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	<b>CORRESPONDENCE SYMBOL</b> TET
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TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 7-93, Change 2

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES  
 ALL STATE JTPA LIAISONS  
 ALL STATE WORKER ADJUSTMENT LIAISONS  
 ALL ONE-STOP CAREER CENTER SYSTEM LEADS

FROM : DAVID HENSON *David Henson*  
 Director  
 Office of Regional Management

SUBJECT : Secondary Worker Provisions Related to the  
 North American Free Trade Agreement (NAFTA)  
 Implementation Act

1. **Purpose.** To provide additional policy and guidelines for making services available to secondarily-affected workers under the provision of the Statement of Administrative Action (SAA) which accompanied the NAFTA Implementation Act.

2. **References.**

- a. The NAFTA Implementation Act of 1993. (Pub.L. 103-182).
- b. Statement of Administrative Action.
- c. Job Training Partnership Act of 1983, as amended. (Pub.L. 100-418)
- d. General Administration Letter (GAL) No. 7-94, dated December 28, 1993, entitled "Operating Instructions for Implementing the Amendments to the Trade Adjustment Assistance for Workers Program in Title V of the North American Free Trade Agreement (NAFTA) Implementation Act."

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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e. TEGL No. 7-93, dated April 19, 1994; and TEGL No. 7-93, Change 1, entitled "Transitional Adjustment Assistance Provisions Related to the Implementation of NAFTA."

f. 20 CFR 631.3(j).

**3. Background.** The Department of Labor (DOL), in the SAA accompanying the NAFTA Implementation Act, undertook certain commitments with respect to implementing the requirements of the bill. One of these commitments is the provision of *Assistance to Workers in Secondary Firms*.

Part A, Section 2 of the SAA provides that:

Workers in firms that are indirectly affected by NAFTA would be eligible to receive assistance pursuant to the national grant program administered by the Secretary of Labor under Part B of Title III of the Job Training Partnership Act (JTPA). The Secretary will reserve funds for this purpose.

Workers in secondary firms will receive the same rapid response, basic readjustment and employment services, job search and relocation assistance, training and income support available to workers in directly affected firms.

These provisions recognize that worker dislocations resulting from trade with Canada and/or Mexico following the implementation of NAFTA may affect workers beyond those eligible for assistance under the existing NAFTA-Transitional Adjustment Assistance (NAFTA-TAA) Program. Such workers should be able to receive the same reemployment assistance as those workers who are eligible under TAA and NAFTA-TAA. The SAA provides for assistance to these "secondarily-affected workers" under Title III of the JTPA.

The provisions of the SAA are not encompassed within the regulatory and implementation guidance of Title V of the NAFTA Implementation Act. Therefore, the Employment and Training Administration (ETA) of DOL, as the federal agency responsible for administering the TAA, NAFTA-TAA and JTPA Title III programs, has previously provided guidance on the secondary worker provisions (GAL No. 7-94, TEGLS 7-93 and 7-93, Change 1, and in the JTPA regulations at 20 CFR 631.3(j)). This TEGL provides additional guidelines for implementing the provisions of the SAA regarding secondary workers.

This TEGL recognizes that TAA and NAFTA-TAA staff at the State and federal levels will have primary responsibility for evaluating and determining the "trade-

relatedness” of worker dislocations; and Title III program operators will have primary responsibility for organizing and providing comprehensive reemployment assistance to eligible workers. As a result, ETA expects that State TAA, NAFTA-TAA and Title III staff will work collaboratively in establishing a process that provides timely, responsive assistance to the workers covered by the SAA.

Many “secondarily-affected” workers will exist in smaller worker groups and may not be aware of the type(s) of assistance available to them. Therefore, special outreach efforts will need to be implemented.

