

TRA BENEFIT RIGHTS INTERVIEW – REGULAR TAA PROGRAM, as amended

OVERVIEW

Now I'd like to take a few minutes to explain how this program works.

Trade Readjustment Allowance, or TRA, are weekly cash benefits, similar to unemployment insurance benefits, paid under the Trade Adjustment Assistance, or TAA, program.

While you cannot be paid TRA until you exhaust all other unemployment benefits, other reemployment benefits may be immediately available to you including Job Search Allowances, Relocation Allowances, and training.

These benefits and other reemployment services will be further explained to you at your local VEC WorkForce center. You may also apply for TAA reemployment benefits at that office. Each benefit has distinct eligibility requirements and must be applied for separately. To most of these benefits, you must file an application within certain time limits.

IMPORTANT INFORMATION!

Before we continue, I want to stress a very important filing deadline.

There are two types of TRA – basic and additional. Briefly, additional TRA benefits can be paid to you if you need additional time to complete approved training after you exhaust basic TRA.

While there is no time limitation to apply for training approval to receive funding of the training program, it is critical that you apply early in your regular unemployment insurance claim so you will receive Trade Readjustment Allowances (TRA) for the duration of your training program. You must file your training application within 26 weeks of the date your petition is certified, or of the date of your most recent separation from import-affected employment, whichever is later, as explained in Trade Readjustment Allowances

I want to be sure that you understand the importance of this filing deadline before we continue.

There are important exceptions to these deadlines. The first relates to veterans who are called up for active duty or full-time National Guard service. This provision applies to any returning service member who

- Served on active duty in the Armed Forces for a period of more than 30-days under a call or order to active duty of more than 30-days; or

- In the case of a member of the Army National Guard or Air National Guard of the United States, performed full-time National Guard duty for 30-days or more when authorized by the President or the Secretary of Defense.

If a worker is called up or ordered to duty under these circumstances, the Trade Act eligibility periods are extended as though the call-up or order never occurred.

Second, In the event of a certification issued as a result of an appeal of a negative determination denying certification, the 104-week (130-week as applicable) eligibility period for basic TRA will begin with the week following the week in which the group was certified.

QUALIFYING REQUIREMENTS – TAA

To qualify for Job Search Allowances, Relocation Allowances, and training, you must:

- Be a member of a group of workers covered under a certified petition;
- Be separated or after the impact (beginning) date and before the termination or expiration (ending) date of the certified petition;
- Be separated due to lack of work/layoff

QUALIFYING REQUIREMENTS – TRA

To qualify for weekly cash TRA benefits, you must also:

- Be entitled to unemployment compensation based on your separation;
- Have worked and earned wages in import-affected employment of \$30 or more a week in at least 26 of the 52 weeks ending with the week of your separation. Under certain circumstances, up to 26 weeks of workers' compensation or weeks on call up for active duty in a reserve status in the Armed Forces, or up to 7 weeks of other employer-authorized leave may be counted as part of the 26 weeks
- Be enrolled in a Trade Act-approved training program or granted a waiver of the training requirement by the last day of the 26th week following the date of your last recent import-affected separation, OR by the last day of the 26th week following the date the petition under which you are covered was certified if your separation occurred before the petition was certified. If you have been granted a training requirement waiver because suitable training was not available, you must be enrolled in approved training by the Monday occurring 30 days after the date on which the waiver issued by the Virginia Employment Commission (Virginia Workforce Center) was terminated by revocation or expiration.
- Have exhausted all State and Federal unemployment compensation benefits, including Extended Benefits and/or Railroad UI, payable in Virginia or any other State.

WEEKLY BENEFIT RATE (WBR)

Your basic TRA weekly benefit rate will be the same as the weekly benefit rate paid to you on your UI claim in effect at the time of, or which followed, your “first” qualifying total or partial separation.

However, your weekly benefit rate may be reduced by certain training allowances, income or other deductions that I will cover later.

Once you have established your TRA claim, if you become eligible for a new UI claim, you may elect to receive TRA instead of UI if the new claim is based in whole or in part upon part-time or short-term employment engaged in after your most recent total separation from adversely affected employment

MAXIMUM BENEFIT AMOUNT (MBA)

The maximum benefit amount of basic TRA you may receive is 52 times your basic TRA WBA minus all of your entitlement to unemployment insurance benefits or other unemployment insurance benefits on your TRA-qualifying claim.

This includes regular unemployment insurance (UI), and Unemployment Compensation for Ex-service Members (UCX) or Federal Employees (UCFE). It also includes extended benefits (EB), Railroad Unemployment Insurance (RRUI), and any other State or Federal unemployment benefits.

ELIGIBILITY PERIOD – BASIC TRA

Your eligibility period to claim weekly TRA benefits is the 104-week period beginning with the Sunday after your most recent total import- affected qualifying separation.

