

## Chapter 14 – A/RTAA

RTAA is a wage subsidy for older workers to help bridge the gap in wages from those received at the certified company and those received at new employment. RTAA is available to eligible adversely affected workers under TGAAA of 2009, TAAEA of 2011 and TAARA of 2015 laws.

ATAA is a wage subsidy for older workers to help bridge the gap in wages from those received at the certified company and those received at new employment. ATAA is available to eligible adversely affected workers under TAA of 2002.

**Please Note: As outlined in Section 14-8, MWAs are encouraged to create or modify local processes and policies to reflect the OSMIS requirements for recipients of RTAA and ATAA benefits.**

### Section 14-1: RTAA

RTAA is available for adversely affected workers eligible for the TGAAA of 2009, TAAEA of 2011, or TAARA of 2015 benefits. RTAA provides a wage supplement benefit for adversely affected workers who are at least 50 years of age, and who obtain different, full-time or part-time employment at wages less than those earned in the adversely affected employment. While the adversely affected worker need not be 50 years of age when obtaining RTAA employment, RTAA payments would not be approved until age 50 is reached and would only be payable during the remaining eligibility period.

RTAA allows for the adversely affected worker to receive up to half the difference between their old wage and new wage. A separate group certification is not required for eligibility for RTAA benefits.

Intake and application for the RTAA benefit are the responsibility of the MWA. Determination of eligibility and payments for the RTAA benefit are the responsibility of the UIA/TRA Unit. The MWAs must assist adversely affected workers with filing the Form TAA-244: *A/RTAA Application* gathering required information and sending to the UIA/TRA Unit for processing.

For the purposes of the RTAA benefit, full-time employment is defined as employment that is equal to or exceeds 32 hours per week. The UIA/TRA Unit may verify that the adversely affected worker is considered a full-time employee. The UIA/TRA Unit reserves the right to waive the full-time requirement on a case-by-case basis.

Adversely affected workers collecting RTAA must be offered Case Management services. Full or part-time RTAA employment may be combined with full or part-time training. Job Search, Relocation, TRA, and the HCTC may also be used in conjunction with RTAA when appropriate.

Requests for reconsiderations and/or judicial review of RTAA determinations will be processed in the same manner as TRA appeals.

### RTAA Eligibility Requirements

To be eligible for RTAA, an adversely affected worker must meet each of the following conditions:

- 1) Be at least age 50 at the time of RTAA payment or has turned 50 during the RTAA eligibility period. The adversely affected worker's age can be verified with a driver's license or other appropriate documentation.
- 2) Be reemployed full-time or be reemployed at least 20 hours a week while attending full or part-time TGAAA of 2009, TAAEA of 2011, or TAARA of 2015, training.

- 3) Must not be projected to earn more than \$50,000 (\$55,000 for TGAAA of 2009) annually in gross wages (excluding overtime pay) from the reemployment. If a paycheck has not been issued at the time of application to RTAA, the employer must submit a supporting statement to the MWA indicating that annual wages will not exceed an annual income of \$50,000 (\$55,000 for TGAAA of 2009).
- 4) Cannot return to work at the certified firm from which the adversely affected worker was separated.
- 5) The Form TAA-244: *A/RTAA Application* must be filed within the adversely affected worker's RTAA eligibility period. Equitable Tolling should be considered in instances where the adversely affected worker has missed the application deadline. For purposes of this application and to establish the RTAA payment, wages at separation are defined as, "the annualized hourly rate at the time of the most recent separation," which is set forth in Section 14-3: RTAA Wage Calculation Methodology.

For determination of RTAA benefits, MWAs must submit each of the following documents to the UIA/TRA Unit:

- 1) Completed Form TAA-244 *A/RTAA Application*.
- 2) Copy of the adversely affected worker's check stub from the last full week of actual work at the certified company.
- 3) Proof of a qualifying reemployment verified with a copy of the job offer letter, and/or a check stub from the first full week of actual work.
- 4) When the last paystub is not available, all wage information relevant to the RTAA request should be submitted to the TRA Unit to assist in making a final determination on the wage subsidy amount. This can include the calculation used to arrive at an hourly wage amount using the W-2 or previous paystub.

The above-mentioned documents may be submitted to the UIA via fax at **517-636-0427** or via the USPS to:

**UIA - TRA Unit  
PO Box 169  
Grand Rapids, MI 49501-0169**

### **RTAA Eligibility Period**

Once approved for the RTAA benefit, adversely affected workers who continue to meet the eligibility criteria are paid RTAA benefits until a total of \$10,000 (\$12,000 for TGAAA of 2009) in benefit payments have been received or the eligibility period has expired.