**4. Definitions.** Generally, terms used in these guidelines are identical to and consistent with terms in Title V of the NAFTA Implementation Act, which amended Chapter 2 of Title II of the Trade Act of 1974 by adding Subchapter D establishing the NAFTA-TAA program; and with the JTPA. Regulations for the Trade Act of 1974 and the JTPA Title III are published at 20 CFR Part 617 and Parts 627-631, respectively. However, certain terms and references included in the SAA deserve clarification and are defined below, as follows:

**Primary Firms:** Firms directly affected by increased imports from, or shifts of production to, Canada and/or Mexico.

**Primarily-Affected Workers:** A group of workers at a primary firm.

**Secondary Firms:**

**Supplier Firms:** Firms that supply materials and/or components to a primary firm.

**Upstream Producers:** Firms that assemble or finish products made by primary firm.

**Family Farms:** Family farmers or farmworkers who do not meet the “group of worker” eligibility requirements.

**Secondarily-Affected Workers are:**

- A group of workers employed by supplier firms;
- A group of workers employed by upstream producers; and
- Farmers or farmworkers employed by family farms.

**Dislocated Worker:** Eligible dislocated worker is defined at Section 301(a) of the JTPA and 20 CFR 631.3. For purposes of this directive, all primarily-affected and secondarily-affected workers who have received a notice of termination or layoff, are employed at a facility that has made a public announcement of planned closure, or have been terminated from employment, are dislocated workers and may be eligible for basic readjustment assistance under JTPA Title III. It should be noted that they must satisfy citizenship/right to work and selective service registration requirements that apply to the use of JTPA funds.

#### **5. Expectations Regarding the Service Process for Affected Workers.**

Determinations of whether a group of workers is primarily-affected, secondarily-affected, or not affected by increased imports from, or shifts of production to, Canada and/or Mexico will be based on a petitioning and evaluation process described in **Attachment A**. The initiation of JTPA Title III services should not be dependent on completion of the evaluation by the Department of a petition for designation as primarily- or secondarily-affected workers. Basic readjustment services should be initiated through Rapid Response, Worker Profiling and Reemployment Services (WPRS), or other appropriate mechanisms at the local level. Therefore:

- (1) Once the State NAFTA-TAA coordinator receives a petition, a copy of the petition, or other appropriate notification, will be immediately provided to the State Dislocated Worker Unit (DWU).
- (2) The DWU will verify whether Rapid Response or other assistance has been provided to workers affected by the referenced layoff and if the workers included in the petition are receiving reemployment services. If workers are not receiving services, the DWU in conjunction with the appropriate substate area(s) will initiate outreach and other actions to ensure that affected workers receive program services.
- (3) Once the Department makes a final determination of whether the workers covered in a petition are primarily- or secondarily-affected workers, it will notify both the State NAFTA-TAA coordinator and the DWU.
  - (a) For primarily-affected workers, the State NAFTA-TAA coordinator will develop a plan with the DWU for providing needed assistance to the covered workers. This plan will include, for each worker, an assessment of the need for training to return to employment and dual enrollment of the workers in the NAFTA-TAA and Title III programs.

- (b) For secondarily-affected workers, the DWU should confirm the Title III enrollment status of the covered workers and verify whether assessments have been completed and reemployment plans developed for each enrolled worker.

The provision of services to eligible workers shall conform to the requirements and procedures of the program that is the funding source for the service. For example, where the cost of training is being paid with NAFTA-TAA program funds, the NAFTA-TAA program requirements will be used to determine whether the individual worker needs training and if a specific training program should be approved. Likewise, where the cost of training is being paid with JTPA Title III program funds, JTPA Title III State and local program requirements will govern.

States are strongly encouraged, within the discretionary policy development authority allowed under the NAFTA-TAA and JTPA Title III regulations, to establish common requirements and procedures between the NAFTA-TAA and Title III programs regarding assessing the need for training and approved areas of training.

**6. Guidance on How to Qualify Secondarily-Affected Workers.** The ETAs Office of Trade Adjustment Assistance (OTAA) in partnership with the State NAFTA-TAA Coordinator will conduct a fact-finding investigation to determine if a worker group qualifies as secondarily-affected. Guidelines for the investigative process to determine qualification as a secondarily-affected worker group are included in **Attachment A**.

