

PA Department of Labor & Industry
Workforce Investment Center
BUREAU OF WORKFORCE DEVELOPMENT PARTNERSHIP
WORKFORCE INVESTMENT INFORMATION NOTICE NO. 12-03
June 22, 2004

TO : ALL UNEMPLOYMENT COMPENSATION SERVICE CENTERS
ALL PA CAREERLINK SITE ADMINISTRATORS
ALL PA CAREERLINK TAA REPRESENTATIVES
ALL WIA TITLE I PROGRAM OPERATORS
ALL WIA FISCAL AGENTS
BUREAU OF UNEMPLOYMENT COMPENSATION BENEFITS
AND ALLOWANCES, FEDERAL PROGRAM UNIT
ALL BUREAUS OF WORKFORCE DEVELOPMENT
PARTNERSHIP STAFF
ALL RAPID RESPONSE REGIONAL REPRESENTATIVES
ALL WORKFORCE DEVELOPMENT SPECIALISTS

FROM: JOHN C. VOGEL
Director
Bureau of Workforce Development Partnership

SUBJECT : Rapid Response Early Intervention and Trade Benefits Rights
Interview Process

INQUIRIES : Questions concerning the WIIN can be directed to:

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1. **Purpose.** There are two purposes for issuing this document: (1) to clarify the criteria and process for Rapid Response early intervention when a Trade Act petition is received, and (2) to clarify the process when the Trade Act petition is certified.
2. **Reference.** Subchapter 2 of the Trade Act of 1974, as amended, with amendments from the Trade Act of 2002, 19 USC §§ 2271-2331, §2271 (a)(2) and Training and Employment Guidance Letter No. 11-02, dated October 10, 2002, titled "Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002." Page 11, Section B (2), Rapid Response.
3. **Discussion.** The Trade Act of 2002 amended certain provisions of the Trade Act of 1974. These amendments changed the procedures of when Rapid Response activities are to begin and changed the procedures of how Trade Act petitions are filed and certified.

Subchapter 2 of the Trade Act of 1974, as amended, with amendments from the Trade Act of 2002, 19 USC §§ 2271-2331, §2271 (a)(2) states:

“Upon receipt of a petition filed under paragraph (1), the Governor shall--(A) ensure that Rapid Response assistance, and appropriate core and intensive services as described in Section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864) authorized under other Federal laws are made available to the workers covered by the petition to the extent authorized under such laws; and (B) assist the Secretary in the review of the petition by verifying such information and providing such other assistance as the Secretary may request.”

Training and Employment Guidance Letter No. 11-02, dated October 10, 2002, titled “Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade Act of 2002.” Page 11, Section B (2), Rapid Response states:

“Upon receipt of a petition on or after November 4, 2002, the State must ensure that Rapid Response assistance and appropriate core and intensive services, as described in Section 134 of the WIA, are made available to the workers covered by the petition to the extent authorized under the WIA and other Federal laws. **This requirement applies to every petition received.** If a petition is generated during the course of Rapid Response assistance to a worker group, this requirement will be satisfied for that petition. The State shall use the date that the petition is received by the State as the criterion for providing Rapid Response assistance.”

If the employer can establish a recall date (temporary layoff), the workers are not dislocated workers under the Workforce Investment Act. The Rapid Response team can offer information on how to access core services, unemployment insurance, health insurance, and other appropriate social services. In this situation, the employer and worker representatives will be advised to contact the Regional Rapid Response Representative if the temporary situation changes to a permanent layoff.

In order to provide uniform services under the Trade Act of 1974, the following charts explaining the roles and activities required shall be deemed as guidelines to follow when (1) a Trade Act petition is filed and (2) when a Trade Act Petition is certified.

4. **Action Required.** All CareerLink staff and partners are to regard this issuance as clarification of the criteria and process for Rapid Response early intervention upon receipt of a Trade Act petition and as clarification of the Trade Act petition certification process.

5. **Attachments.**

Attachment A—Rapid Response/Trade Early Intervention—Petition Filed

Attachment B—Trade Adjustment Assistance Reform Act of 2002, Benefits Rights Interview Process—Certified Petition.

6. **Expiration Date.** Ongoing

ATTACHMENT A

RAPID RESPONSE/TRADE EARLY INTERVENTION

FILED PETITION

STEP	ORGANIZATION	ACTIVITY	DECISION POINT
1. Petition received by Federal Programs	BUCBA, Federal Programs	<ol style="list-style-type: none"> 1. E-mail notification to Rapid Response—Trade Section. 2. Request list of employees, current and those who were employed within a specific timeframe, usually within the past year, by format required by U.C. 	<p><i>If employer sends employee master list:</i> Federal Programs sends list to Rapid Response Coordination Services.</p> <p><i>If employer does not supply employee master list:</i> Federal Programs will notify Office of Chief Counsel.</p>
2. Initiate Rapid Response	BWDP, Rapid Response Coordination Services	Review files to determine if Rapid Response assistance has been provided.	<p><i>If Yes:</i> Explore Secondary—upstream and downstream—influence upon company. Secure an updated employee list, if available.</p> <p><i>If No:</i> Initiate Rapid Response.</p>
3. Fact Finding Call	BWDP, Rapid Response Coordination Services	<ol style="list-style-type: none"> 1. Explain reason for the call/Trade Act and Rapid Response. 2. Determine if layoffs are pending. 3. Determine if employees are currently laid off (Within past year). 4. Is the layoff permanent? 	Is the employer willing to participate in a Rapid Response program; or, is there a union or group of employees willing to assist in delivering a Rapid Response program?

