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Category: TAA
Subject: Approving Job Search and Relocation Allowances for Participants served under TAAEA of 2011
Source: Federal/State
Revise/Replace: N/A
Contact: Workforce Development Programs Director
Distribution: Managers, Workforce Development Staff, Workforce Region Directors
Colorado One-Stop System Policy Guidance Letter#: 11- 20 -TAA
Date: December 20, 2011

I. REFERENCE(S): Public Law 107-210 *Trade Act of 2002;* Public Law 111-5 *American Recovery and Reinvestment Act of 2009*; Public Law 112-40 *Trade Adjustment Assistance Extension Act of 2011*; ETA Training and Guidance Letter (TEGL) 11-02 *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002*; ETA Training and Guidance Letter (TEGL) 22-08 *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009*; ETA Training and Guidance Letter (TEGL) 10-11 *Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Adjustment Assistance Extension Act of 2011*

II. PURPOSE: To advise Regions of changes in entitlement to Job Search Allowance and Relocation Allowance as they apply to workers eligible to receive TAA benefits under the Trade Adjustment Extension Act of 2011 (TAAEA). And to provide new instructions to Case Managers for processing requests for Job Search/Relocations allowances submitted by interstate applicants eligible to receive benefits under TAAEA.

III. BACKGROUND: Prior to enactment of the Trade Adjustment Extension Act of 2011, all TAA-eligible workers were automatically entitled to Job Search Allowances and Relocation Allowances. As they apply to workers eligible under TAAEA these benefits are no longer entitlements:

- Section 214(d)(1) of the TAAEA amends section 237(a) of the Trade Act of 1974 (19 U.S.C. § 2297) to read: *"Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker covered by a certification issued under subchapter A of this chapter to file an application with the Secretary for payment of a job search allowance."*
- Section 214(e)(1) of the TAAEA amends section 238(a) of the Trade Act of 1974 (19 U.S.C. § 2298) to read: *"Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker covered by a certification issued under subchapter A of this chapter to file an application for a relocation allowance with the Secretary, and the Secretary may grant the relocation Allowance, subject to the terms and conditions of this section."*

The effect of these amendments is that each Cooperating State Agency (CSA) has the discretion of whether to offer job search and/or relocation Allowances as benefits to workers served under TAAEA. In turn, the duties of Agent CSAs and Liable CSAs are affected, since the jurisdiction for eligibility is with the "Liable State"—that is, the State liable for payment of the Participant's most recent TRA/UI claim. The regulations at 20CFR617.26 read, in part:

*"**Liable State**. The Liable State means, for any individual, the State which administers the applicable State law (as determined under §617.16). The Liable State is responsible for making all determinations, redeterminations, and decisions on appeals on all claims for program benefits under this part 617…"* and,
*"**Agent State**. Agent State means, for any individual, any State other than the Liable State for the individual. Agent States shall be responsible for cooperating fully with the Liable State and assisting the Liable State in carrying out its activities and functions…Agent State responsibilities include cooperating with Liable States in taking applications and claims for TAA, providing reemployment services to certified workers in accordance with subparts B, C, D and E of this part, providing interstate claimants with TAA program information and assistance, assisting applicants or claimants to file claims for TAA program benefits and services, cooperating with the Liable State by providing information needed to issue determinations, redeterminations, and decisions on appeals, and procuring and paying the cost of any approved training, including subsistence and transportation costs, according to determinations issued by the Liable State."*

In summary, an Agent CSA is required to assist an eligible applicant to apply to the Liable State for benefits, and assist the worker to access approved benefits. Under TAAEA, an Agent State Case Manager must first receive a determination from the Liable State that the Program participant is specifically eligible to apply for Job Search and/or Relocation Allowances. The Liable State is also responsible for the payment of the benefits to the Participant. The TRA Coordinator identifies each Participant's Liable State.

IV. POLICY/ACTION: At Colorado's election, all TAA-eligible workers certified in Colorado are eligible to apply for Job Search and Relocation Allowances; thus administration of the Program is unchanged regardless of the law under which a Colorado worker is eligible. When Colorado is the *Agent State* for a worker certified in another State, the Case Manager must do the following before accepting an application for Job Search Allowance or Relocation Allowance:

- Contact the TRA Coordinator to verify the Liable State.
- Request determination from the Liable State of the applicant's eligibility to receive TAA and Job Search/Relocation according to current procedures.
- Advise the applicant that the Liable State must issue a determination of eligibility to receive Job Search and/or Relocation Allowance before an application for either benefit can be accepted.
- Process the Applicant's Job Search/Relocation Allowance request using Colorado forms and procedures, and forward the documents to the Liable State.

V. IMPLEMENTATION DATE: December 20, 2011

VI. INQUIRIES: Please direct all inquiries to jim.roberts@state.co.us, 303 318 8826

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