for a session on benefits and services and we will try to provide.

Again, thank you for all of these questions. It makes it very clear what content we need to make sure we are absolutely clear on. The funding and allowable costs will also be greatly expanded upon during that session, because it's clear that there are going to be significant questions and a need for some additional clarity on what that means.

Again, one of those areas where we'll need to provide you some of that is that initial assessments are still required to be provided by the TAA program. Again, you can always use partners for this, but that is an explicit requirement.

Meaning that you can also use TAA funding to provide that, we need to be able to be a bit more specific with you on what you can charge that to.

Right now, since the funding you have available, you're talking about '19, '20 and '21. Those have specific rules on them for usage. Prior to the recent updates to the statute, we used to provide you annually with what your administrative cost threshold will be.

FY2022, I don't have an answer for you yet on what that looks like, because that will likely be part of whatever's in the appropriation language. – (inaudible) – Congress crafts that language is what we'll be able to provide you for information and guidance on what your administrative costs would be under that.

Again, the other big impact is that there is a – the training and other activities cap is reduced significantly under reversion. And again, as we get closer and further into reversion, we will be providing additional information on all of that and what those impacts look like.

So here's a brief overview of what that looks like in terms of the funding summary. Again, please join us on the 15th and we'll get you as much more information on this as we can. So let me put up this slide and then I'm going to – (inaudible) – into the pile and see what's left for questions I haven't answered yet. All right, I got that one. I got that one.

So yes, so the same interpretation – there's a question about is TRA basic payable until the deadline is reached if UI is exhausted? Yep. So there's no interpretation to that. The original version of that interpretation is contained in some ancient guidance, but is incorporated into 618, so yes, because those are deadlines, an individual can't be held to the deadline until they meet or reach the deadline.

So that's the answer to that one. Yes, the 210-day deadline applies to additional, but not to basic. Basic is governed by the 8-16 enrollment deadline. I think I answered that one. Yes, so if there's a lifetime entitlement for training, then referring to – (inaudible) – a participant can have a job and come back years later. Yes.

So the important part of that, though, is to remember that when you're evaluating suitable employment, you're not going to be looking at their most recent layoff or whatever job they hold today. You have to go back and look at their trade-affected employment. Their adversely affected employment.

So if that was 10 or 15 years ago, when you look at the definition of suitable employment, you're going to be looking at what their wages were then and what their skill level was then. So you're looking at it through that lens rather than what their current job was and their current skill level is. So for some people, that won't make a difference in your assessment of whether they meet the criteria, but for others, that will likely make them ineligible for training. All right?

I think I covered that one. And yes, people do show up 10, 15 years later, so that does happen. What I meant by the question, is there any hope that reversion won't happen? So I don't work for Congress. I'm not a member of Congress and I'm not a committee staffer, so I don't know.

Anything is possible. They would need to, you know, pass and the President would need to sign legislation on or before June 30 for us to not – (inaudible). I will let you all draw your own conclusions from that.

I think the reasonable question at this point, given that it's already the 8th of June, is for how long will we be in reversion? I think that's the more realistic question and I don't have an answer for that for you either.

All right. So with that, again, these are three important resources for you. One, since you found this webinar, you are likely already familiar with Workforce GPS. If – (inaudible) – member of our TAA community, I strongly encourage you to join.

We do have blogs. We have guest blogs. We have discussions. We have resources posted by your peers, some of which are absolutely fantastic and are clearly used by some of you, because what we see in here, it was great to see somebody refer to their job title as a petition coordinator, which means we are spreading the message of what this program can be.

And again, the TEGL – (inaudible) – as well. Sorry, I just had to move there. There must be storms coming in. My dog just climbed under my desk, all right, which is where he goes when the thunderstorms roll in.

So with that, again, we do have two more WorkforceGPS sessions tomorrow, specifically on group eligibility, where our investigations unit and certifying officers will provide additional details on group eligibility provisions.

They have all of the questions that you submitted today will hopefully be covered or answered tomorrow and then the other one will be Tuesday, June 15, also 2:00 p.m. Eastern, also via Workforce GPS.

And again, that one, we will go into more detail relative to the benefits and services for under the TAA program. There's a couple of more on 8-16 and 210. So the 8-16 and 210 deadlines have no impact on whether or not the person can receive training. It only impacts TRA eligibility.

