**WorkforceGPS**

**Transcript of Webinar**

**Trade Adjustment Assistance for Workers, Revision 2021, Group Eligibility**

**Wednesday, June 9, 2021**

*Transcript by*

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LAURA CASERTANO: All right. Welcome, everyone, to today's webinar. My name is Laura Casertano, and I will be here if you need anything technically speaking. Hopefully, you won't need to hear too much for me, but if you do have any technical questions, just go ahead and let me know in that chat box in the bottom left-hand corner of your screen.

That chat box is also where we'd like you to introduce yourself now. I do see that many of you have done so already, but if you haven't, just go ahead and let us know your name, the name of your organization, where you're located in the country, and how many are joining you, if you're joining in a group.

That chat box is also where we'd like you to ask any questions or make any comments throughout today's session. We would love to hear from you, and we'll get to as many of them as we can.

If you look at the bottom right-hand side of your screen, you'll see our file share window with a copy of today's PowerPoint. You can download at any point throughout today's session. You can also find a copy of the PowerPoint, as well as the transcript and the recording of today's session, on WorkforceGPS in about three business days.

And one last thing for me before we get things started. I want to mention the feedback survey that's going to be emailed to everyone immediately following today's session. The feedback survey is completely anonymous, and we use your feedback to make these webinars more useful to you in the future. So please don't forget to fill that out.

You will get one feedback survey emailed to you immediately following today's session, and then you'll get another one a couple weeks from now. With that, I'm going to get myself right out of the way.

Again. I want to welcome everyone to today's Trade Adjustment Assistance for Workers: Reversion 2021. I'm going to turn things over to your moderator today, Tim Theberge. He's the lead program analyst with the Office of Trade Adjustment Assistance with the Employment and Training Administration. Tim, take it away.

TIM THEBERGE: Thank you, Laura. So good morning or good afternoon. Welcome to our second session, covering reversion 2021. Yesterday was our general walkthrough of TEGL 24-20, which are our operating instructions for reversion 2021. The recording of that will be available shortly, for those of you that may have missed it or want to review some of the discussion or presentation that occurred. The materials are also included there for your download and reuse as we go through reversion.

So today's focus is specifically on the group eligibility component under Reversion 2021. There are some differences. So we want to have our investigators and certifying officers available for you today. They're going to walk you through what the group eligibility provisions look like under reversion.

Please enter all of your questions into the chat, and we will either answer them via the chat or live through one of us answering those questions for you.

So talking to you today, we have three different speakers. We have Jessica Webster. Jess, say hi.

JESSICA WEBSTER: Hi, everyone. Welcome.

MR. THEBERGE: We have Jacque Mendelsohn.

JACQUELYN MENDELSOHN: Hi, everyone. Welcome.

MR. THEBERGE: And we have Amy Chen.

AMY CHEN: Hello, everyone.

MR. THEBERGE: All right. So with that, you have your speakers. I'll be your moderator behind the scenes, and we'll be working on answering your questions as they come in via the chat and teeing those up for our presenters to answer. So with that, I'm going to hand things over to Jacque. Jacque. Jacque?

MS. MENDELSOHN: Sorry. I was on mute. Hi, everyone, and welcome. Thank you for joining us. Our learning objectives today include a quick review of elements of a quality petition and what's new with investigation, specifically the pathways to certification and how they are limited under the reversion. We will also discuss Alternative Trade Adjustment Assistance, also known as ATAA. Next slide.

So before we jump into the changes to certification criteria, we wanted to do a quick review on petitions. Next slide, please.

So nothing has changed in terms of who can file a petition. It is important to note that we do have a new petition form that can be found on our website. Next slide.

Email is the preferred method of filing a petition. However, you can fax or mail a petition in as well.

In addition to using the new OMB approved petition form, which is available on our website, please review these important tips when filing petitions. These elements make a big difference in the investigative process. Also, it is important that the petition clearly identifies the group of workers. As a reminder, nothing has changed in terms of amendments and appeals.

Amy, please take it away with questions.

MS. CHEN: All right. This is Amy, certifying officer. Do we have any questions? Please enter it in the chat box.