To be qualifying this separation must be:

- Covered under the certified petition;
- Due to lack of work/layoff
- Before the termination or expiration date of the certified petition.

MOVABLE ELIGIBILITY PERIOD

If you return to work with the certified employer after you begin to claim basic TRA (but before you exhaust basic TRA) and are laid off again, it's possible to extend your eligibility period an additional 104 weeks.

To do this, your most recent separation must be:

- Covered under the certified petition;
- Due to lack of work/layoff; and
- Before the termination or expiration date of the certified petition.

WEEKLY ELIGIBILITY REQUIREMENTS – BASIC TRA

If you claim weeks of basic TRA and have been issued a waiver of the training enrollment requirement or have completed approved training since your first qualifying separation, you must:

- Actively seek, apply for and accept work within your capabilities; and
- Report your active work search efforts for each week.

These are in addition to the usual week-to-week requirements that also apply to regular unemployment insurance, such as being able and available for work.

If you claim weeks of basic TRA and are enrolled in training, you must:

- Attend all weekly classes or other training activities scheduled for the week you are claiming. If you do not attend all weekly classes or other training activities, you must have a good reason for not attending; or
- Be claiming a week that is part of a break in training, which meets certain conditions. I'll explain these conditions later.

ACTIVE WORK SEARCH REQUIREMENTS

If you have been issued a waiver of the training requirement, or have completed Trade Act approved training and claiming TRA benefits, you are required to perform an active search for work each week in order to be eligible for benefits.

You can report your work search on the reverse of your bi-weekly claim form. You will be required to contact employers during the week you are claiming. Work search requirements for

TRA claimants are not the same as UI benefits and require the EB work test in which you must make 3 or more job contacts each week for receipt.

You are not required to file for a week of TRA benefits if you know you did not make an active work search that meets the requirements. If disqualified, you will be ineligible for the week claimed and all future weeks of TRA benefits until you:

- Have worked during at least four weeks and have earned not less than four times your weekly benefit amount.

DEDUCTIONS

You may receive less than your full weekly benefit amount under certain conditions. The following will reduce your weekly benefit rate:

- Any income deductible under the Virginia Unemployment Compensation Act. Deductible income may include wages, vacation pay, holiday pay, and pensions or annuities. Social Security benefits may be deducted from your weekly request for TRA benefits when required by the Virginia Unemployment Compensation Act. Earnings during a week an individual is participating in full-time training are not deductible from the worker's TRA benefit amount as long as they do not equal or exceed the weekly benefit amount of the worker's most recent UI weekly benefit amount;
- Veterans Educational Assistance grants; and
- You must report all wages, Social Security or other pensions just as you do with regular unemployment compensation.

ADDITIONAL TRA

If you need additional time to complete approved training after you exhaust basic TRA, you may be entitled to up to 65 weeks of additional TRA benefits.

Additional TRA benefits are payable during the 78-week period immediately following the week you exhaust your basic TRA if you are in training at that time. If you begin approved training after you exhaust basic TRA, the 78-week period begins with the first week of training.

You may be paid additional TRA benefits only for weeks during which you attend all classes and other scheduled activities unless you have a good reason for not attending or which are part of a break in training, which meets certain conditions.

LIMITATIONS ON ADDITIONAL TRA

The 78-week eligibility period for additional TRA cannot be extended.

You may also be eligible to receive up to 13 additional weeks of Completion TRA following the exhaustion of all other TRA benefits payable and the 13 weeks of completion are payable in the last 20 weeks of training, if all your training and certain benchmarks are met.

During the 78-week period, a worker can forgo up to 13 weeks of weekly claims for TRA when he is ineligible because he does not participate in training or does not meet the eligibility requirements. He may begin submitting claims for TRA when he resumes training or meets the eligibility requirements.

You may receive less than the full 13 weeks if you:

- Complete training before claiming all 13 weeks;
- Are ineligible for any week because you did not “participate” in training;
- Are ineligible for any week because the week does not meet the requirements for a “break in training”; and
- Are eligible for another unemployment insurance claim in Virginia or any other State, or any other State or Federal unemployment compensation.

PAYMENT OF TRA DURING BREAKS IN TRAINING

If you are enrolled in approved training, and there is a break in the training program, you may be paid basic or additional TRA benefits during the break in training only if:

- The break in training is a scheduled break;
- You are participating in training immediately before the break begins and after break ends; and
- The break does not exceed 30 calendar days (excluding Saturdays, Sundays, and State or National Holidays, if training would not have ordinarily occurred on such days).

During “summer” breaks, or other extended breaks in training, you can forgo claiming weekly TRA benefits for up to 13 weeks, and resume claiming benefits when the break ends.

Please be sure to ask about breaks in training when investigating specific training programs at your local VEC WorkForce center.

APPEALS

You have the right to appeal all written decisions, or determinations, issued to you, just as with the determinations you received for regular unemployment insurance. Each determination will have specific appeal instructions included on the determination form.