**7. Income Support Available to Secondarily-Affected Workers.** As described in Section 5 of this guidance, JTPA Title III funds will be used to provide Rapid Response, basic readjustment and employment services, job search and relocation assistance, and training to eligible secondarily-affected workers based on their need for such assistance to secure new employment. However, the SAA requires that secondarily-affected workers who are in approved training will qualify for income support (needs related payments) during their participation in training consistent with the provisions of the NAFTA-TAA program.

The NAFTA-TAA program provides eligible primarily-affected workers, enrolled in an approved training program, up to 52 weeks of income support (trade readjustment allowances (TRA)) at an amount equal to the worker's most recent weekly unemployment insurance (UI) benefit level following the worker's exhaustion of regular UI benefits. To be eligible for TRA, the worker must be enrolled in an approved training program within 16 weeks of the worker's most recent qualifying separation or, if later, 6 weeks after the Department has issued

a certification of trade impact covering the worker. Enrollment time limits may be extended for a period not to exceed 30 days in cases of extenuating circumstances.

Since the costs of income support (needs-related payments) to eligible secondarily-affected workers will be paid with JTPA Title III funds, the JTPA Title III provisions at 20 CFR 631 must be used to establish eligibility. Therefore, if the State or local area uses:

- ▶ JTPA Title III formula funds to pay for needs-related payments, then the worker must be enrolled in an education or training activity within thirteen weeks of layoff or, if later, 8 weeks after the worker is informed that a short-term layoff will exceed 6 months.
- ▶ JTPA Title III National Reserve Account (NRA) grant funds to pay the needs-related payment costs (see **Attachment C**), then the worker must be enrolled in an education or training activity within 16 weeks of the last layoff or within 6 weeks following the effective date of the grant award.

Using JTPA Title III funds to provide income support (needs-related payments) to eligible secondarily-affected workers in accordance with the provisions of the NAFTA-TAA program (i.e., up to 52 weeks at the worker's most recent weekly UI level following the worker's exhaustion of regular UI benefits) does not preclude the State or substate from using JTPA Title III formula funds to provide needs-related payments beyond the 52 week period in accordance with substate area policies. As described in **Attachment C**, JTPA Title III NRA funds are available to cover the costs of income support to secondarily-affected workers under the provisions of the NAFTA-TAA program. NRA funds are not available to cover the costs of supplemental (i.e., beyond 52 weeks) needs-related payments made at the discretion of the State/substate area.

#### **8. Outreach to Secondary Firms and Potential Secondarily-Affected**

**Workers**. The following guidelines and suggested actions should be used to ensure that secondary firms and potential secondarily-affected workers are aware of the benefits available to them:

- ▶ Outreach is an important effort in making sure employers and potentially eligible workers are aware of the specialized assistance available to secondarily-affected workers. Therefore, the State NAFTA-TAA and DWU staff are encouraged to implement such efforts through Rapid Response activities. The Department is developing plans for additional action in this area and will be consulting with partners on this subject.

- ▶ Outreach efforts should include the following: (1) making NAFTA-TAA petition forms readily available to secondary firms and potential secondarily-affected workers at all local service delivery area offices and local UI and Employment Security/Job Service offices; (2) ensuring a timely exchange of information between the State NAFTA-TAA Coordinator and the State DWU when a petition is received and once a final determination is issued; and (3) ensuring that the DWU takes appropriate actions to contact the affected worker group(s) and that any assistance for which they are eligible is initiated.
  
- ▶ Once OTAA issues a final finding, a notification will be transmitted to the appropriate State DWU. The DWU will be responsible for determining if the workers covered by an affirmative finding are already receiving assistance and, if not, for implementing additional outreach activities to contact the workers to make them aware of the available assistance. The DWU may contact the worker through Rapid Response, WPRS contacts, mail, or newspaper articles.

#### **9. Action Required.**

- a. States are required to implement the provisions of the Statement of Administrative Action pursuant to the guidance set forth in this document. States should inform all appropriate State and local staff of these procedures and ensure that staff have the necessary resources available to comply with this directive.
  
