



TAA Waiver Guidelines

Trade and Globalization Adjustment Assistance Act of 2009 &
Trade Adjustment Assistance Extension Act of 2011

Topics

- Waiver of Training
 - Who, What, When, Where, and Why?
- Waiver Conditions
 - Reasons to sign a waiver and the proper supporting documentation.
- After a Waiver is Signed
 - Waiver reviews, extensions, and revocation.

What is a Waiver?

- The waiver is a form that can be signed to waive the 26 week requirement to enroll in training.
- A waiver is usually valid for a period of 26 weeks.
- Two waiver forms are available
 1. 2002 law and 2009 law
 2. 2011 law
- You can find the TAA Waiver forms here:
www.positivelyminnesota.com/applytaa

Why is a Waiver Needed?

- An approved waiver protects the customer's 26 weeks of Basic TRA benefits and other forms of TRA benefits:
 - Remedial and Prerequisite TRA
 - Additional TRA
 - Completion TRA
- A customer who is not enrolled in training or does not have an approved waiver within the 26 week deadline:
 - Loses their TRA benefits, and
 - Health Coverage Tax Credit (HCTC) eligibility.

Why is a Waiver Needed?

- A customer can waive the training requirement for one of the following conditions:

2009 Law

1. Recall
2. Marketable Skills
3. Retirement
4. Health
5. Enrollment Delayed
6. Training Not Available

2011 Law

1. Health
2. Enrollment Delayed
3. Training Not Available

- Waiver conditions can be changed.
- Only one waiver should be signed per customer.

Who Signs a Waiver?

- Three signatures are required before a waiver is valid:
 1. Customer
 2. Counselor
 3. TAA Specialist (final approver of the waiver)



When should a waiver be signed?

- A waiver can be signed by the customer and counselor:
 - After the customer's last physical day on the job, and
 - After the counselor does a complete assessment with the customer.
- The 26 week requirement for 2009 law and 2011 law:
 - If needed, a waiver should be signed and approved within 26 weeks of layoff or 26 weeks after certification, whichever is later.
 - When a customer receives a late notification of his or her TAA eligibility, they are given 60 days, after notification, to enroll in training or to sign a waiver.

When should a waiver be signed?

- EXAMPLE

- Petition #81,156 certified on 12/26/2011
- Their training programs begin on 8/20/2012
- By what date should the Waiver be signed?

6/26/2012



Layoff Date:
11/25/2011

**A waiver is
not needed.**



Layoff Date:
4/15/2012

7/16/2012



Layoff Date:
1/16/2012

Where to send a waiver?

- A waiver should be sent to the appropriate TAA Specialist along with:
 - TAA Training or Work Search application, and
 - TRA Application
- If the 26 week deadline is approaching and the training application is not fully completed, send the waiver with an:
 - Explanation of why it is not completed yet
 - Overview of expected application, and
 - Date the application will be sent.



Waiver Conditions

- Recall
 - The worker has been notified that the worker will be recalled by the employer from which the separation occurred.
- Marketable Skills
 - The worker possesses marketable skills for suitable employment.
- Retirement
 - The worker is within two years of meeting all requirements for entitlement to either Social Security benefits or a private pension.

Health Waiver

- Health
 - The worker is temporarily unable to participate in training due to a health condition.
 - Proper documentation must be sent along with a health waiver.
 - Under the Federal or State unemployment compensation laws, the worker must be available for work, actively searching for work, and will accept suitable employment



Health Waiver

- Proper documentation
 - Proof of health issue that restricts the person from participating in the intended training (e.g. doctor's note),
 - Letter of non-accommodation from the school identifying their lack of ability to accommodate the health limitation,
 - Work Search application, and
 - Individual Employment Plan that reflects the intent for training

Health Waiver

- EXAMPLE

- The customer has an approved “Enrollment Delayed” waiver and is set to begin training. Thirty days prior to the start date of training she has an accident that restricts her from attending classes.
- The customer is temporarily unable to attend classes. The waiver condition can change from “Enrollment Delayed” to “Health” with proper documentation.



“Enrollment Delayed” Waiver

- Enrollment Delayed
 - The first available enrollment date for the approved training of the worker is within 60 days after the date of the determination made by the TAA Specialist (TAA Specialist’s approval).
- *Extenuating Circumstances* - an additional 45 days
 - Personal injury or illness
 - Training program being abruptly cancelled
 - An unforeseen family situation or personal disaster, or
 - A wide-spread natural disaster preventing the filing of the waiver in time.



