

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION TAA
	CORRESPONDENCE SYMBOL OTAA
	DATE February 14, 2011

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 19-10

TO: STATE WORKFORCE LIAISONS
STATE WORKFORCE AGENCIES
ONE-STOP CENTER SYSTEM LEADS
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Petition Forms to File for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance -- *Starting February 15, 2011*

1. Purpose. Training and Employment Guidance Letter (TEGL) No. 16-10, Change 2, instructs the State Workforce Agencies or agencies designated by Governors as "Cooperating State Agencies" (CSAs) (also jointly referred to as "states") to operate the Trade Adjustment Assistance (TAA) program under the 2002 Amendments, starting February 15, 2011. This guidance requests that states provide updated petition forms starting on that same date, February 15, 2011. Downloadable (paper) and online petition forms that are currently in use will be rendered obsolete as of that date because they do not allow petitioners to request Alternative Trade Adjustment Assistance (ATAA).

2. References. The Omnibus Trade Act of 2010, Public Law, (P. L.) No. 111-344 (enacted December 29, 2010) (Omnibus Trade Act); The Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, P. L. No. 111-5 (enacted February 17, 2009) (TGAAA or 2009 Amendments); the Trade Adjustment Assistance Reform Act of 2002, Division A, Title I, Subtitle A of the Trade Act of 2002 (P. L. 107-210) (2002 Amendments); the Trade Act of 1974, as amended, P.L. No. 93-618, as amended (Trade Act); 20 CFR Part 90; Training and Employment Guidance Letter (TEGL) No. 22-08 and Change 1, Operating Instructions for Implementing the Amendments to the Trade and Globalization Adjustment Assistance Act of 2009; TEGL No. 16-10, Instructions for Phasing Out Changes to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009 and TEGL No. 16-10 , Change 2, Instructions for Operating the Trade Adjustment Assistance Program after the Termination of the Trade and Globalization Adjustment Assistance Act Amendments on February 12, 2011- Program Reverts to 2002 Amendments; and OMB PRA Information Collection Control No. 1205-0342 (ETA-9042), approval issued January 14, 2011.

RESCISSIONS None	EXPIRATION DATE Conti nui ng
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3. Background. The first step in obtaining TAA and ATAA benefits is to file a petition on behalf of a worker group with the U.S. Department of Labor (Department), Office of Trade Adjustment Assistance (OTAA) to request certification of group eligibility to apply for benefits under the 2002 Amendments. The 2002 Amendments require petitioners to specifically request ATAA at the time a petition for TAA is filed. The TAA petition forms in effect under the 2009 Amendments are inadequate for this purpose since they do not mention ATAA. Since the Department previously provided notice that it will accept petitions received on or before February 14, 2011 and investigate and make determinations on these petitions under the certification requirements of the 2009 Amendments, petitions received starting February 15, 2011 will be governed by the 2002 Amendments and therefore require use of the revised (updated) forms described below.

English and Spanish versions of this form, the “Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA)”, may be downloaded from the Department’s Employment and Training Administration website at www.doleta.gov/tradeact. The online petition is also located on that website and has been updated to enable petitioners to file online for TAA and ATAA benefits under the 2002 Amendments. These updated forms are identified by the same numbers as the current forms; however, the Department will recognize the correct forms by the new title, and the revision date (Rev. January 2011), which is found in the lower right-hand corner of the form below the form number (ETA-9042, ETA-9042A or ETA-9042A-1).

4. Instructions. Effective February 15, 2011, states are instructed to begin using the updated forms with revision dates identified below:

- ETA-9042 (Rev. January 2011), Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance
- ETA-9042A (Rev. January 2011), Solicitud de Asistencia Para Ajuste del Comercio y Asistencia Alternativa Para Ajuste del Comercio
- ETA-9042A-1 (Rev. January 2011), Online Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance, available online at www.doleta.gov/tradeact.

CSA administrators are requested to distribute the approved forms to appropriate CSA staff. States are requested to make revised ETA Forms 9042 (Rev. January 2011), 9042A (Rev. January 2011), and 9042A-1 (Rev. January 2011) available in all local offices (including One-Stop operators, One-Stop partners, and state workforce agencies) to individuals wishing to file a petition for TAA and ATAA on and after February 15, 2011.

Current forms will be rendered obsolete starting February 15, 2011; therefore CSA administrators are also requested to ensure that copies of the current petition forms, ETA 9042 (Rev. 4/09) and ETA 9042A (Rev. 4/09), are not available to petitioners after February 14, 2011. The current petition forms should be removed from local offices and state websites.

In order to prevent petitioners from filing a petition using obsolete forms, CSAs should encourage individuals wishing to file a petition for TAA and ATAA to the online format, ETA-9042A-1 (Rev. January 2011), by accessing <http://www.doleta.gov/tradeact>, and then by clicking on “File Online”.

5. Action Requested. Starting February 15, 2011, CSAs will be required to manage benefits and services provided to TAA program participants as described in TEGL 16-10, Change 2 and use the forms described above when they file petitions on behalf of workers. States will be notified if the sunset provisions of the TGAAA are extended to allow the 2009 Amendments to continue to apply after 11:59 PM EST February 14, 2011. States also will be notified of procedures that will apply if the incorrect petition forms are filed on or after February 15, 2011.

6. Paperwork Reduction Act. The Department is issuing this guidance to align the ETA collection forms in OMB 1205-0342 (TAA Petition form), with the TAA program under the 2002 amendments. The Department has submitted the necessary change requirements to OMB and received the appropriate approvals in accordance with the Paperwork Reduction Act of 1995.

7. Inquiries. State Administrators should direct all inquiries to the appropriate ETA Regional Office.

8. Attachments.

- A. ETA-9042 (Rev. January 2011), Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance
- B. ETA-9042A (Rev. January 2011), Solicitud de Asistencia Para Ajuste del Comercio y Asistencia Alternativa Para Ajuste del Comercio
- C. ETA-9042A-1 (Rev. January 2011), the Online Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance can be accessed at the following link:
<https://www.etareports.doleta.gov/petition/index.cfm?reset=true>.