- b. State NAFTA-TAA program staff must review the information contained in this directive and ensure that appropriate arrangements are made with the State DWU, and allocate staff resources to implement these procedures.
  
- c. State staff should coordinate with the State UI program to ensure that secondarily-affected workers receive income support (needs-related payments) at the applicable level of UI weekly benefit amounts.

**10. Inquiries.** Questions on the investigative process to determine if a worker group qualifies as secondarily-affected workers may be directed to: Grant D. Beale at (202) 219-4820 ext. 101. Questions on JTPA policy and the application procedures for JTPA Title III NRA grants may be directed to: Douglas Holl at (202) 219-5577 ext. 115.

**11. Attachments.**

- A. Guidelines for the Investigative Process to Determine Qualification as a  
Secondarily-Affected Worker Group.
- B. NAFTA-TAA Petition Form (ETA-9042).
- C. Procedures for Applying for JTPA Title III National Reserve Account  
Grants to Assist Secondarily-Affected Workers.

**Guidelines for the Investigative Process to Determine Qualification  
as a Secondarily-Affected Worker Group**

**1. NAFTA-TAA Petition Filing Process**

A NAFTA-TAA petition may be filed by a group of three or more workers, including family farms and farmworkers, an employer, a union or a community-based organization representative. Workers employed by secondary firms who believe they may be secondarily-affected should complete the Secondary Firm section of the NAFTA-TAA petition. All NAFTA-TAA petitions must be completed and signed and sent to the State NAFTA-TAA Coordinator. (See **Attachment B** for NAFTA-TAA Petition Form).

**2. State NAFTA-TAA Coordinators Role in the NAFTA-TAA Investigative Process.**

Whether the petition identifies potential secondary impact or not, the State will conduct its preliminary investigation as outlined in GAL 7-94.

**a. Immediately upon receipt of the NAFTA-TAA petition, the State NAFTA-TAA Coordinator must:**

- 1) Review the petition for completeness and, if complete, record the receipt date at the bottom of the petition.

Completed NAFTA-TAA Petition must contain the following information:

- ▶ Petitioner's name, address and telephone numbers (if company or union official is filing the petition, make sure the title is included);
- ▶ Approximate date of layoff;
- ▶ Union affiliation (if applicable);
- ▶ Company name, address, telephone and fax numbers, and contact person;
- ▶ List of articles produced by the company;
- ▶ A statement of reason for submitting the petition must be check-marked (Item 4 of the petition form). If Item 4d has been check-marked, make sure the Secondary Firm section of the petition has been filled out. (Including company name, address and telephone number of the primary firm, a list of the articles produced by the primary firm, and a description of the relationship between the secondary firm and the primary firm.); and

- ▶ Petitioner's signature and submission date.
- 2) Complete the "Governor's Office Use Only" section;
- 3) Immediately fax a copy of the petition to OTAA at (202) 219-5753 or (202) 501-6489;
- 4) Contact the company official<sup>1</sup> to verify the appropriate contact person, confirm the product description, inquire about worker separations, and inform the company that a Confidential Data Request (CDR) packet will be faxed; and
- 5) Prepare a CDR packet (with a five day deadline) and fax to company. (Ensure that CDR packet requests current company data, including year-to-date data compared to prior year-to-date data.)
- 6) When the State NAFTA-TAA coordinator receives a petition, a copy of the petition, or other appropriate notification, should be immediately provided to the State DWU.
- 7) If the CDR packet has not been received within 10 days, the State NAFTA-TAA Coordinator will call the company contact person and urge its completion and transmittal via fax.

**b. Upon receipt of the completed CDR, the State NAFTA-TAA Coordinator must:**

- 1) Review the CDR packet for accuracy and completeness;

An accurately and fully completed CDR packet must contain the following information:

- ▶ Company name, address, telephone and fax numbers, contact person and signature of the contact person;
- ▶ Information related to the NAFTA-TAA Program must be check-marked;
- ▶ Sales, production and employment figures for the current and previous year and comparative periods for each affected article;
- ▶ Total company imports from any country for the current and previous year and comparative periods for each affected article;
- ▶ Total company imports from Canada or Mexico for the current and previous year and comparative period for each affected article;

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<sup>1</sup> GAL 7-94 provides detailed information on contacting the company official.