MR. THEBERGE: Yeah. Amy, you have one question so far. The first one is, "Did I understand correctly that the preferred method is email and not the online portal or online submission?"

MS. CHEN: So we have both. We do have the online submission portal. That's still there. Email is a second option. We do note that not everyone has access to the online portal. Obviously, as a workforce agency you do, but online is our preferred. We also prefer email. You always have the option of mailing it a hard copy via the U.S. Postal Service if you want. You can also fax it to us, and we receive those as well.

So the online portal is still available. If that's not available or that's not preferred, then email and also hard copies. A printed, signed version is always acceptable.

Any other questions?

MR. THEBERGE: That's all for now.

MS. CHEN: OK. All right. Thank you. Next slide, please.

MS. WEBSTER: All right. I'm going to take over now, certification criteria. So how is certification criteria different under Reversion 2021? To begin, shifts in production become a conditional path to certification. No path to certification for workers in service sector firms. Service sector firm means a firm engaged in the business of supplying services.

ITC is no longer a path to certification. Downstream producer is contingent upon certain impacts from Canada and Mexico. For increased imports, we no longer have an increased imports, a finished articles path to certification. And Alternative Trade Adjustment Assistance, or ATAA, is specific to Reversion 2021. We'll expand on this in a later slide. Next slide, please.

OK. So we have the primary path to certification, which are shift in production, which is now conditional, and increased imports. And then we have the secondary path to certification, which includes upstream suppliers and downstream producers. These are also conditioned and different from before, which we'll discuss. Next slide, please.

The shift in production is still a basis for certification, but, as stated before, it's conditional. Under Reversion 2021, production has to have shifted to certain foreign countries that are party to a free trade agreement with the United States or a beneficiary country under the Andean Trade Preference Act, the African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act.

Or if production has not shifted to these countries, there has to be an increase in imports of like or directly competitive articles from a foreign country, any foreign country, not necessarily the shift country. Note that the Andean Trade Preference Act is currently expired.

A list of applicable foreign countries is provided on the next two side. Do you want to go ahead and share those two slides? OK. Next slide, please.

Increased imports. So increased imports under Reversion 2021 have only changed slightly. For increased imports, employment, sales or production, and increased imports criterion still need to be met. As referenced earlier, increased imports or finished articles are no longer a path to certification. Go to the next slide, please.

So Amy, take it away with some questions if anyone has questions on the shift in increased imports path to certification.

MS. CHEN: All right. Thank you, Jessica. So do we have any questions?

MR. THEBERGE: There aren't in the chat.

MS. CHEN: None? OK.

MR. THEBERGE: You might want to answer the downstream question from yesterday somebody asked.

MS. CHEN: We do have a downstream section. So I'm going to hold off until we cover the downstream, and then we will circle back to yesterday's question. None? OK. Awesome. Moving on. Next slide, please.

MS. WEBSTER: All right. So next, I'm going to talk about upstream supplier. So under Reversion 2021, upstream supplier is a more limited path to certification than the current program. For one, we no longer have the secondary service supplier path to certification. So for upstream supplier, the eligibility requirements are pretty much the same as the current program, except that we only have a secondary component supplier path and no longer have a secondary service supplier path.

The standard is the same in terms of 20 percent and contribute importantly. Specifically, the customer needs to account for at least 20 percent of the production or sale of the worker's firm, or the loss of business by the worker's firm with the customer needs to contribute importantly to worker separations. Can go to the next slide.

So per the statute, the term supplier means a firm that produces and supplies directly to another primarily certified firm, components for articles that were the basis of a primary certification. Any questions on that before we move to downstream producer?

MS. CHEN: No questions about supplier? OK. Next slide, please.

MS. WEBSTER: OK. Downstream producer. I know we had some questions on this one.

So under Reversion 2021, downstream producer is a more limited path to certification. Specifically, the basis of the primary certification has to be a shift in production to or increased imports from Canada or Mexico. Go ahead to the next slide, please.

So downstream producer. Per the statute, downstream producer means a firm that performs additional, value-added production processes for a firm whose workers were certified and eligible for Trade Adjustment Assistance on a primary basis. These processes include final assembly and finishing.