“Enrollment Delayed” Waiver

- **EXAMPLE**

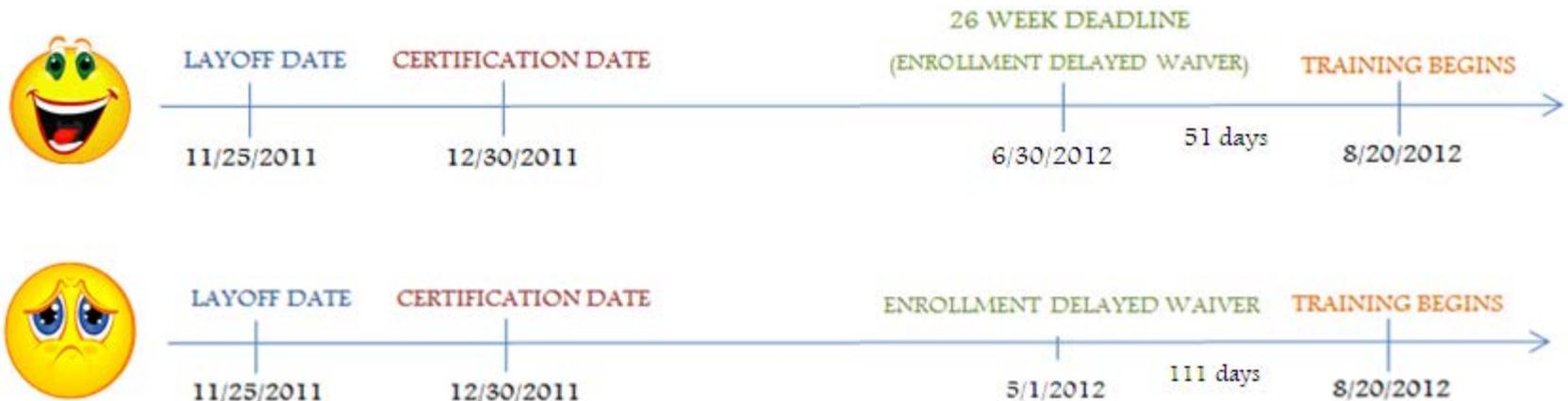
- By the end of the 26 week deadline, the customer still has 51 days until school enrollment. The customer and counselor should sign an “Enrollment Delayed” waiver .
- The waiver should be sent to a TAA Specialist along with the TAA Training application and TRA application.



Enrollment Delayed Waiver

- EXAMPLE

- It is important to note that the waiver was signed and approved by the TAA Specialist
 - before the 26 week deadline
 - but also within 60 days of enrollment.



Training Not Available Waiver

- Training Not Available
 - Training approved by the State Agency is not reasonably available to the worker.
 - No training that is suitable for the worker is available
 - At a reasonable cost (*Dollars*),
 - At a reasonable travel distance (*Distance*), or
 - Within the Enrollment Delayed time limits (*Delayed*)
- No training funds are available.

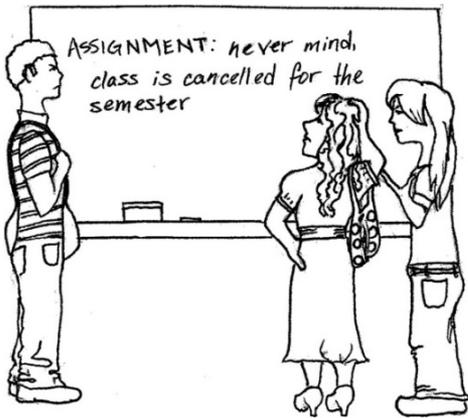


Training Not Available Waiver

- EXAMPLE
 - The customer has an approved “Enrollment Delayed” Waiver.
 - The training program is abruptly canceled three weeks before the start date due to low enrollment and is rescheduled for the following semester.
 - No other training institution offers the training program within a reasonable commuting distance.
 - The waiver condition can change from “Enrollment Delayed” to “Training Not Available” with proper documentation.

Training Not Available Waiver

- Proper documentation:
 - Work Search application and TRA application,
 - Letter from the institution stating the program is canceled or otherwise not available, and
 - Document showing that the training program is not available at any training institutions within a reasonable distance.



Waiver Reviews

- Once a TAA Specialist approves the waiver, a waiver activity is entered in WF1.
- When necessary, the counselor is required to perform waiver reviews:
 - After an initial 90 day waiver period, the waiver must be reevaluated every 30 days to determine if the waiver condition is still valid.
 - The counselor needs to enter the waiver review date into the TAA Waiver activity in WF1.