- ▶ Production shifted to Canada or Mexico for the current and previous year and comparative period for each affected article;
- ▶ Identification of the three major declining customers (including name, address, telephone and fax numbers, and contact person) that account for the significant decline in sales or production for each affected article;<sup>2</sup> and
- ▶ Identification of the major projects for which the company submitted unsuccessful bids during the last two years (relevant only if the company works on a contractual basis).

If the company refuses to return a fully completed CDR, immediately contact the Federal Investigator regarding the issuance of a pre-subpoena letter by OTAA. Regulations on subpoena power authority are published at 29 CFR 90.14.

- 2) Make a preliminary finding regarding the worker group's eligibility to apply for transitional adjustment assistance upon receipt and review of the CDR packet. The preliminary finding shall include a brief statement indicating the basis for the finding.

**c. No later than ten days after the petition is received, the State NAFTA-TAA Coordinator will:**

- 1) Fax to OTAA:
  - another copy of the petition;
  - the CDR packet (including cover letter, customer list and/or official correspondence from the company contact person); and
  - the statement indicating the basis for the preliminary finding;
- 2) Notify the petitioners of the preliminary finding;
- 3) Notify the State DWU of the preliminary finding to ensure that rapid response and basic readjustment services are made available to the workers (if not already made available).

**3. OTAA NAFTA-TAA Investigation and Determination Findings.**

OTAA, upon receiving all pertinent information from the State NAFTA-TAA Coordinator, reviews the documentation and determines the scope of the

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<sup>2</sup> It is imperative that State NAFTA-TAA Coordinators make sure that information regarding customers and/or bids lost is identified in all CDRs. This is particularly important for petitions that have been filed as Secondary Firm, as secondary firms may be supplying or finishing production for a primary firm on a contractual basis. OTAA will use this information to determine whether the company is a secondary firm.

investigation (including ascertaining whether a customer survey needs to be initiated). All NAFTA-TAA petition investigations, whether filed as Primary Firm or Secondary Firm, are first reviewed to determine whether the group of workers meets the group eligibility requirements for certification as Primary Firms. In instances where workers can be certified as Primary Firms, workers do not have to be considered as secondarily-affected workers because they will receive program benefits pursuant to the NAFTA-TAA program. However, if there is no evidence that the group of workers meets the group eligibility requirements for certification as Primary Firms, then OTAA will determine whether the workers' employing firm qualifies as a Secondary Firm pursuant to the SAA.

OTAA will make all Final Determinations no later than 40 days after the petition is received by the State. All Final Determinations and findings identify the State DWU where the petitioning workers may seek assistance.

[See Appendix 1 for information regarding the OTAA investigative process with respect to Secondarily-Affected Workers.]

#### **4. Notification Process.**

##### **a. OTAA is responsible for:**

- 1) Faxing all Final Determinations to the State NAFTA-TAA Coordinator within 24 hours after the Certifying Officer has signed it;
- 2) Notifying the petitioners and the company contact person of its final determination;
- 3) Publishing all Final Determinations and Findings with Respect to Secondarily-Affected Workers in the Federal Register

OTAA will notify the Office of Worker Retraining and Adjustment Programs (OWRAP) of all Affirmative or Negative Findings Regarding Qualification as a Secondary Firm.

##### **b. The State NAFTA-TAA Coordinator is responsible for:**

- 1) Notifying workers covered by a certification as a Primary Firm that they are eligible to apply for benefits under the NAFTA-TAA Program;
- 2) Notifying workers covered by an Affirmative or Negative Finding Regarding Qualification as a Secondary Firm that they are eligible to apply for benefits under the JTPA Title III dislocated worker program; and
- 3) Notifying the State DWU of the Affirmative or Negative Finding Regarding Qualification as a Secondary Firm to ensure that rapid response and basic readjustment services are made available to all secondarily-affected workers.

