

008. 2.5-08 + 20

800. FEDERAL ALLOWANCE AND READJUSTMENT PROGRAMS

Since 1972 three continuing Federal programs were enacted to provide assistance or incentive payments to workers either totally or partially unemployed as a result of reasons that cannot be attributed to the actions of any prior employer. Unlike the Federal-State unemployment insurance system, payments under these programs are financed solely through Federal funds and the conditions to be met for payment are governed by Federal law.

805 TRADE READJUSTMENT ALLOWANCES (TRA)

The Trade Act of 1974, among other things, provides for assistance to workers who are unemployed or underemployed because of the adverse effect of increased imports as a result of trade arrangements permitted under the Act. Direct worker assistance provided by the Act consists of trade readjustment allowances, relocation and job search allowances, and subsistence and transportation allowances during periods of referred training.

The Secretary of Labor has entered into agreements with State employment security agencies whereby such agencies will act as agents for the Federal Government in paying allowances to eligible workers. Payments and administrative costs are paid from Federal funds.

805.01 Certification process.--Workers are certified as eligible to apply for adjustment assistance if a group of three or more workers, or a certified or recognized union or duly authorized representative petitions the Secretary of Labor for a determination of eligibility to apply for adjustment assistance and the Secretary determines that the importation of competitive foreign products has contributed importantly to the loss of employment at the firm mentioned in the worker's petition. Claims for trade readjustment allowances are to be filed in the local office of the State agency most convenient to the claimant. The paying State is the State in which the worker was last separated from adversely affected employment, with one exception. If the worker is entitled to State or Federal unemployment insurance in another State, this latter State is the paying State. The availability and disqualification provisions of the unemployment insurance law of the TRA-paying State apply to any worker who files a TRA claim. Once determined, the paying State remains the same unless the claimant subsequently becomes eligible for unemployment insurance in another State, or, if not, if he subsequently has another total or partial separation from adversely affected employment in another State. Associating the responsibility for paying TRA with eligibility for State or Federal unemployment insurance is intended to eliminate duplication of payments for the same week. The claimant's maximum weeks of TRA entitlement are reduced for each week in which he is eligible to receive a payment of TRA, State or Federal unemployment insurance, railroad unemployment benefits, or a training allowance.

805.02 Qualifying requirements.--To qualify for these allowances, the worker must have had at least 26 weeks of employment at wages of at least \$30 a week within the 52-week period immediately preceding his total or partial separation from adversely affected employment. Such 26 weeks of employment must be in adversely affected employment with a single firm or a subdivision of a single firm.

ALLOWANCES

805.03 Duration.--Generally, trade readjustment allowances are payable up to 52 weeks; however, a worker who is 60 years of age or older when separated from adversely affected work may receive up to 26 additional weeks of allowances. To permit the completion of approved training, up to 26 additional weeks of benefits may be paid. In no case, however, may any one individual be paid more than 78 weeks of trade readjustment allowances during the life of a single certification.

805.04 Subsistence and transportation allowances.--An adversely affected worker may receive TRA while undergoing training under any State or other program approved for him. He may also receive subsistence and transportation allowances while attending training under any other training under a Federal law to which he is referred if such training to which he is referred is conducted at a facility which is not within commuting distance of his residence.

805.05 Relocation allowances.--Relocation allowances are payable under the Act to a totally separated worker who has no reasonable expectation of securing work in the area in which he lives, and who has a bona fide offer of work, which is neither seasonal nor temporary, in the area in which he wishes to relocate. Relocation allowances consist of (1) a lump-sum payment and (2) 80 percent of the expenses incurred in moving the worker, his family and household effects to the location of his new job. In order to be eligible to receive relocation allowances the worker must be eligible to receive TRA for the week in which the relocation allowance application is filed.

805.06 Job search allowances.--Job search allowances are payable under the Act to a totally separated worker who has no reasonable expectation of securing work in the area in which he lives, and who has a reasonable expectancy of securing suitable employment in the area of the proposed job search. Job search allowances consist of 80 percent of the cost of the necessary expenses incurred in the job search up to a maximum of \$500 under a single certification.

810 WORK INCENTIVE PROGRAM (WIN)

The 1967 amendments to the Social Security Act added a program under Part C of Title IV in connection with Aid to Dependent Children and Unemployed Parents to provide incentive and assistance to appropriate persons to become economically independent through employment.

The Act establishes three priorities of assistance. The first priority is to assist a worker to obtain employment. If the worker cannot immediately be placed in employment he may be placed in training under a second priority. A worker not served under priorities one and two may be placed in special work projects under priority three.

Workers under priority two are provided incentive payments semi-monthly in the amount of \$15 per payment. Workers employed in priority three may receive supplemental assistance on a graduated basis related to the amount of public assistance otherwise payable to him taking into account earnings received in his employment in the special work projects. Child care and expense allowances related to his participation in the WIN program also are provided under the Act.

815 DISASTER UNEMPLOYMENT ASSISTANCE (DUA)

The Disaster Relief Act of 1974, Public Law 93-288, Section 407, authorizes the President to provide to any individual unemployed as a result of a major disaster such assistance as he deems appropriate while the individual is unemployed. Payments

ALLOWANCES

under this Act are made by State unemployment insurance agencies under agreements with the Secretary of Labor. Funds for both assistance payments and administrative costs are provided by the Federal Disaster Administration (HUD) to the Secretary who, in turn, makes them available to the States.

815.01 Eligibility.--In general, the Regulations provide that individuals living or working in those areas affected by a major disaster, who are unemployed because of the disaster, are eligible for DUA if they are not eligible for other wage replacement payments and meet certain requirements. Applications for DUA must be filed within thirty days of the Governor's announcement of a disaster in the State; the unemployment must be directly caused by the disaster; and individuals must be able and available for suitable work.

815.02 Disaster assistance period.--Each applicant establishes a uniform disaster assistance period beginning with the first day of the week that includes the announced date of the major disaster. During the disaster assistance period, DUA is available to an individual as long as his unemployment caused by the disaster continues or until he is reemployed in a suitable position, but no longer than one year after the major disaster is declared.

815.03 Weekly assistance amount.--Except in the Canal Zone, Guam, American Samoa and the Trust Territory of the Pacific Islands, the weekly disaster unemployment assistance amount is whichever of the following is greater: (1) the amount of the average weekly regular unemployment compensation payment (including allowances for dependents) in the State in which the major disaster occurred; or (2) the weekly amount to which an individual would have been entitled under the State law for a week of total unemployment had all his work and wages been included as employment and wages under such State law.

815.04 Deductions.--The disaster unemployment assistance payable to an applicant for a week shall be reduced by the amount of any of the following that an applicant has received for the week or would receive for the week if he filed a claim or application: (1) regular, additional, or extended unemployment compensation; (2) trade readjustment allowances; (3) any compensation or insurance from any source for loss of wages due to illness or disability; (4) supplemental unemployment benefits (SUB) pursuant to a collective bargaining agreement; (5) basic weekly allowances under the Comprehensive Employment and Training Act of 1973; (6) private income protection; (7) workmen's compensation by virtue of death of head of household; and (8) the amount of retirement pension or annuity under a public or private retirement plan or system if such amount is deductible under the State law. In addition, the weekly DUA amount will be reduced by the amount of wages that the applicant earns in a week as determined by applying to the wages the earning allowance for partial or part-total unemployment prescribed by the applicable State law.