

## **Trade Adjustment Assistance Benchmark and Waiver Policy For Trade 2002, 2009, and 2011**

### **References:**

Trade Adjustment Assistance Extension Act of 2011 ; Trade and Globalization Assistance Act of 2009; The Trade Adjustment Assistance Reform Act of 2002; the Trade Act of 1974, as amended; the Workforce Investment Act of 1998; Omnibus Trade Act of 2010; State Plan; 20 CFR part 617 and 618; 29 CFR part 90; TEGL 21-00; TEGL 11-02; TEGL 2-03; TEGL 22-08; TEGL 06-09; TEGL 16-10; TEGL 08-11; and TEGL 10-11; TEGL 7-13; TEN 2-13; and TEN 15-13.

### **Background:**

The TAA program was first established at the U.S. Department of Labor (USDOL) under Title II of the Trade Act of 1974, as a tool to retrain trade-impacted participants and help them find suitable employment. The TAA program has a two-step process for participants to obtain program benefits. First, a group of participants, or other specified entities, must file a petition for certification of eligibility to apply for TAA benefits and services with Office of Trade Adjustment Assistance (OTAA) in the Department's Employment and Training Administration (ETA) and the state in which the participants' firm is located. A petition will be certified by a Certifying Officer in OTAA after finding the statutory criteria that test whether the group of participants was adversely affected by international trade have been met. Second, participants who are part of a group covered under a certified petition may apply individually to a state for TAA benefits and services. States administer the TAA program as agents of the Secretary of Labor through a state agency or agencies designated as the Cooperating State Agency (CSA) in an agreement between the Governor and the Secretary. In Nebraska, the Nebraska Office of Employment and Training (OET) of the Nebraska Department of Labor (NDOL) is responsible for the determination of participant eligibility to receive TAA services.

Since its first enactment in 1974, the Trade Act has been amended numerous times. Likewise, the TAA program's rules and requirements have evolved with each new law. Four sets of laws are still in use today: the 2002 amendment, the 2009 amendment, the 2011 amendment, and the 2014 Reversion Law. The program rules and requirements for TAA participants may differ substantially by Trade Act year. This policy details the specific waiver and benchmark requirements for TAA participants, according to trade year. Additionally, this policy outlines the responsibilities of the case manager in regards to TAA waivers and benchmarks.

### **Action:**

After the 10 day public review period, this policy is considered final. Questions and comments should be submitted in writing to Stan Odenthal, Policy Coordinator, [stan.odenthal@nebraska.gov](mailto:stan.odenthal@nebraska.gov).

## Policy:

### Waivers

A TAA Waiver is a written statement to an adversely affected participant waiving the requirement to be enrolled in training and may be valid for a specified period of time between sixty days and no longer than six months at a time. The waiver must be reviewed every 28 days using the OET Waiver of Training Participation form (see Attachment A).

#### **Available Waivers (Under All TAA Program Years)**

Waivers of training result from a finding by the case manager that it is not feasible or appropriate to approve a training program for a participant because of one or more of the following reasons:

1. **Health** - The participant is unable to participate in training due to his/her health. A waiver of training due to health reasons shall not be construed to exempt the participant from requirements relating to the availability for work, active search for work, or refusal to accept work under Federal or State unemployment compensation laws.
2. **Enrollment Unavailable** - The first available enrollment date for the approved training of the participant is *within 60 days* after the date of the "enrollment unavailable" determination, or, if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.
3. **Training Not Available** - Training approved by the Secretary is not reasonably available to the participant from either governmental agencies or private sources (which may include employers and area vocational education schools, as defined in Section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998), no training suitable for the participant is available at a reasonable cost, or no training funds are available.

A preliminary assessment of each trade affected participant's skills must be carried out to identify participants for whom immediate enrollment in training is appropriate. The completed assessment of pre-training skills must be included in each participant's case file. The Individualized Education Plan (IEP) must be developed before a waiver is issued. In Nebraska, all waivers shall be reevaluated every 28 days for the duration of the waiver period. Information related to waiver status shall be shared with the TRA benefit payment staff since changes may impact continued receipt of weekly benefits, if available.

Waivers are limited to a maximum duration of six months unless an extension is authorized by the State Trade Unit. This means a waiver issued during a participant's UI period often will not cover the participant's entire entitlement to basic TRA.

#### **Additional Waivers of Training (Only for TAA under 2002 and 2009)**

Waivers of training resulting from a finding that it is not feasible nor appropriate to approve a training program for a participant because of one or more of the following reasons:

1. **Recall** - The participant has been notified that he/she will be recalled by the firm from which the separation occurred.
2. **Marketable Skills** - The participant possesses marketable skills for suitable employment and there is a reasonable expectation of employment at equivalent wages in the foreseeable future. The term "marketable skills" may include the possession of a postgraduate degree.

3. **Retirement** - The participant is within two (2) years of meeting all requirements for entitlement to either old-age insurance benefits under Title II of the Social Security Act or a private pension sponsored by an employer or labor organization.