STEP	ORGANIZATION	ACTIVITY	DECISION POINT
<p>4. Conduct planning meeting for delivery of Rapid Response early intervention services</p>	<p>Rapid Response Regional Representative, CareerLink Partner, and U.C. Workforce Development Specialist, company officials, and worker representatives</p>	<ol style="list-style-type: none"> 1. Secure information on size and scope of layoffs to determine if there is sufficient number laid off to conduct a Rapid Response meeting. 2. Determine employee characteristics, skill sets, and special needs. 3. Promote the formation of a Dislocated Worker Transition Team. 4. Establish time, date, place of meeting. 	<ol style="list-style-type: none"> 1. <i>If Yes:</i> Establish date for on-site Rapid Response meeting. 1. <i>If No:</i> Develop an alternative plan to disseminate information. 2. Determine what organizations are to be represented at Rapid Response meetings. 3. Market Dislocated Worker Transition Team to the employer representatives and union representatives and workers. 4. Develop agenda and publish date of meeting.
<p>5. Conduct a Rapid Response early intervention meeting—THIS IS NOT A TRADE BRI</p>	<p>Rapid Response Regional Representative, CareerLink partner, U.C. Workforce Development Specialist, and other partners</p>	<p>Provide information; stress importance of early intervention services.</p>	

ATTACHMENT B

**TRADE ADJUSTMENT ASSISTANCE REFORM ACT OF 2002
BENEFIT RIGHTS INTERVIEW PROCESS**

CERTIFIED PETITION

STEP	ORGANIZATION	ACTIVITY	DECISION POINT
1. Petition is certified	USDOL	<ol style="list-style-type: none"> 1. Post on website. 2. Provide written notification to petitioner. 3. Provide notification to State. 	
2. Notification of Departmental Partners	Federal Programs	Send e-mail notification to partners.	
3. Provision of individual notification to affected employees	Federal Programs	Letter sent to affected workers listed on employee master file provided by employer.	When the employer, either upon request or as a result of the Department's Legal intervention, provides no employee list, alternate sources such as UC data, or union list are to be explored or other means of outreach through the media are to be utilized.
4. Establish a BRI Plan	Rapid Response Coordination Services, in consultation with UC Service Center (UCSC) Workforce Development Specialist and local CareerLink TAA Representative	<ol style="list-style-type: none"> 1. Employment status of affected workers. 2. Schedule BRI meetings. 	<ol style="list-style-type: none"> 1. Factors to be considered: <ol style="list-style-type: none"> a. Still working --determine if worksite or offsite meeting place is needed and set time and date of the meeting. b. Laid off: Establish time, date, and place for off-site meeting(s). c. Workers currently employed not under layoff notice, but whose jobs are at risk, should receive the information. 2. Can 8-16 week TRA eligibility rule be met? <ol style="list-style-type: none"> a. If yes, select date(s), time(s), and place(s) for the BRI sessions. b. If no, request a 45-day extension be granted by the Trade Coordination Services Supervisor.

STEP	ORGANIZATION	ACTIVITY	DECISION POINT
		3. Size of the affected group.	3. Does the size of the affected group warrant a group or individual BRI session? If individual BRI meetings are warranted, CareerLink staff will determine dates and times for individual meetings.
5. Notify Affected Workers of BRI Meeting	Rapid Response Coordination Services	BRI meeting announcement letter generated.	<ol style="list-style-type: none"> 1. At least 2 weeks prior to the meeting date, the Rapid Response Coordination Services Regional Representative notifies RRCS Central Office administrative staff of the name of the company, date(s), time(s), and place(s) for the BRI meeting. Data is transmitted electronically to mainframe program, which using the employee master file provided to Federal Programs by the employer, generates notices to the workers. 2. Exceptions to the above procedure are to be handled on a case-by-case basis with the RRCS Central Office staff creating and mailing the letters.
6. Coordinate BRI Group Meeting	Rapid Response Coordination Services	<p>Ensure that:</p> <ol style="list-style-type: none"> 1. Appropriate partners are aware of date, time, and place of meeting(s). 2. Handouts and equipment are produced and/or delivered. 3. Affected workers sign the BRI register. 	<ol style="list-style-type: none"> 1. Determine if the ATAA PowerPoint presentation should be shown. 2. PowerPoint should be included in Trade BRI meeting (if company filed and is eligible).

STEP	ORGANIZATION	ACTIVITY	DECISION POINT
7. Follow Up	1. Rapid Response Coordination Services 2. PA CareerLink Staff	1. Ensure that the meeting register is mailed to RRCS Central Office for filing. 2. Inputs attendance at Trade BRI in CareerLink system.	

***Auxiliary aids and services are available upon request to individuals with disabilities
Equal Opportunity Employer/Program***