**c. The State DWU is responsible for:**

- 1) Providing rapid response assistance to all workers;
- 2) Transmitting the Affirmative or Negative Finding Regarding Qualification as a Secondary Firm to the local service delivery area;
- 3) Assessing the local service delivery area's available resources; and
- 4) Encouraging the local SDA to apply for a National Reserve Account grants.

**5. Reconsideration of Negative Findings.** Interested parties as set forth at 29 CFR 90.18(a) may file an application for reconsideration by the OTAA as stipulated in 29 CFR 90.18. An application for reconsideration must provide information as to the basis for the request for reconsideration, such as citing of factual error in the Department's finding or referring to relevant information which was not previously considered, within 30 days after publication of the negative finding in the Federal Register. The Department will review the request for reconsideration for merit and, based upon that review, will determine whether to accept the case for reconsideration. If so accepted, the Department will conduct an additional investigation and, based upon a review of that additional information, will issue a finding upon reconsideration either reversing or affirming its previous finding. Notice of this finding will be published in the Federal Register. Secondarily-affected workers group findings issued by the Department upon reconsideration are not appealable to the Court of International Trade, unlike findings issued under TAA and NAFTA-TAA.

**6. Grievances Procedures.** Secondarily-affected workers may file complaints and grievances arising in connection with the JTPA program pursuant 20 CFR 627.500.



**SECONDARY FIRM:** Complete only if the answer to question 4d on the reverse was YES.

1. Complete name and address of primary firm affected by NAFTA:

Company Name	Division:
Address	
Contact Person	Telephone/ FAX:

2. Describe the article(s) produced by the primary firm: \_\_\_\_\_

3. Relationship of secondary firm to the primary firm (check one):

- Supply components/unfinished or semifinished goods to the primary firm.
- Assemble or finish products made by the primary firm.
- Other: (specify) \_\_\_\_\_

4. OPTIONAL: What percentage of secondary firm's (or subdivision's) business activity is directed to the primary firm? \_\_\_\_

Processing Instructions  
Petition for NAFTA Transitional Adjustment Assistance

Public reporting burden for this collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Trade Adjustment Assistance, U.S. Department of Labor, Room C-4318, 200 Constitution Avenue, N.W., Washington, DC 20210 and/or the Office of IRM Policy, U.S. Department of Labor, Room N-1301, 200 Constitution Avenue, N.W., Washington, DC 20210 (1205-0342).

**DO NOT SEND THE COMPLETED FORM TO EITHER OF THESE OFFICES**

**Background**

The North American Free Trade Agreement established a Transitional Adjustment Assistance Program to provide assistance for workers in firms directly impacted by imports from Canada or Mexico or by shifts in production to those countries. The transitional program provides affected workers with both rapid and early intervention and the opportunity to engage in long-term training while receiving income support. As part of the NAFTA Bridge Program, assistance is also available for workers in firms that were secondarily impacted, e.g. suppliers of components to firms directly impacted or assemblers/ finishers for the primary firm.

**Who may file a petition** - A petition may be filed by a group of three or more workers, including farm workers, by their union or other duly authorized representative (including community-based organizations) or by a company official. The workers on whose behalf a petition is filed must be, or have been, employed regularly at the firm or subdivision identified in the petition. Workers' employment must be, or have been related to the production of articles (products) described in the petition. If your firm does not produce an article (product), you cannot be certified for benefits and you should not file a petition.

**Assistance in preparing a petition** - Workers may request assistance in preparing a petition at any local employment security agency office.

**Filing a petition** - Petitions should be sent to the following address:

**General Instructions** - Print or type. Complete all items. If more space is needed, attach additional sheets to this form. If available, attach any supporting documents such as statements by officials of the firm or newspaper articles.

**Procedures for Applying for JTPA Title III National Reserve Account (NRA)  
Grants to Assist Secondarily-Affected Workers**

To meet the Administration's commitment to serve secondarily-affected workers, NRA funds will be available to cover the extraordinary costs of services. Since States are expected to initiate services to such workers consistent with existing policies and procedures for serving dislocated workers, States and substates may choose to fund the cost of some of these services with formula funds and will be expected to use Rapid Response funds for early intervention assistance to layoffs meeting or exceeding the Rapid Response threshold, according to State policy.

