

in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Murray Engineering, Inc., Complete Design Service, Flint, Michigan engaged in activities related to industrial design and engineering services. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222(3) of the Act.

The petitioner alleges that their services should be considered production because it involves a "tangible drawing essential and integral to the making or building of a product."

The engineering drawings and schematics prepared by subject firm workers services are not considered production within the meaning of section 222(3) of the Act.

The petitioner also asserts that the Department may be misled by the subject firm's name into thinking that there is not a tangible product involved, but states that subject firm workers produce "design product on paper."

Electronically generated information does not constitute production within the meaning of the Trade Act, and the fact that this information is generated on paper is irrelevant to worker group eligibility for trade adjustment assistance.

Finally, the petitioner appears to assert that the companies that produced the machines designed by the subject firm were certified and questions whether the Department has "discriminated" against the subject firm "because of a company name."

The subject firm does not produce the same product as its customers, nor do the subject firm workers produce a component that is integrated into further production by its customers. Thus, the issue of whether the subject firm's customers are certified or not is irrelevant in context with the petitioning worker group's eligibility for TAA. The design services produced by the subject firm do not constitute production within the meaning of section 222(3) of the Trade Act.

Only in very limited instances are service workers certified for TAA, namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA.

In conclusion, the workers at the subject firm did not produce an article

within the meaning of section 222(3) of the Trade Act 1974.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 31st day of March, 2003.

**Edward A. Tomchick,**

*Director, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,284]

#### **Newell Rubbermaid Corporation, Newell Window Furnishings, Newell Operating Company, Levelor Hardware Group, Amerock Hardware Division, Bulldog Hardware Division, Ogdensburg, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 19, 2002, applicable to workers of Newell Rubbermaid Corp., Levelor Hardware Group, Amerock Hardware Div., Bulldog Hardware Div., Ogdensburg, New York. The notice was published in the **Federal Register** on January 9, 2003 (68 FR 1200).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of hardware items such as nuts, bolts and screws.

New information shows that some workers separated from employment at the subject firm had their wages reported under separate unemployment insurance (UI) tax accounts for Newell Window Furnishings and Newell Operating Company.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Newell Rubbermaid Corp., Newell Window Furnishings, Newell Operating Company, Levelor Hardware Group,

Amerock Hardware Div., and Bulldog Hardware Div., all in Ogdensburg, New York who were adversely affected by increased imports.

The amended notice applicable to TA-W-50,284 is hereby issued as follows:

All workers of Newell Rubbermaid Corp., Newell Window Furnishings, Newell Operating Company, Levelor Hardware Group, Amerock Hardware Div., Bulldog Hardware Div., Ogdensburg, New York, who became totally or partially separated from employment on or after November 27, 2001, through December 19, 2004, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 7th day of April, 2003.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,934 and TA-W-50,934A]

#### **Shadowline, Incorporated, Morganton, North Carolina and Shadowline, Incorporated, Boone, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 10, 2003, applicable to workers of Shadowline, Incorporated, Morganton, North Carolina. The notice will soon be published in the **Federal Register**.

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers produced lingerie. Information contained in the record shows that the company intended workers in Boone, North Carolina to be included in the certification. The workers at both North Carolina locations are considered by the company as one worker group. Data collected from the company official were for both locations.

It is the Department's intent to include all workers of Shadowline, Incorporated, adversely affected by increased imports. Accordingly, the Department is amending the certification to include all workers of