

# Workforce Solutions Issuance 10-13: New Procedures for Trade-Affected Customers Attach 1: Petition Process

## Overview of Petitions

The Trade Act was amended in 2009. The Trade and Globalization Adjustment Assistance Act (TGAAA) of 2009 expands the definition of eligibility for Trade Act benefits to include workers and firms in service sectors as well as workers in production jobs.

Workers may be certified for TAA in two ways. The certification may be based on direct effects such as the workers' company increasing imports, or based on the indirect, or secondary, effect of losing business to companies whose workers are certified for TAA. Workers certified because of indirect effects are also known as secondary workers.

Secondary Workers are eligible for TAA only if the firm they supplied components to or finished products for has already been certified by the DOL as affected by increased imports or shifts in production to foreign countries.

The Department of Labor numbers petitions filed under these new rules with a number of 70,000 or above. Petitions under the Trade Act of 2002 are numbered 50,000 to 70,000. For example: The petition for trade-affected workers who were laid off from U.S. Steel in Houston is petition #T0071548.

These procedures provides information and instructions for filing a petition under the new rules.

## Background

Sometimes businesses lay off employees or close a plant due to an increase in foreign imports or shifts in production out of the United States. When this happens, the company, a union, three or more workers or Workforce Solutions may petition the U.S. Department of Labor (DOL) to provide Trade Act benefits (Trade Adjustment Assistance and/or Trade Readjustment Allowances) for the affected workers. DOL investigates and either approves or denies the petition. If the petition is denied, workers have the right to appeal the decision. When a petition is approved, the workers are "certified eligible for TAA" and may access financial assistance through Workforce Solutions. The petition may cover all workers at a company, all workers at a specific facility of a company, or only specific individuals who performed specific work at a company or facility.

In addition, alternative benefits for workers 50 years of age and older, called Alternative Trade Adjustment Assistance (ATAA) are included in the petition. In past petitions, applicants had to specifically request ATAA benefits for workers.

## Filing a Petition

Workforce Solutions Financial Aid Specialist may complete the DOL petition form on behalf of a worker or workers, or the workers themselves may complete the petition form. We expect that only a small number of customers will request office staff to file a petition. Usually companies, unions, or employee groups that file petitions will work directly through Workforce Solutions Employer Services Division or through the state or DOL.

If you are asked to file the petition, use the Petition for Trade Adjustment Assistance-form ETA 9042A (Spanish version form ETA 9042A-1) and complete all applicable sections. The more information provided, the quicker investigators can complete their research into the causes of the layoff and issue determinations. Petitioners may also attach additional information or supporting documents to the petition.

When Workforce Solutions staff member is filling out the form, no worker names are required.

Keep a copy of the petition in a paper file.

Mail the original petition form to:

Chrystal Broussard  
Workforce Solutions Employment Services Division  
PO Box 22777  
Houston TX 77227-2777

When a company, a union, or three or more workers file a petition, they should obtain a copy of Petition for Trade Adjustment Assistance Form ETA 9042A (Spanish ETA 9042A-1) from the website <http://www.doleta.gov/tradeact> and follow the instructions. The form is mailed to the addresses listed with the petition form.

## Approved Petitions

- **Status of a petition.** To check the status of any petition, the quickest method is to look it up in TWIST. (See TWIST Instructions attached to this issuance.)

If you can't find the petition in TWIST, you can check the status of the petition by looking on DOL's website: <http://www.doleta.gov/tradeact/determinations.cfm>. Click on the link "TAA Petition Determinations", and follow the instructions on that page. You may search by petition number, state, company, or SIC code. When you have located the correct petition, click on the petition number to see details of the petition.

Usually, the DOL makes a determination in a maximum of 40 days. Frequently, the DOL website does not post petitions when the status is "Pending". If you cannot find a petition and it has been 40 days since filing, contact Chrystal Broussard or Cally Graves at H-GAC for assistance.

- **When a petition is approved.** When DOL approves a petition, it issues a petition number for the company, adds the company to a list of TAA certified companies (or worker group) that appears on the DOL TAA website, and notifies TWC.

TWC notifies Workforce Solutions (H-GAC), and we send email notices about new petitions to career offices.

- **Notifying eligible workers.** When TWC receives notice from DOL that a petition has been approved, the Workforce Commission requests a list of affected workers from the company. TWC uses the list to: (1) create a record in TWIST for the workers and (2) mail letters directly to the workers (Form BS-121E Notice of Potential Trade Adjustment Assistance Eligibility), as notification of potential eligibility for Trade Act benefits. TWC enters the date of this letter in the TWIST TAA Program Detail on the Program Summary screen as a "BT1 date".

The letter directs the worker to contact the nearest Workforce Solutions office to apply for financial assistance. This letter is not an eligibility letter – it is in effect a call-in notice. We will have to determine if the worker is actually eligible for the assistance by reviewing their status in TWIST.

Some workers who come to Workforce Solutions office after receiving the state's TAA letter may already be customers. Others will be coming to the office for the first time. Office staff with responsibility for financial assistance determinations (usually the Financial Aid Specialist) will work with customers to identify their eligibility and benefits.

- **Workforce Solutions staff contact.** Staff contacts for Trade Act petitions are Chrystal Broussard [chrystal.broussard@wrksolutions.com](mailto:chrystal.broussard@wrksolutions.com), 713.499.6657 or Cally Graves [cally.graves@wrksolutions.com](mailto:cally.graves@wrksolutions.com), 713.499.6673. Contact them if you have questions.

## Denied Petitions

If a petition is denied, DOL will notify the petitioners and a company official of its determination.

Workers who are denied certification for TAA may: 1) request administrative reconsideration of their petition; 2) appeal the denial; and/or 3) obtain Workforce Solutions service including financial aid funded from non-TAA money. We expect staff to offer and provide service to the customer using other available fund sources for financial aid such as WIA Dislocated Worker funds.

Letters sent to deny a petition outline how the customer can appeal the decision to the Texas Workforce Commission additional attachment documents for procedures for:

- Eligibility, Application Deadlines and Timelines – Attachment 2
- Service Process – Attachment 3
- TWIST Instructions – Attachment 4
- Forms Chart – Attachment 5