A waiver should be considered after all assessments, labor market information, and other case management services have been completed, and it is found that: 1) the participant is not able to be enrolled into training within 30 days; and 2) that the participant's enrollment would exceed the enrollment deadlines for their Trade certification year. A waiver extends enrollment and saves the Trade Readjustment allowances for participants that want to participate in training. A waiver should be considered a last option and only used after all preliminary assessments/case management services have been completed, if the participant cannot be enrolled into training on time, and enrollment deadlines are about to expire.

<b>Waiver Types Allowed by Program</b>				
<b>Waiver Type</b>	<b>2002</b>	<b>2009</b>	<b>2011</b>	<b>Reversion 2014*</b>
Enrollment Unavailable	✓	✓	✓	✓
Health	✓	✓	✓	✓
Marketable Skills	✓	✓		
Recall	✓	✓		
Retirement	✓	✓		
Training Unavailable	✓	✓	✓	✓

\*For Reversion 2014 waiver policies, please refer to NDOL Office of Unemployment Insurance policies.

### **Deadlines, Reviews, and Start Dates**

For TAA participants not enrolled in a TAA approved training program, a waiver must be approved using the OET Waiver of Training Participation form and must be completed by the following deadlines:

#### **TAA 2002**

The last day of the 8th week after the week in which the Secretary issues a certification covering the participant or the last day of the 16th week after the participant's most recent total separation from adversely affected employment, whichever is later.

#### **Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA)**

The last day of the 26th week after the week in which the Secretary issues a certification covering the participant or the last day of the 26th week after the participant's most recent total separation from adversely affected employment, whichever is later.

#### **Trade Adjustment Assistance Extension Act of 2011 (TAAEA)**

The last day of the 26th week after the week in which the Secretary issues a certification covering the participant or the last day of the 26th week after the participant's most recent total separation from adversely affected employment, whichever is later.

All waivers must be signed by **both** the TAA applicant and by State Merit Staff. The waiver must have final approval or denial from State Merit Staff after acknowledgement of the applicant's signature. Subsequent reviews must be documented in NEworks under comments **every 28 days**.

The start date for all waivers shall be the date signed by the participant. This date must match the start date of the NEworks waiver “activity” and “entry”.

It is **never** appropriate to back date a waiver. This is **strictly prohibited** and creates a false eligibility for TRA.

### **Benchmarks (TAA under 2011)**

The Trade Adjustment Assistance Extension Act of 2011 (TAAEA) established a new category of Trade Readjustment Assistance (TRA) referred to as “Completion TRA”.

Completion TRA will provide up to 13 extra weeks of income support, within a 20 week time period, after all other Unemployment and TRA funds have been exhausted, if the TAA participant is still in an approved TAA training program at that time. In order for TAA participants to be eligible for, and collect Completion TRA, they must meet all 5 criteria listed below:

1. The requested weeks are necessary for the participant to complete a training program that leads to completion of a degree or industry recognized credential; and
2. The participant is participating in training in each such week; and
3. The participant has substantially met the performance benchmarks established in the approved training plan (See below for more detailed information); and
4. The participant is expected to continue to make progress toward the completion of the approved training; and
5. The participant will be able to complete the training during the period authorized for receipt of Completion TRA.

These five requirements are applied at the time that the state approves payment for a week of Completion TRA. If during the period in which a participant is eligible to receive Completion TRA, the participant ceases to meet any of the five conditions listed above, the state may no longer pay Completion TRA.

Completion TRA aligns with the USDOL’s larger aim to increase the completion of recognized credentials. It provides participants with up to 13 additional weeks of TRA within a 20 week period in order to complete the training plan. If the participant receives these additional 13 weeks of cash assistance beyond the general eligibility period, the participant shall receive a total of 130 weeks of training and cash assistance.

In order to account for breaks in training, the Secretary has determined the eligibility period for Completion TRA will be the 20-week period beginning with the first week in which a participant files a claim for Completion TRA.

Benchmarks have been established for TAA participants. As a result, at a minimum every 60 days participants in training programs must meet established benchmarks. These benchmarks assist in monitoring the progress of participants to ensure the participant remains in satisfactory academic standing and on track to complete training within the agreed upon timeframe.

In order for Completion TRA to be collected, the Benchmark Agreement must be signed (see Attachment B), and performance benchmarks must be established using the OET Training Benchmark Progress Report (see Attachment C). The benchmark criteria must be outlined in detail in the participant’s Individual Employment Plan (IEP). In order to determine that the participant has substantially met the performance benchmarks established in the approved training plan, the student’s progress is evaluated, at a minimum, every 60 days on the OET Training Benchmark Progress Report. This determinations is part of case management.

During each benchmark period (60 days) the following two Benchmarks must be met:

1. Participant is maintaining satisfactory academic standing (i.e. not on probation or determined to be “at risk” by the instructor or training institution); and
2. Participant is on schedule to complete training within the timeframe identified in the approved training plan.