The eligibility period calculation differs depending on whether or not the participant received any TRA benefits.

The eligibility period for workers who have not received TRA is a two-year period beginning the earlier of the following:

- The date of which the worker exhausts all rights to UIA benefits, based upon the adversely affected worker's separation date from the adversely affected employment.
- The date of which the adversely affected worker has become reemployed.

## Section 14-2: RTAA Total Dollar Amount of Payment Methodology when TRA has been Paid

The eligibility period for an adversely affected worker who has received TRA is the two-year period (generally 104-weeks) beginning with the date of reemployment, reduced by the number of weeks the adversely affected worker has received TRA.

RTAA Payment Variables:

**X= Eligibility Period**

(Eligibility Period (X): 104 Week Eligibility Period - # of weeks TRA received)

**Y= 104 Week Eligibility Period**

**Z= \$10,000 Maximum RTAA Benefit (\$12,000 for TGAAA of 2009)**

Formula:

$$(X/Y)*Z = \text{RTAA benefit}$$

Example:

26 weeks of TRA Received:

X=78 (104 Weeks – 26 Weeks)

Y=104

$$(78/104)*\$10,000 = \$7,500$$

An adversely affected worker that received 26 weeks of TRA payments may receive a maximum of \$7,500 in RTAA benefits.

## Section 14-3: RTAA Wage Calculation Methodology

O = Annualized Old Wages (also Annualized Separation Wages)

N = Annualized New Wages (also Annualized Reemployment Wages)

H = Variable percentage based on reduced Hours per Week (current hours per week /old hours per week)

Annualized Old Wages (O): Annualized wages are computed by multiplying the adversely affected worker's hourly rate during the last full week of his/her employment by the number of hours the adversely affected worker worked during the last full week of employment and multiplying that number by 52:

$$(\text{Hourly Rate} * \text{Hours Worked}) * 52$$

Annualized New Wages (N): Annualized wages at reemployment are defined similarly to annualized wages at separation, except that the hourly rate and hours worked must reflect those of the first full week of reemployment: (hourly rate \* hours worked) \* 52

Variable Percentage (H): This variable equals the quotient of the adversely affected worker's current hours per week divided by the worker's hours per week at the time of separation.

## Section 14-4: RTAA Wage Calculation Formulas

### Calculation for Full-Time Employment:

Annualized Separation Wages **minus** Annualized Reemployment Wages **multiplied by .50 equals** 50 percent of the difference between the two periods of wages. Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly RTAA wage subsidy.

$$\text{Monthly Benefit} = \frac{(O - N) * .50}{12}$$

### Calculation for Part-time Employment:

Annualized Separation Wages **minus** Annualized Reemployment Wages multiplied by H (the variable percentage based on reduced hours for part-time Annualized Reemployment Wages). Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly RTAA wage subsidy.

$$\text{Monthly Benefit} = \frac{[(O - N) * H * .50]}{12}$$

To determine the weekly annualized benefit amount change 12 to 52, or to determine the bi-weekly annualized benefit amount change 12 to 26.

If, as a result of the monthly verification exercise, the adversely affected worker's hourly wage and/or hours are determined to have changed in such a way as to affect the RTAA wage subsidy, the above calculation will be repeated, and the RTAA payment will be adjusted accordingly.

RTAA payments stop in the event of any one of the following:

- The adversely affected worker's annualized wages from reemployment are projected to exceed \$50,000 (\$55,000 for TGAAA of 2009) in a year.
- The adversely affected worker no longer meets the reemployment requirement through either full-time work or a combination of TAA-approved training and at least 20 hours of work.
- The adversely affected worker has received the maximum amount of RTAA.
- The adversely affected workers have reached the end of the RTAA eligibility period.

When applicable, MWAs will follow the interstate arrangement specified in TEGl 02-03, Change 1, Question 51, regarding the liable state/agent state relationship for the filing of RTAA claims.

The determination of "annualized wages" is made prospectively. An adversely affected worker is deemed to have met the "earns not more than \$50,000 a year in wages from reemployment" (\$55,000 for TGAAA of 2009) requirement for a given month if the monthly determination of annualized wages is accurate and complete at the time it is made. No overpayment determinations need be made for that month based on projections for the yearly annual wage that later changed based on information that was not available at the time that the monthly determination was made. Monthly payments derived from the annualized wage projection based on complete and accurate information at the time will be considered valid payments that the adversely affected worker was entitled to, and are not considered overpayments.