Amy, want to take over with questions? I know we had a few on this one. Thanks.

MS. CHEN: OK. This is Amy, again. So yesterday we had a question regarding impact of downstream producer on the Reversion 2021. So the downstream producer definition is slightly contracted under Reversion 2021 from earlier. You may have noticed that the definition of downstream producer talks about additional, value-added production processes, which are final assembly and finishing. It does exclude some of the services which were previously included, which are no longer applicable under 2021. OK.

If we find that a firm -- the worker's firm meets the definition of downstream producer, we then move on to look at whether or not there's that Canada or Mexico condition which has been met. OK.

Yesterday we also had a question about potential impact. It's unknown at this time because each case is fact-specific, and we can't make predictions or generalities. OK.

So any questions -- any other questions regarding downstream producer?

"So the primary company has to be certified before a secondary company can apply?"

Yes. So again, the statute says that the downstream producer or supplier provide component parts or is a downstream producer to a firm whose workers are eligible under Section A. So there has to be a primary before there is a secondary. Now, -- (inaudible) -- may be --

MS. WEBSTER: And, Amy, I'm sorry to interrupt you. If you could just speak up a little bit louder.

MS. CHEN: Oh, I'm sorry. So a secondary company can apply. However, a secondary company cannot be certified unless there is a primary. OK. So they can apply, but the secondary has to be based on a primary, which is saying a primary certification has been certified. So if you think there's a company that could qualify as a secondary, you may see a delay if there is no primary.

Any other questions?

Oh, there's a question about increased imports of finished articles containing component parts. As we mentioned earlier, previously -- currently, required prior to July 1st, 2021, a company could be certified based on increased imports of finished articles using more foreign -- (inaudible) -- component parts. This would be if a domestic company made buttons for dress shirts, but the imports were finished shirts with buttons on them -- dress shirts with buttons on them.

Under Reversion 2021, the increased imports have to be like or directly competitive. So the subject firm domestically makes just dress buttons. The imports have to be dress buttons. Likewise, if the subject firm makes cherry tomatoes for salads, the increased imports have to be cherry tomatoes or like or -- (inaudible) -- tomatoes and can't be increased imports of salads. OK.

Any other questions regarding secondary? All right. I see no additional questions. Next slide, please.

MS. WEBSTER: OK. So next, we're going to talk about Alternative Trade Adjustment Assistance, or ATAA. So there's not a separate petitioning process for filing for ATAA. When a petition is filed on behalf of a group of workers utilizing the approved OMB form located on our website, you are filing for TAA and ATAA. In other words, when you file a petition, it's not a separate filing process.

Further, when we make our determination at the end, it's a dual determination. Going along with this, note that to qualify for ATAA, you have to qualify for TAA.

To provide further background, Alternative Trade Adjustment Assistance is specific to the reverted program. As previously discussed, RTAA is no longer a benefit under reversion. What takes its place is ATAA, which is a program that you have to be certified eligible for prior to applying for benefits and has its own certification criteria. So let's go over that criteria.

One, a significant number of workers in the worker's firm are 50 or older. Two, the workers in the worker's firm possess skills that are not easily transferable. And, three, conditions within the worker's industry are competitive. Next slide, please.

Any questions on that, ATAA? Looks like we have some other questions as well.

MS. CHEN: Any questions on ATAA? No questions on ATAA?

MR. THEBERGE: There is one. Yeah. There is. There's one about possessing skills that are not easily transferable.

MS. CHEN: So the question is, "Is the possessed skills are not easily transferable based on the employer's attestation, or is there some kind of criteria that has to be met to determine this?"

To paraphrase one of my favorite attorneys, the answer is, it depends. We do ask the company officials whether or not the workers -- their workers have skills which are easily transferable. Sometimes they have that information. Sometimes they don't.

If a company cannot provide information which we can use, then Department of Labor investigator will reach out to other sources of information, which could include the local workforce agents, or it could be using publicly available information or doing the industry research of what skills are typical of that position description and what's available in that that job category. So it depends.

Another question is, "What is considered a significant number of workers?"

