

MASSACHUSETTS

# Workforce Investment Act

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**WIA Communication No. 05-49**

Policy  Information

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**To:** Chief Elected Officials  
Workforce Investment Board Chairs  
Workforce Investment Board Directors  
Title I Administrators  
Career Center Directors  
Title I Fiscal Officers  
DCS Regional Directors for Workforce Integration  
DCS Associate Directors  
DCS Field Managers

**cc:** WIA State Partners

**From:** Susan V. Lawler, Commissioner  
Division of Career Services

**Date:** July 7, 2005

**Subject:** Trade Adjustment Assistance (TAA) and Trade Readjustment Assistance (TRA)  
Customers and Section 30 Extended Benefits

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**Purpose:** The purpose of this communication is to review requirements for the payment of Trade Readjustment Allowances for TAA/TRA customers who have been approved for or are seeking training approval under the Section 30 Training Opportunities Program.

**Background:** Effective November 4, 1990, Massachusetts Employment Security Law was amended regarding the payment of Section 30 extended benefits to TRA eligible clients. As a result of the amendment Trade Readjustment Allowances must be paid to eligible individuals *prior* to the receipt of any Section 30 retraining extended benefits. Under the Trade Adjustment Assistance Program, workers who have a qualifying separation from a certified company are entitled to have the costs of their training towards a new job paid with TAA funds, if they meet the eligibility requirements for training. DUA policy continues to be that TAA eligible workers should be assisted with upgrading their job skills by entering appropriate training as early in the UI claim as practical.

Workers from a TAA certified company who have exhausted their UI benefits may be eligible to collect Trade Readjustment Allowances, if they have enrolled in TAA approved training, or are attending approved training, or have completed approved training. Under certain circumstances this training requirement for payment of TRA may be temporarily waived. Receipt of TRA benefits is contingent on separated workers meeting certain eligibility requirements for such benefits.

Historically, a TRA eligible client had to exhaust any Section 30 benefits before applying for, and receiving, Basic and Additional TRA.

Chapter 154 of the Mass. Acts of 1990 (DET Omnibus Legislation) amended Chapter 151 A of the Massachusetts Employment Security Law, so that effective November 4, 1990 clients eligible to receive Basic or Additional (and now also Remedial, if applicable) TRA must exhaust all TRA prior to receiving any Section 30 retraining extended benefits.

This amendment greatly reduced the burden for staff, as well as customers, of integrating the two programs with their different training criteria and operation procedures. Because TAA eligible customers must now collect the federally funded TRA prior to Section 30 extended benefits, the amendment also reduces charges to the UI Trust Fund thus saving employer taxes.

## **PROCEDURES**

In accordance with the legislation, One-Stop Career Center local office staff should incorporate the following changes into local TAA and Section 30 Procedures.

### *TRA Applications filed on or After November 4, 1990*

**Since November 4, 1990, a TAA eligible customer who is exhausting regular UI and wishes to apply for training, or is attending training, or has completed training, may file an application for TRA. This is accomplished by filing Form 1667, "Application for Trade Adjustment Assistance Services and Benefits". The individual's eligibility for up to 18 weeks of extended Section 30 benefits will no longer have to be considered first.**

The customer will not have a choice as to whether to apply for either the Section 30 retraining extension or basic TRA. He or she *must* receive TAA training approval and apply for basic TRA. If still in approved training after exhausting basic TRA, the client may apply for up to 26 weeks of additional TRA benefits.

Only after exhausting any basic and additional TRA to which he or she was entitled, may the customer then apply for Section 30 retraining extended benefits if still in training and the benefit year has not expired. It is anticipated that very few customers, if any should qualify for Section 30 benefits after exhausting basic and additional weeks of TRA because their benefit year will usually have expired by then.

### **Section 30 Clients who are Newly TAA Certified**

Since November 3, 1990 a customer whose former employer became TAA certified after he or she had entered a Section 30 approved training program and had already begun receiving Section 30 extended benefits, must apply for and be switched to TRA if eligible.

First, the customer must be determined eligible to participate in the overall TAA program. This is accomplished by the filing of Form 1666, "Application to Participate in the Trade Adjustment Assistance Program" with the TRA unit in Boston.

If the person is determined to be TAA eligible, then he or she must apply for TRA benefits. The training originally approved under Section 30 will have to be reviewed and re-approved as meeting TAA criteria before the individual can collect any TRA. Approving training in terms of TAA criteria and processing the customer's application for basic TRA are accomplished by the customer filing Form 1667, "Application for Trade Adjustment Services and Benefits" with his or her local One-Stop Career Center.

If the individual is determined ineligible to participate in the TAA program, or to receive TRA, then he or she may continue to receive or apply for the Section 30 extended benefits.

### **Section 24 (b) Test**

One-Stop Career Center staff are reminded that Section 24 (b) of the Massachusetts Employment Security Law, which requires that a UI claimant be *capable of and available for work and unable to find work in a customary occupation*, continues to apply to all Section 30 and TAA customers. If a One-Stop Career Center customer is attending training, the local UI representative must review and approve his or her eligibility to collect UI, and any extension of UI, by waiving the Section 24 (b) requirement through established procedures.

### **Section 30 Customers**

If the individual is not TAA and TRA eligible and is applying for Section 30 retraining extended benefits, he or she will be exempted from the Section 24 (b) requirement consistent with current procedures, provided that the individual's training program meets existing Section 30 criteria.

### **TAA Training Customers**

When a TAA eligible customer wishes to enter TAA approved training while still collecting regular UI, he or she will be exempted from the Section 24 (b) requirement consistent with current procedures, provided that the individual's training program meets existing TAA training approval criteria.

**Action**

**Required:** One-Stop Career Center Managers should ensure that all appropriate staff are knowledgeable of the content of this communication, and advise Section 30 and TAA customers of the provisions described in this communication that have been in effect since November 4, 1990.

**Effective:** Immediately

**Inquiries:** Further information and assistance with the contents of this bulletin is available from the TRA Department at 617-626-5521 or the Training Opportunities Program Department at 617-626-5375.

**Filing:** Please file this in your notebook of previously issued WIA Communication Series Issuances as #05-49.