In instances where there are overpayments due to error or fraud, the TRA Unit may adhere to the overpayment provisions of the Trade Act regulations at 20 CFR 617.55.

## Section 14-5: ATAA

ATAA is available for adversely affected workers eligible for TAA of 2002 and provides a wage supplement benefit for older workers for which training may not be appropriate and who find re-employment. ATAA provides a wage subsidy to help bridge the salary gap between the adversely affected worker's old and new employment.

Intake and application for the ATAA benefit are the responsibility of the MWA. Determination of eligibility and payments for the ATAA benefit is the responsibility of the UIA/TRA unit. The MWAs must assist participants with filing the Form TAA-244: *A/RTAA Application* gather required information and send to the UIA/TRA Unit for processing.

The UIA/TRA unit may verify that the adversely affected worker is considered a full-time employee. The UIA/TRA unit reserves the right to waive the full-time requirement on a case-by-case basis.

Request for reconsiderations and/or judicial review of ATAA determinations will be processed in the same manner as TRA appeals.

### ATAA Eligibility Requirements

To be eligible for ATAA, an adversely affected worker must meet each of the following conditions:

- 1) Be at least age 50 years old at time of re-employment. The adversely affected worker's age can be verified with a driver's license or other appropriate documentation.
- 2) Obtain re-employment by the last day of the 26<sup>th</sup> week after the adversely affected worker's qualifying separation from the TAA/ATAA certified employment. Equitable Tolling should be considered in instances where the adversely affected worker has missed the application deadline. This re-employment may be verified with a copy of the job offer letter or a check stub.
- 3) Must not be expected to earn more than \$50,000 annually in gross wages (excluding overtime pay) from the reemployment. If a paycheck has not been issued at the time of application to ATAA, the employer must submit a supporting statement to the MWA indicating that annual wages will not exceed an annual income of \$50,000.
- 4) Be re-employed full-time as defined by the state law where the adversely affected worker is employed. The verification will be conducted in the same manner as is used for determining unemployment benefits.
- 5) Cannot return to work to the certified firm from which the adversely affected worker was separated. Thus, the adversely affected worker cannot return to the same division/facility that he or she was separated from, nor can the adversely affected worker do the same or similar work for the employer that he or she was separated from in another division/facility.

After the issuance of a certification of eligibility to apply for TAA and ATAA, and when the adversely affected worker is fully informed of the benefits and services available under the TAA and ATAA programs, the adversely affected worker will need to consider the choice of benefits and services under one program or the other.

**Selection of the ATAA program forfeits the adversely affected worker's eligibility for TAA Training, Job Search Allowances, Relocation Allowances, and TRA benefits. Additionally, selection of TAA Training forfeits the adversely affected worker's eligibility for ATAA.**

If the adversely affected worker's preferred option is the ATAA program, he/she should be encouraged to take advantage of re-employment services and assistance with the goal of returning to work within 26 weeks of his/her qualifying separation in order to be eligible for ATAA.

While an adversely affected worker is seeking employment to qualify for the ATAA program, actions must be taken to ensure regular TAA deadlines are met and options are preserved.

The Form TAA-244: *A/RTAA Application* must be filed within the adversely affected worker's ATAA eligibility period. For purposes of this application, and to establish the ATAA payment, wages at separation are defined as the annualized hourly rate at the time of the most recent separation, which is set forth in Section 14-7: ATAA Wage Calculation Methodology.

For determination of ATAA benefits, the MWAs must submit each of the following documents to the UIA/TRA Unit:

- 1) Completed Form TAA-244 *A/RTAA Application*.
- 2) Copy of the adversely affected worker's check stub from the last full week of actual work at the company.
- 3) Proof of a qualifying reemployment verified with a copy of the job offer letter, and/or a check stub from the first full week of actual work.
- 4) When the last paystub is not available, all wage information relevant to the ATAA request should be submitted to the TRA Unit, to assist in making a final determination on the wage subsidy amount. This can include the calculation used to arrive at an hourly wage amount using the W-2 or previous paystub.

The above-mentioned documents may be submitted to the UIA via fax at **517-636-0427** or via the USPS to:

**UIA - TRA Unit  
PO Box 169  
Grand Rapids, MI 49501-0169**

**Please note:** MWAs should explicitly explain that the election of ATAA benefits forfeits the eligibility for future TAA training, job search allowances, relocation allowances, and TRA benefits.