The next is about the new UI – (inaudible) – under reversion, the ability – right now, workers can elect to stay on TRA if they have a benefit year end date. Usually because the TRA payment is much higher than that new UI claim.

That goes away under reversion. So yes, we're going to go back to the scenario where people's TRA or income support payment is potentially going to be cut in half because they're going to have to exhaust that new UI claim before coming back on to – (inaudible). Again, that's language in the statute. There's nothing that we have the authority to do, to do that.

All right. The next thing. There are also specific regional roundtables. So in addition to these large, 1000 person sessions we have on Workforce GPS, we have five different regional roundtables set up. If you don't have the invite, please reach out to your regional trade coordinator. These are – (inaudible) – for those. The first one is tomorrow morning with region one and region two. And then so on and so forth for the rest of the regions.

Those will be via Microsoft Teams and the intent of that is to allow for even more ability for you all to ask direction – sorry, ask directions, ask questions more directly to the OTAA office, because we recognize we have to have your lines muted on these calls because there's – (inaudible) – 700-some odd of you on right now.

So with that, if you have any final questions, we do have a little bit more time. I'm looking through the list. I think I've covered most of these. There's one I don't remember the answer to, so I can't answer 62, because I never remember that one.

So that one – (inaudible). Sorry, I'm just taking about the question numbers we see on the back end. Seventy, does the bona fide request expire? So where that comes into play is actually related to the question about the 104 weeks. So in most of these scenarios, because of the way the 104-week limit works for basic TRA payments where you have to have received a payment within that 104-week window, that's usually why people – (inaudible) – ineligible when they show up 10 years later for TRA.

It's because of those other deadlines. So the – does the bona fide application expire? No, but their ability to access TRA does go away. And that's tied up with the eligibility requirements that to receive additional, you had to have been eligible for basic and that has some deadlines for receipt.

How do I sign up for the region three roundtable? Please contact – how do we find out the region you're in? So if you go to our ETA website, if somebody could post the link to the presenter chat from our TAA page for our contacts and then we can have Grace copy and paste that over into the Q&A pod for everyone to see, if that's possible. We're going to give you the link that you can use to find out which state you are in.

We have approximately five or six of those right now and they are essentially geographically based, though I've never been able to memorize the differences between region four and region five, because they go right down the middle of the country and divide up the states differently than I would have.

But since it's 50 years old, that's why I can't explain those. All right, what else? So how do you sign up for the region roundtables? So there will be a link in the chat over in the Q&A that you should be able to see where we can – where you can access that contact list in order to do that.

Does the lifetime entitlement to apply for TAA include – I think I answered that one too, but I'll answer it again. So you're looking at – (inaudible) – lifetime entitlement to apply, it's based on their trade-affected employment -- their adversely affected employment. So if they come in with a job and they are currently employed, but they say, I want training based on the previous – my previous trade cert, if they are currently suitably employed then they're not eligible for training, because they are in fact – they are currently suitably employed.

And so you would essentially say they don't meet that criteria. I would remind you that it's both wages and skills, so it has to be an "and" on that for that. All right. So we've got 14 minutes left. What other questions. There was another question for equitable tolling examples.

Again, I'm going to refer you, because we did those examples and that preamble and the rule text on that, I'm going to refer you to our rule text for things around waivers and the 45-day extenuating circumstances and equitable tolling and all of that stuff.

Our guidance is going to be our regulations still applies, because those aren't impacted. That particular regulation isn't impacted by – (inaudible). So that's what you'll need to look at for examples of those. And again, there's two – I don't want to say two versions. There are two different documents, really three, I guess, to look at, when you're reading our regulations.

One is obviously the rule text itself, but the other two references that matter are the federal register notices that were published both for the proposed rulemaking and for the final rule, because that has our – (inaudible) – in it, which provides some additional justification and explanation. So for those of you looking for further insight into co-enrollment and things like that, I would encourage you to look at that preamble.

We also have a lot of – we have a few materials posted to our website, to the TAA program website where we provide additional insight on co-enrollment and on work-based learning, so there – (inaudible) – additional documents that provide some technical assistance for those as well.

Is there a definition to determine equal or higher skill level? So the best resource for that is for – is O\*Net. O\*Net Online and they use – so if you're not familiar with O\*Net, that is the updated version of – I've been around so long I know it as the Dictionary of Occupational Titles.