 So Tim, can you go back one slide, please? OK. So significant number would be 5 percent of the worker's firms are aged 50 or older. So it depends on the size of the company. So if the company's 100 workers, -- (inaudible) -- of 100 is 5 workers.

And the -- (inaudible) -- question generally we get is, what if you have a worker who's only 49 and a half? I do believe there was an earlier TEGL on this, but, Tim, my recollection is, if the worker turns 50 that calendar year, then we will include that person as age 50 or older. So if they are a New Year's Eve baby, they will be qualified as a 50 years or older person. OK.

Any other questions? So that's workers.

"Will these changes impact staff worker process?"

The answer is no. The regulation still applies unless there's a conflict with a statute. The staff worker provisions in the regulation 20 CFR still holds.

One question, "How do you find other workers' ages?"

Department Labor will ask the company official, relevant officials the number of workers that are age 50. We do not actually collect names. But, generally, that information will come from the company.

A number. So any questions regarding ATAA before I go to some of the other outstanding questions?

MR. THEBERGE: Yeah. There's one about whether you can have a TAA certification that would not include an ATAA certification.

MS. CHEN: Sorry I missed that question. The answer is no. You must have a TAA certification prior to ATAA. ATAA is contingent on TAA certification. So you could possibly have a certification for TAA and the certification for ATAA. You could have a certification for TAA and a denial of ATAA, but you will not see a TAA denial with an ATAA certification. OK.

So any other questions? So there was a question earlier about service sector. As we mentioned earlier, there is no sets or class certification for service sector workers. A service firm is defined as a firm then engaged in supply of services, they generate their revenue from services.

Under the statute -- sorry. Under the Reversion 2021 statute, Department of Labor will see whether or not the worker group criterion has been met. So we have to see whether or not there was a shift in production of the articles, like or comparative to the articles produced by the worker's firm, or we have to see whether or not there were increased imports of articles like or directly comparative with the worker's firm. So if a firm does not produce an article, then it is unlikely that the criteria for the statute has been met. OK.

Any other questions? No?

MR. THEBERGE: There's a few.

MS. CHEN: I asked -- "So how about 49 and under?" I --

MR. THEBERGE: So I think they're asking 49 and under equals TAA. 50 and over equals ATAA. And it's not as easy as that because you can also have workers who turn 50. There's a 26-week window between separation and when they have to be reemployed.

So if you have the worker group that's both TAA and ATAA certified, you could have an individual who was separated at 49 years and find reemployment within the 26-week window and turn 50 within that window. They would potentially be ATAA eligible at the individual level. So it's not a hard cutoff at 49 and 50. There is a small window within which a 49-year-old could potentially become eligible.

MS. CHEN: Yeah. Thank you, Tim.

MR. THEBERGE: And it's also not an either-or. So people 50 and older can still get TAA benefits and services. ATAA is just on top of that. It's -- (inaudible) -- choice.

MS. CHEN: So thank you. And one question is, "Can a redetermination be requested for denied ATAA but approved TAA?"

The answer is yes. We -- as Jacque mentioned earlier, we still have all the same appeal rights as earlier. So if a worker group was denied for ATAA but -- (inaudible) -- for TAA, they can appeal the ATAA denial separately, independently. OK.

One question is, "Does the article being produced need to be physical article, or it could be less tangible like software?"

And the answer is yes. An article can be either tangible or intangible. OK.

So one question, "Is customer service considered an article?"

The answer is no. OK.

Any other questions regarding TAA classification, secondary supplier, secondary -- (inaudible) -- or ATAA?"

Looks like no. Thank you. Next slide, please.

MS. MENDELSOHN: So this is a helpful chart that will take you through the different iterations of the program and what is applicable under each. Next slide, please.

So we're just about done. Next slide, please.

So today, we covered a quick review of petitions, investigation and what's new, paths to certification that are limited, and Alternative Trade Adjustment Assistance. Next slide, please.

And here are some resources that everyone is welcome to take a look at. Next slide, please.

Tim, are you going to take those?

MR. THEBERGE: Thank you, Jacque. Yes. So the next scheduled WorkforceGPS webinar is on Tuesday, June 15th. That is also at 2:00 p.m. Eastern. You can register for that via WorkforceGPS through our TAA community website. We have a ton of questions in the chat. We'll get to those in a minute.