Waiver Reviews in WF1

Add/Edit Activity

* Activity Status Type: Waiver

* Waiver Reason: Marketable Skills

Comments: nurse worker 5.9% growth and/or kitchen helpers 9.9% growth

Distance Learning: Yes No

Part-Time Training: Yes No

* Start Date: 03/07/2011

* Estimated End Date: 09/07/2011

Waiver Revoke Date: 06/09/2012

Occupational / Training Title: -

[[O*Net Lookup](#)]

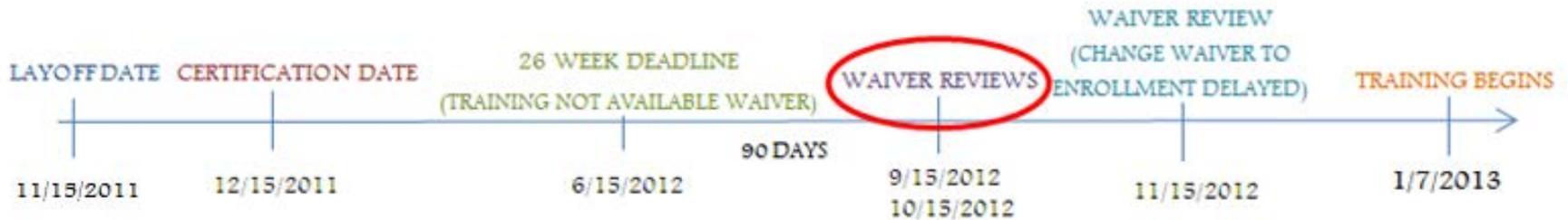
* Waiver Review Date: 05/17/2012

Waiver Review Dates
04/20/2012
03/20/2012
02/24/2012
02/23/2012
01/24/2012
12/27/2011
11/28/2011
10/28/2011
10/06/2011
09/22/2011
09/06/2011

Requested Revoke Date

Waiver Reviews

Training Not Available Waiver (same process for Health Waiver)



Waiver Reviews

Marketable Skills Waiver



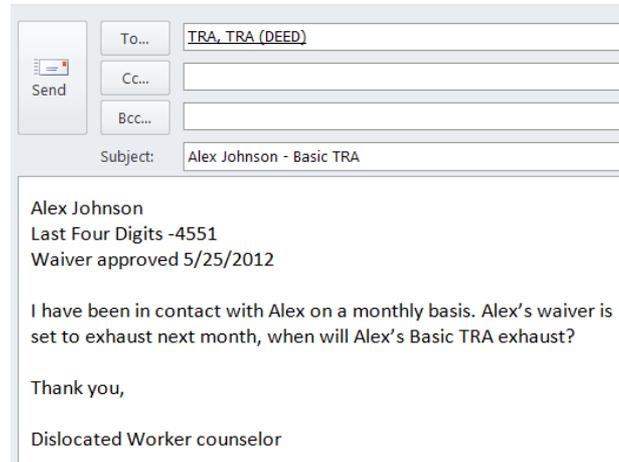
Waiver Extensions & Revocation

- A waiver can be extended at the end of 26 weeks if the customer has weeks of Basic TRA benefits available to them.
- A waiver can expire before the 26 weeks if Basic TRA exhausts during the period.
- A waiver can be revoked before the end of 26 weeks:
 - The customer finds suitable employment, or
 - The customer begins a full-time training program, or
 - The customer no longer wants to participate in the program.

Waiver Extensions

- Email the TRA Unit to see if a waiver extension is needed.
 - Before the end of the 26 week waiver period, the counselor should contact the TRA office to see if their customer has weeks of Basic TRA available to them.

- EXAMPLE EMAIL
Deed.tra@state.mn.us



The screenshot shows an email client interface with the following fields:

- To...: TRA, TRA (DEED)
- Cc...: (empty)
- Bcc...: (empty)
- Subject: Alex Johnson - Basic TRA

The email body contains the following text:

Alex Johnson
Last Four Digits -4551
Waiver approved 5/25/2012

I have been in contact with Alex on a monthly basis. Alex's waiver is set to exhaust next month, when will Alex's Basic TRA exhaust?

Thank you,

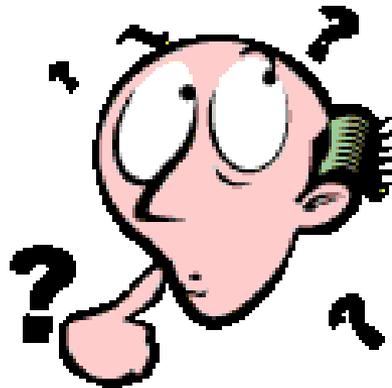
Dislocated Worker counselor

Waiver Extensions

- If the customer has weeks of Basic TRA available to them, the counselor should notify the TAA Specialist and request a waiver extension.



Questions?



TAA Websites

- Customer Portal
 - <http://www.positivelyminnesota.com/applytaa>
- Counselor Portal
 - http://www.positivelyminnesota.com/All_Programs_Services/For_Counselors_Service_Providers/index.aspx
- TAA Policies
 - <http://www.positivelyminnesota.com/ddp/policylist.aspx>
- DOL Website
 - <http://www.doleta.gov/tradeact/benefits.cfm>

Contact Information

- Trade Adjustment Assistance (TAA)
 - Deed.taa@state.mn.us
 - 651-259-7543
- Trade Readjustment Allowance (TRA)
 - Deed.tra@state.mn.us
 - 651-296-3644
- Health Coverage Tax Credit (HCTC)
 - 1-866-628-4282