### **ATAA Eligibility Period**

Once approved for the ATAA benefit, adversely affected workers who continue to meet the eligibility criteria are paid ATAA benefits until a total of \$10,000 in benefit payments have been received or the eligibility period has expired.

The eligibility period calculation differs depending on whether or not the participant received any TRA benefits.

The eligibility period is a 104-week period beginning the earlier of the following:

- The date of which the adversely affected worker exhausts all rights to UIA benefits based upon the adversely affected worker's separation date from the adversely affected employment.
- The date of which the adversely affected worker has become reemployed.



## Section 14-6: ATAA Wage Calculation Methodology

O = Annualized Old Wages (also Annualized Separation Wages)

N = Annualized New Wages (also Annualized Reemployment Wages)

H = Percentage based on reduced Hours per Week (current hours per week divided by old hours per week)

Annualized Old Wages (O): Annualized wages are computed by multiplying the adversely affected worker's hourly rate during the last full week of his/her employment by the number of hours the adversely affected worker worked during the last full week of employment and multiplying that number by 52:

(Hourly Rate \* Hours Worked) \* 52

Annualized New Wages (N): Annualized wages at reemployment are defined similarly to annualized wages at separation except that the hourly rate and hours worked must reflect those of the first full week of reemployment: (hourly rate \* hours worked) \* 52

Percentage (H): This variable equals the quotient of the adversely affected worker's current hours per week divided by the worker's hours per week at the time of separation.

## Section 14-7: ATAA Wage Calculation Formulas

Annualized Separation Wages **minus** Annualized Reemployment Wages **multiplied by .50 equals** 50 percent of the difference between the two periods of wages. Fifty percent of the difference between the two periods of wages **divided by 12 equals** the monthly ATAA wage subsidy.

$$\text{Monthly Benefit} = \frac{(O - N) * .50}{12}$$

If, as a result of the monthly verification exercise, the adversely affected worker's hourly wage and/or hours are determined to have changed in such a way as to affect the ATAA wage subsidy, the above calculation will be repeated, and the ATAA payment will be adjusted accordingly.

ATAA payments stop in the event of any one of the following:

- The adversely affected worker's annualized wages from reemployment are projected to exceed \$50,000 in a year.
- The adversely affected worker does not meet the reemployment requirement through to maintain full-time work.
- The adversely affected worker has received the maximum amount of ATAA payments.
- The adversely affected worker has reached the end of the ATAA eligibility period.

When applicable, MWAs will follow the interstate arrangement specified in TEGl 02-03, Change 1, Question 51, regarding the liable state/agent state relationship for the filing of ATAA claims.

The determination of "annualized wages" is made prospectively. An adversely affected worker is deemed to have met the "earns not more than \$50,000 a year in wages from reemployment" requirement for a given month if the monthly determination of annualized wages is accurate and complete at the time it is made. No overpayment determinations need be made for that month based on projections for the yearly annual wage that later changed based on information that

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was not available at the time that the monthly determination was made. Monthly payments derived from the annualized wage projection based on complete and accurate information at the time will be considered valid payments that the adversely affected worker was entitled to and are not considered overpayments.

In instances where there are overpayments due to error or fraud, the TRA Unit may adhere to the overpayment provisions of the Trade Act regulations at 20 CFR 617.55.

### **Section 14-8: A/RTAA Activities in OSMIS**

**Please Note:** To ensure proper reporting of adversely affected workers receiving ATAA or RTAA "A/RTAA" in accordance with the TAA Data Integrity Initiative, MWAs are required to capture A/RTAA activities in the OSMIS.

**Official notification of a worker's A/RTAA eligibility will not be provided to the MWA, however the TAA MWA Quarterly Reports will include the A/RTAA activity Start Date and End Date to be entered into the OSMIS if no date has yet been entered.**

The MWAs are required to enter an A/RTAA activity into the OSMIS once the worker has been deemed eligible for A/RTAA. The first payment date/start date should be entered on the RTAA Activity screen. However, the MWAs will need to request that date and the RTAA end date from the WDA at [TAA@michigan.gov](mailto:TAA@michigan.gov). Additionally, any change in the status of the A/RTAA benefits, such as commencement or when benefits have exhausted, must be communicated by the adversely affected worker to the MWA for appropriate reporting.