We have four remaining regional office hour sessions. State folks, if you have not already been invited by your region, please reach out to your regional trade coordinator and ask for the invite. These will be done like our TAA office hours via Microsoft Teams. Those will be with me, and that'll be more of an informal walkthrough and Q&A format for some state-specific questions.

And then after those sessions, if your state would like a specific -- a state-specific TA session, please let us know, and we will do that, too. So let's now run through the rest of the questions we have.

Some of these are more programmatic. So I'll start with those. One is, "Is it a choice under Reversion -- correct -- ATAA or training, not both?"

That is correct. Unlike RTAA, where the different benefits can be combined, that's not the case here. It is very much a true, "alternative." You are choosing either ATAA or the other TAA benefits. Receipt of ATAA means you can't get some of the others, and receipt of TRA or training means you can't get ATAA. So you cannot put those two together.

Let's see, there was another one. UI. There was a question about unemployment insurance and ATAA. ATAA is not UI. UI is not ATAA. They have two completely separate eligibility criteria. Obviously, you need to be employed to receive the ATAA benefit, but that has nothing to do with your then eligibility for ATAA. So those are very much exclusive things for that.

The other question is about, "RTA is being replaced with ATAA. So it's not an automatic certification?"

That's correct. So as you heard Amy describe, you could have a situation where TAA is approved and ATAA is approved or where TAA is approved but ATAA is denied. You have to have that TAA eligibility to have any ATAA. So that's the one caveat on that.

Let's see. Got that one.

"Are the payment benefits for ATAA the same?"

Yes. It's $10,000 or two years. There's no change there. The difference -- the other big difference on that, in addition to not being able to combine it with the other benefits and services, is that there's a 26-week deadline to be reemployed, and that's based on the person's separation, independent of the certification.

So for some participants that they're going to -- they would need to actually become reemployed potentially before the certification is issued. And then in that case, the state would simply go back after the certification issued to make any payments that would have been appropriate at the time. Right. So again, it's a 26-week deadline to be qualifying -- to have qualifying reemployment, and it's based on separation, not on certification.

Let's see. "Once a certification is in place and future layoffs at the company are yet to follow, does a worker have to be laid off a given time frame?"

So you have to be within the certification period of the petition. The additional caveat to that is that ATAA expires on June 30, 2022. So there'll be no ATAA payments after June 30 of 2022. So that is the one caveat on the layoff can occur at any time within the -- within that.

Let's see. We have a few others in here. Yes. We answered that one. So yes. So you have 26 weeks from separation. So yes. If you start that job in week 27, you're not eligible for ATAA. So that's correct.

ITC. So again, I want to make it clear that for -- when we talk about reversion and which petitions apply to which set of rules, if the petition is filed on or before June 30, 2021, it will fall under the current 2015 rules. If it is filed on or after July 1, 2021, it will follow the Reversion 2021 rules. So that's -- the date separation for that is -- it follows the date the petition is filed, not the date it's certified. So you're actually going to have some 2015 petitions that are certified after July 1. Those will still be under that -- that will still be under 2015.

All right. So I will yield to Amy. Amy, you can take the two that you said you would take.

MS. CHEN: All right. We had a few questions regarding the service. One of the questions is -- someone has asked for a description of service sector. For example, factory worker is covered, but would warehouse workers covered if TAA is approved?

We also had another question related service sector. "With regard to services with -- (inaudible), how are firms that -- (inaudible) -- others, such as software code or apps different from the ones that provide a service?"

So the Department of Labor, we issued new regulations that issued definitions. So the definition of article means a tangible good or an intangible good sold or produced by a firm. OK. The good must be the subject of the sale or production and not an object that produced -- (inaudible) -- to the sale or production. An article can be measured in individual production units or commercial production units, such as commodities. OK.

So if the -- (inaudible) -- that the firm definition -- sorry -- the article definition has been met, then the firm produces an article. If, however, the firm does not meet that definition of producing an article, as defined by the regulations in that, that firm would be a part of the services sector. OK.

