

**WORKFORCE DEVELOPMENT DIVISION**  
**WORKFORCE SERVICE DELIVERY**  
**Technical Assistance Bulletin #95**

**Program:** Trade Adjustment Assistance  
**Topic:** Alternative Trade Adjustment Assistance  
**Date:** April 15, 2005

The purpose of this Technical Assistance Bulletin is to:

- clarify information regarding Alternative Trade Adjustment Assistance (ATAA); and
- assist Local Workforce Development Boards (Boards) with informing dislocated workers who are certified (or who may become certified) for Trade Adjustment Assistance (TAA) about ATAA.

**Background**

The Trade Act of 2002 established ATAA for Trade-certified older workers for whom retraining may not be appropriate.

The primary focus of ATAA reemployment benefits is rapid, suitable, and long-term employment. ATAA allows Trade-certified dislocated workers 50 years of age or older, who find full-time employment within 26 weeks of their separation, to receive supplemental payments to help offset the salary gap between their old and new wages. Dislocated workers who are eligible for ATAA may receive supplemental payments of up to \$10,000 over a two-year eligibility period.

**ATAA Certification**

The following criteria must be met in order for the U.S. Department of Labor (DOL) to approve ATAA certification:

1. A significant number of the company's trade-affected dislocated workers are age 50 or older, equaling:
  - five percent of the affected workforce;
  - fifty workers; or
  - at least three workers who are age 50 or older in a company with fewer than 50 workers.
2. The trade-affected older worker possesses job skills that are not easily transferable.
3. Adversely competitive conditions exist within the trade-affected older worker's industry.

To petition for ATAA certification, petitioners must indicate in Section 3 of the Petition for Trade Certification that they are also filing for ATAA.

**Note:** In order to provide equitable access to ATAA, DOL amended the ATAA operating instructions as they apply to:

- worker groups covered by Trade-certified petitions filed before August 6, 2003, and certified on or after August 6, 2003; and
- worker groups that filed their petitions after August 6, 2003, and inadvertently used an obsolete form that did not provide the opportunity to request consideration for ATAA.

These worker groups or their representatives were contacted directly by DOL and may now request ATAA certification. These amendments do not cover worker groups whose Trade certification was issued prior to August 6, 2003, and those that indicated on the petition that they did not wish to be considered for ATAA.

ATAA-certified dislocated workers who are receiving supplemental payments also may receive Trade Act-funded relocation and Health Coverage Tax Credit benefits, but are ineligible to receive any other benefits, such as training and job search allowances.

### **ATAA Eligibility**

Trade- and ATAA-certified dislocated workers may receive up to half the difference between their old wage and their new wage, if they possess the following characteristics:

- Are at least 50 years old at the time of reemployment
- Have obtained different, full-time employment within **26 weeks** of separation from the adversely affected employment
- Have received wages that are less than those earned in the previous employment
- Are earning less than \$50,000 per year in new employment, excluding over-time pay

When DOL certifies an ATAA petition, an ATAA application is mailed to each dislocated worker along with the Notice of Potential Trade Eligibility (BT-1). Texas Workforce Centers should have ATAA applications on hand in case dislocated workers do not receive or lose the application. Applications may be obtained from the Texas Workforce Commission's (TWC) Unemployment Insurance Policy and Support Services (UIPSS) Department by contacting Donna Gantt at (512)-463-2999 or [donna.gantt@twc.state.tx.us](mailto:donna.gantt@twc.state.tx.us).

The ATAA application must be completed by the dislocated worker and submitted to UIPSS after the dislocated worker obtains new employment. Keep in mind that the dislocated worker must begin new work within 26 weeks of the date of layoff or separation from employment. Once the initial application is approved, UIPSS will notify the dislocated worker and supplemental payments will begin. TWC also will send out all other paperwork that the dislocated worker needs to file a biweekly claim.

### **Providing Information to Customers**

The following guidance is available in the *Integration of Trade Services for Dislocated Workers: A Comprehensive Guide* and Texas Workforce Commission Employment and Training Services for Dislocated Workers Eligible for Trade Benefits Rules §849.21. Boards can help ensure that customers are informed about ATAA by:

- providing employers with information on ATAA if a trade petition is filed, or is in the process of being filed, in response to their company's layoff;
- providing information to employers or company officials who may have issued a Worker Adjustment and Retraining Notification Act (WARN) letter—or otherwise publicly announced a layoff—about Trade Act services, including ATAA (if the company has not already filed a trade petition);
- informing Trade-certified dislocated workers (or those who may become Trade-certified) about ATAA as soon as possible after becoming aware of a trade-affected—or potentially trade-affected—layoff;
- providing TAA and ATAA information during Rapid Response orientations and workshops; and
- ensuring that Texas Workforce Center staff is informed and knowledgeable of ATAA and its relationship with TAA.

**Note:** ATAA certification may be verified by accessing *Group Actions* in The Workforce Information System of Texas (TWIST) and reviewing the Trade petition detail information for a particular company. (When the petition is certified for both TAA and ATAA, the check box will be marked. When the petition is certified for TAA but ATAA is denied, or there is no determination for ATAA, then the checkbox will be blank.)

More information on ATAA can be found in DOL Training and Employment Guidance Letters No. 2-03; 2-03, Change 1; and 2-03, Change 2.

Please distribute this information to appropriate staff. Inquiries may be directed to UI Policy and Support Services at (512) 463-2999.