Applications for NRA funds to serve secondarily-affected workers may be submitted under the following circumstances:

1. The State may submit a request for funds under the emergency funding procedures in the NRA guidelines if: (1) the layoff covered in an approved designation of a worker group as secondarily-affected does not qualify for Rapid Response assistance; (2) some or all of the workers included in the worker group have not yet been enrolled in services or determined to no longer need assistance; and (3) the State does not have funds available to implement an appropriate recruitment and an early intervention service process for the group of certified secondarily-affected workers.

Such a request for funds may be submitted by the State only after a determination of eligibility as secondarily-affected has been issued by ETA.

2. The State may submit a streamlined request for funds to cover only the costs of the needs-related payments for secondarily-affected workers in need of retraining. This request may also be used to cover the costs of needs-related payments for primarily-affected workers who are not eligible for income support under the NAFTA-TAA program but would be eligible under the provisions of JTPA Title III.
3. The State may submit a request for funds to provide needed services to the workers under the Regular Project application requirements in the NRA guidelines.

The specific submission requirements for each of these application options are presented in the following paragraphs.

## **Application for Funds under Emergency Procedures**

Under this procedure, the application for funds will consist of an Initial Request and a Fully Documented Application.

The submission requirements for the Initial Request are:

- ▶ A Transmittal Letter from the Governor or the authorized State signatory official.
- ▶ A signed Standard Form (SF) 424 reflecting the estimate of the total NRA funds that will be needed to provide assistance to the group of workers.
- ▶ A signed copy of the National Reserve Account grant Assurances and Certifications.
- ▶ A copy of the determination by ETA that the workers are secondarily-affected.
- ▶ An explanation of the efforts made upon notification by the State NAFTA-TAA coordinator that a petition had been filed to contact and initiate services to the workers included in the petition.
- ▶ A description of the current status in providing services to workers included in the worker group; i.e., how many are enrolled and receiving services? how many have been determined to have obtained new employment?
- ▶ A description of the special outreach and other early intervention services that are planned.
- ▶ A Summary Budget that itemizes the costs of the special outreach and early intervention services and which provides an overall estimate of the costs of other services that are expected to be needed. The State's average cost per participant in the TAA program, plus an estimate of income support requirements based on the appropriate UI level in the State, may be used as the basis for this estimate.

If approved, an incremental grant award will be made to the State. The increment will not exceed the amount of funds needed for the special outreach and early intervention services plus 25% of the estimated costs for the other services.

The submission requirements for the fully documented application are:

- ▶ A Transmittal Letter from the Governor or Authorized Signatory.
- ▶ If the amount of funds being requested has changed from that reflected in the Initial Request, a signed SF 424 reflecting the revised amount.
- ▶ The number of workers that have been contacted and enrolled in services.
- ▶ A copy of the completed Reemployment Plans for each worker to be served through the grant.
- ▶ A completed Implementation Schedule, Project Line Item Budget, and Quarterly Expenditure Plan. The Project Line Item Budget must reflect the assumptions regarding the number of workers to receive NRPs, plus the number of weeks and the weekly amount of NRPs.

#### **Streamlined Request for Needs-Related Payments (NRPs)**

- ▶ A signed Standard Form (SF) 424.
- ▶ A signed copy of the NRA grant Assurances and Certifications.
- ▶ A copy of the determination by ETA that the workers are secondarily-affected.
- ▶ A copy of the completed Reemployment Plans for each worker to be served through the grant.
- ▶ A completed Implementation Schedule, Project Line Item Budget and Quarterly Expenditure Plan. The Project Line Item Budget must reflect the assumptions regarding number of workers to receive NRPs, plus the number of weeks and the weekly amount of NRPs.

#### **Application for Funds for a NRA Regular Project**

The submission requirements are the same as specified in the NRA guidelines.

The NRA guidelines can be found in the September 25, 1996 *Federal Register* on pages 50388-50401.