So we look at -- this is what Jacque talked about earlier. When the petition is filed, please be clear as to what the workers group does. Are they warehouser? Do they write code? Do they produce code? Are they actors, or do they prescribe? What do they do? So that helps us a whole lot. But the information we collect regarding the worker's firm is focused on the articles produced, if any, versus what other work that worker group does. OK.

So you -- the earlier question was whether or not, if Department of Labor issues certification for a worker group based on the shift in production to a qualifying country or a non-qualifying country followed by actual or likely increased imports of like or -- (inaudible) -- articles, then would warehouser -- warehouse workers be qualified?

Department of Labor looks at the activity by the subject firm. So if the worker's firm shifts production to another country, again, with those caveats and conditional caveats, then it is possible that workers who are engaged in activities related to support of the production could also be qualified.

So it really just depends on what the workers do, and it really does depend on what article was shifted by the subject firm because, if the subject firm makes a multitude of different articles, then it's possible that those warehouse workers or other workers may be in line with an article that was not shifted. So that's a qualifying it depends.

Tim, there was a question regarding ATAA eligibility issues under appeal. So the question was, "If TAA was certified but ATAA was denied but ATAA was appealed and later certified, how do the workers get ATAA?" Tim, I defer to you on this one.

MR. THEBERGE: Yeah. The short answer is they want. Their receipt of their TAA benefit will void their access to ATAA. One of the many problems with ATAA.

There's a couple more I will go into as best I can. There are some others that I'll have to look up the answer to respond via the chat.

So one is, "ATAA does still require the participant to the age 50 at reemployment?"

Correct. So if you read, you can be 49 at separation. You can even be 49 at -- you need to have -- you need to be 50 at qualifying the employment, and the TEGL answers that directly.

There was another question with regard to, "Does the old ATAA guidance still apply?"

It does not. That TEGL was fully rescinded. So I believe it was TEGL 02-03 no longer applies. That was replaced with 06-18 and with this TEGL. So for operating the ATAA program under Reversion 2021, you should start with TEGL 24-20, and then you should refer to the table that says which part of 06-18 continues to apply. So that includes calculation of annual separation wages, annual reemployment wages.

The ATAA rules that were in effect under the old TEGL no longer apply. You're going to be using exclusively what's in TEGL 24-20 and the existing or surviving regulations in 06-18.

So I think the next one -- 38 I think is asking about co-enrollment. "Does ATAA require WIOA registration as well?"

So the WIOA co-enrollment requirement has not changed. Reversion does not impact that requirement. I would refer you to the regulations and the preamble for coverage of discussions around WIOA co-enrollment.

Several different questions around ATAA ending. So yes. So if you look at Attachment B to the TEGL is a unofficial copy of the Trade Act as amended by Reversion 2021. And what you'll see in there is essentially the statement that says -- this is Section 246(a)(2) -- sorry -- A -- 246(b). I apologize.

And what it says is, no payments may be made after state -- the program established under A1 after June 30, 2022. There is the exception that talks about that, is that they can -- I would refer you to that specific section to look at the timing of payments is the best answer on that. And, again, you can find that on page 22 of Attachment B. So the TEGL has has three attachments. Attachment B covers that, and you'll see how that deadline applies.

We'll make sure that that's clear in the session on next Tuesday in terms of specifically when the ATAA and other benefits would cease. It's not that easy to answer because, even after June 30, 2022, workers are still going to be receiving other benefits. So it's it's a little bit easy for that.

If your state requests training, should we contact the regional or national office? The regional office. You should contact your regional trade coordinator, and then we will work with them based on our availability for that.

For -- there's a question about case management. So we covered a little bit of this yesterday. We'll cover this more in detail on Tuesday. You still have access to your fiscal year '19, fiscal year, '20, and fiscal year '21 funding. That includes case management funny -- money -- funny. Good grief. That includes case management funds. That money can be used to provide the employment and case management services that are required for individuals covered under the 2015 provisions.

Under Reversion 2021, the services that have to be provided and can be funded by Trade are limited only to the initial assessment. And this is, again, why co-enrollment is going to be vital is you're going to have to rely on your partner programs to be able to provide those additional services.

"Will the reversion petition numbers be different than other petition numbers?"