But that's all in – (inaudible) – and it's called O\*Net Online and you can find that through CareerOneStop.org and there are job zones where they identify by occupation the knowledge, skills and abilities, or the KSAs that are required for a given occupation.

So if you can go to O\*Net and you can look up by occupation what that skill level is and you should be able to find a reasonable proximity. It goes to the detail of a number 10 paper machine operator, but it'll give you something close that you can use for that in order to find out that.

I think we have a couple left. All right. So there's one around additional – (inaudible). So again, in order to be eligible for additional TRA, you had to have been eligible for basic TRA, which is that, and then you have to also have met the 210-day bona fide application for training.

For job search allowance, it's 365 days after certification or 365 days after your most recent separation from adversely affected – (inaudible) – or 182 days after your concluding date of training. For relocation, it's a little bit different. It's 425 days after certification or most recent separation or 182 days after concluding TAA training. So those are not lifetime benefits and they do have deadlines. They're just – (inaudible) – than – than the others.

All right, I think that's the rest of them, in looking through on these. Are there any other additional comments or questions? To prevent the TAA program from expiring on the 22nd.

So I just want to – (inaudible) – that on – on June 30, 2022, is the last day that certifications will be processed, I guess is the easiest way to answer that question. That doesn't mean that service is stopped on that date, because you will still have people that are eligible to receive benefits and services.

So even with the sunset date of June 30, 2022, all of the states are still going to be operating a – (inaudible) – past that date. You're still going to need to be enrolling people in training. There's still going to be – there's some stuff that ends that date. There's other stuff that does not. And if we get to that point, we will provide additional guidance. There will be another TEGL and more sessions like this, if we get to that point.

So the only thing that prevents that is some type of congressional action, whether that's a standalone reauthorization – (inaudible) – gets included in the next budget cycle. That's entirely up to congressional whatever they want to do.

It's beyond the department's control. We operate by the legislation that we are provided and that's where we're at, at this point. So again, if you haven't already done so, please register for tomorrow's webinar. That was – that'll be – (inaudible) – and cover group eligibility, benefits and services. Again, sincerely, thank you all for all of your questions that have come in today.

That's going to really help me improve that session by making sure we are more explicit on those areas where it's clear we need to provide additional clarification specifically around the 8-16 and the 210 and how those relate to – (inaudible) – all of those deadlines are.

How long was the last reversion? So there were two. So the one in 2014, I always get wrong, but Robert always seems to remember. That's it, 18 months. Thank you, Robert, was the 2014 reversion. Again, what happens will be dependent upon what's in the legislation that re-authorizes us. So for those of you that have been around – (inaudible) – the last time it happened we were instructed to review every petition that came in during reversion and was denied to determine if instead it should have been certified.

Presumably whatever legislation reauthorizes us would likely have that same type of provision and so we would do that again. We will use, as we have done – (inaudible) – petition numbers to identify those that are covered under reversion versus those covered under 2015 and so on and so forth.

And we will continue to do the same, presumably if we get reauthorization, depending on the language in that, we may or may not have to need a new number series, because it depends on whether they just keep 2015 and reauthorize it as it was or if they change the program again, we potentially are – (inaudible) – a new number series and then additional regulations and all of that fund stuff to come.

So yeah, the petitions under reversion will be labeled 98,000 and up until we get some type of reauthorization or other action and then we'll go there. So that's where we stand on that. All right. I think I've exhausted the questions. Thank you all again and I will turn it back over to Grace.

MS. MCCALL: All right, I'd like to thank all of our participants and presenters for today's webinar. If you please stay logged into the room for just a minute longer to provide us with some feedback, it'd be most appreciated.

You'll see a feedback window where you can let us know what you thought of today's webinar. Please take a second now to share your thoughts. Let us know what you liked or what we can improve upon. There is also an additional topics window where you can let us know what you'd like to hear in future webinars. A recording of today's webinar as well as the transcript will be made available on WorkforceGPS in a few business days.

Also, to better connect with your WorkforceGPS colleagues, please take a few minutes and sign up for the member directory on WorkforceGPS. That link is located at the top of the feedback window.

Thank you to everybody for joining us. And with that, have a wonderful day.

(END)