So yes. We'll be starting at 98,000. That will allow us to track those as well as you all to track those. So should there be a retroactivity provision in whatever legislation follows, then we're good. Then that's how that -- we'll be able to identify which ones those are.

There was a question about relocation and ATAA. So yes. The interpretation has been that ATAA recipients are eligible for relocation. That is the only other benefit that they are eligible for. They are not eligible for any of the other benefits under the program, obviously, other than HCTC, which is technically an IRS program.

"Can we get a copy of the questions and answers?"

So yes. We usually -- we have the transcripts. We will work on that, and we're also going to do an FAQ that we're working on as well.

All right. What else have I missed?

MS. CHEN: All right. So there are a couple questions about how you calculate benefits. I'm going to ask participants -- Tim, there will be another session on how to calculate benefits under reversion; correct?

MR. THEBERGE: So for all of the ATAA questions, yes. We're going to cover that in detail on Tuesday.

MS. CHEN: And the June 15 session has the benefits and services; correct? The June 15th session?

MR. THEBERGE: That's correct. So on Tuesday the 15th at 2:00 p.m. Eastern, there is another GPS session. And we will go into -- we will go into that in detail.

MS. CHEN: Thank you, Tim. Thank you.

MR. THEBERGE: Thank you, Amy. Yeah.

MS. CHEN: So there was a question regarding whether or not adversely affected worker separation must be total and not partial.

The Reversion 21 statute does say the workers can be totally or partially separated. So I just want to clarify that separation, for purposes of determining worker group eligibility, is totally or partially separated. That has not changed. OK.

There was a question regarding ATAA certification. It says, "For ATAA certification, does the state -- (inaudible) -- have to show workers have skills that are not easily transferable, what will be example?"

There is also another related question that says, to ask whether or not wages are taken into consideration for that.

The answer is wages are not taken into consideration in determining whether or not the skills are transferable. We're looking at skills, not pay levels or comparable benefit packages, things of that nature. We're asking whether or not the worker's skills are easily transferable. So we're looking at things about credentials, whether or not the workers who have been separated have a different skill level to have to have -- (inaudible) -- credentials in the file but the jobs in the local area who are accepting comparable workers are requiring credentialing. So we're looking at things like that.

The classic one would be perhaps they're using a machinery line that is perhaps an older generation, but all the new jobs are either remote or digital or computer-assisted, and perhaps not as hands-on. So we look at things of that nature. OK.

There was a question about -- Tim, about whether or not workers have to be laid off an entire week before gaining reemployment. I would refer you to Tim, if there's a TEGL you said regarding that as well as the June 15th session.

MR. THEBERGE: Yeah.

MS. CHEN: OK. So I --

MR. THEBERGE: So that's partially covered in the operating instructions. Again, the rules at 06-18 continue to apply unless they have been specifically overwritten by reversion and mentioned in the TEGL. So if the TEGL is silent on a particular topic, that means that 06-18 continues to apply.

MS. CHEN: OK. Thank you, Tim.

Another question, "Would the reversion petition numbers be different?"

Yes. We will be really two different petition series.

And so, I think we have addressed all the questions related to worker eligibility, again, deferring some of the questions to next week's session.

One question -- oh, I'm sorry. "In the past, it was encouraged to submit petitions for service industry workers, even if they currently wouldn't qualify, as they would hope the program would revert back to its current state. Is this still the same?"

We always encourage our partners to file petitions if there is a belief that the workers could be eligible. Having said that, so, we wouldn't be encouraging you to file petitions just because you're hoping that it will revert. OK. Tim, do you have anything to add?

MR. THEBERGE: I think that's about right. I don't know that I would do more than that at this point.

MS. CHEN: All right. There was a question of search allowance, job search allowance. I would defer that to next week. Something about waivers. Defer to that to next week. Case management funds, I'd defer that to next week.

MR. THEBERGE: Yeah. We covered most of those. I'm looking down the list now. All of the remaining ones on ATAA will be handled on Tuesday.

I'll -- there's one in here that's an interesting question but not really that there's a good answer to. Somebody asked why ATAA and RTA were only available to older workers.

The answer is because that's what the statute says. From a performance standpoint, the older workers in our program tend to have not as great post-program outcomes as the younger workers. And so, I think that was partially a intent or an attempt by Congress to try to see if, by providing that wage supplement, if that would potentially boost those outcomes and employment possibility for those older workers.

That's why ATAA was called a demonstration program, and then that's why RTAA did change many of the ATAA provisions to try to make it fit with the program a little bit better. Obviously, now we are reverting. So that's not the case.

There was a question about -- and this came up yesterday, too. So I've been around so long that I forget not all of you have also been around for that long. So there are likely many of you who for this is -- this is their first reversion versus the third reversion I think I'm on.

And so, I recognize and we recognize that there's actually a bunch under -- a bunch of general information around Trade you may want to know or need to know. So I would refer you both to our website. And the other thing that I would refer you to -- let me see if I can find it; right -- so, are these three documents.

The first locations; right? The first one is the TAA community on GPS. There's a ton of stuff on there, and then there's our TAA program website, where we also have a bunch of resources for practitioners and how to file and things like that. All of our previous webinars that we've done, including what is Trade, how to file, what is case management, all of that stuff is all available on the TAA community. So I would strongly encourage you to to make that available to you.

If you have additional questions on that, please contact your region, and we can set up a session with them to provide you some more one-on-one assistance relative to that.

There's a question about initial assessments. For now, I'll refer you back over to the TEGL. It does indicate what the purpose of that initial assessment is in order to be able to make a determination for training. There are certain things you need to know about the participant, and that's what an initial assessment is going to cover.

The question indicated relative to TAA case management funds. I'll be careful with what that answer for right now. It's not entirely clear that that's where that's going to come from. So give us a little bit of time on that. We will make sure you have more definitive answers on all of that as we get closer to July 1. Again, much of this will be covered on Tuesday, now that we have a really good sense of exactly what those questions are that we need to be very specific on, notably all the questions around ATAA.

There were a lot more today than there were yesterday. So I'll make sure that the session on Tuesday is more robust in the ATAA category using the questions that you all gave us today.

I think we've exhausted them at this point. Yes. I think we've now covered all of them. All right. Great. So yeah.

So Tuesday at 2:00 p.m. is our next session. Again, we do have our regional sessions also cued up. So states, please contact your regions to get the invite for that. Please register for Tuesday's session. Amy, anything else you want to add?

MS. CHEN: No. No. Anyone? Anyone?

MR. THEBERGE: Jacque? Jess? Going once. Twice.

So thank you all for signing onto these sessions. We understand that this is a complex thing for you all to have to deal with. As you can see, where we're now operating -- I think we're up to six different versions of this program due to the entitlement nature of this. So that does complicate it. We recognize that. We will do our best to get you as specific answers as we can on all of these things. So stay tuned for that.

Again, 06-18 applies, except where it does not. And the TEGL does attempt to provide a fairly specific instruction on when 06-18 does not apply. So if -- as you're reading the TEGL, it doesn't say that 06-18 doesn't apply or it doesn't provide an alternative answer or alternative guidance, then the final rule as written applies.

All right. I think that's it. I don't see any other questions that have come in. Let me take a quick look over there.

Time on round table. So they vary by -- they -- that varies by region. Douglas Pirard [ph] asked when those are. So contact your state -- sorry -- your regional trade coordinators and check in with them.

I think that's it.

MS. MENDELSOHN: OK. If we're all done with the questions, thank you so much for joining us. And I can speak on behalf of all of my colleagues here in the national office that we remain committed to the workers and as committed as you are. Thanks again.

MS. CHEN: Thank you.

Laura Casertano: All right. I just want to thank all of our presenters, I'm going to ask our participants to leave us some feedback. If you look at the top of your screen, you'll see a feedback window where you can let us know what you thought of today's presentation. Please let us know what you thought we did right or how we can improve.

Just a reminder, you can find a copy of the PowerPoint as well as the transcript of the recording of today's session on WorkforceGPS in about three business days. Please don't forget to fill out that feedback survey that's going to be emailed you and immediately following today's session. With that, have a great rest of your day, everyone.

(END)