It is the responsibility of the TAA participant to obtain the information and signatures required for the OET Training Benchmark Progress Report, and to ensure the Report is received by their Case Manager in the time required. Except when a representative of the institution where the training participant is attending has access to updated grade information for all classes being attended by the participant, a participant will be required to have one Progress Report completed for each class.

At the end of each Benchmark Period, the Case Manager will scan all completed/uncompleted benchmark progress report forms into ECM and email the State Trade Unit and UI/TRA with the following information:

1. Participant's Name
2. StateID/SSN
3. Training Dates
4. Benchmark Period

All supporting documentation used to determine if a participant has met required training benchmarks, shall be kept in the participant's file either electronically or at the local office. All participant records should be kept in accordance with the OET Record Retention Policy accessible online at <http://www.dol.nebraska.gov/center.cfm?PRICAT=3&SUBCAT=8C>.

#### **Failure to Meet Benchmarks:**

If a TAA participant fails to meet a benchmark, a first warning (see Attachment D) will be issued requiring the participant's signature acknowledging why the benchmark was failed and the action plan to ensure future benchmarks will be met. If a second benchmark is failed, a second warning (see Attachment E) will be issued requiring the participant's signature acknowledging why the benchmark was failed. A modification to the training plan **must** be issued for a second failed benchmark or the participant will no longer be eligible for Completion TRA.

Case Managers must verify benchmarks have been met a minimum of every 60 days for Trade 2011. Case Managers are required to notify the State Trade Unit and UI/TRA regarding any failed benchmarks, modifications to training plans, and if a participant will no longer be eligible for Completion TRA.

**Note:** The verification training benchmarks is required for 2011 Trade petitions. It is highly recommended practice for all Trade participants no matter their Trade certification year. The progress of all Trade participants should be verified and monitored by their case manager to help ensure long-term success.

TAA under 2002 and 2009 Verifying Progress	
Progress Verification Requirements	Examples
Narration in NEworks	Narration must include: <ul style="list-style-type: none"> <li>• Name of person contacted with contact information listed</li> <li>• Summary of the information provided</li> </ul>
Verification	<ul style="list-style-type: none"> <li>• School Progress Report</li> <li>• Grades</li> <li>• OET Training and Progress Report</li> <li>• Other documents verifying progress</li> </ul>

TAA under 2011 Benchmark Requirements		
Requirements	Verifications	Required Action
<b>Benchmarks must be verified every 60 days. Required benchmarks are:</b> <ul style="list-style-type: none"> <li>• Maintain satisfactory academic standing</li> <li>• On track to finish within negotiated timeframe identified in the approved training individualized employment plan.</li> </ul>	NDOL OET Training and Benchmark Progress Report.	<ul style="list-style-type: none"> <li>• Review the required documentations.</li> <li>• Narrate in NEworks if the benchmark is satisfied</li> <li>• Put signed OET Training and Progress Report into ECM</li> </ul>
<b>1<sup>st</sup> Missed Benchmark</b>		<ul style="list-style-type: none"> <li>• Review any and all documentation received</li> <li>• Send correspondence indicated missed benchmark, give warning</li> <li>• Narrate actions in NEworks</li> <li>• Modify IEP as necessary</li> </ul>
<b>2<sup>nd</sup> Missed Benchmark</b>		<ul style="list-style-type: none"> <li>• Review and all documentation</li> <li>• Meet with customer to modify plan</li> <li>• Plan <u>must be</u> modified to qualify for completion TRA</li> <li>• Narrate all actions in NEworks</li> </ul>

Nebraska Department of Labor  
Office of Employment & Training Services  
**WAIVER OF TRAINING PARTICIPATION**

- ☐ **THE TRADE ADJUSTMENT ASSISTANCE REFORM ACT OF 2002 (TAARA)** (Petitions 50,000 - 69,000)  
(The last day of the 8<sup>th</sup> week after the week in which the Secretary issues a certification covering the worker or the last day of the 16<sup>th</sup> week after the worker's most recent total separation from adversely affected employment, whichever is later.)
- ☐ **TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT OF 2009 (TGAAA)** (Petitions 70,000 - 79,000)  
(The last day of the 26<sup>th</sup> week after the week in which the Secretary issues a certification covering the worker or the last day of the 26<sup>th</sup> week after the worker's most recent total separation from adversely affected employment, whichever is later.)
- ☐ **TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011 (TAAEA)** (Petitions 81,000 - 84,000)  
(The last day of the 26<sup>th</sup> week after the week in which the Secretary issues a certification covering the worker or the last day of the 26<sup>th</sup> week after the worker's most recent total separation from adversely affected employment, whichever is later.)

Applicant's Name	Social Security Number(last 4) XXX-XX-	American Job Center or NDOL Location	Date
Petition Number	Impact Date	Certification Date	Expiration Date
<p>This Section to be completed for the Initial Waiver only. The worker has met the Qualifying Requirements for Trade Readjustment Allowances (TRA), and the Enrollment in Training or Waiver from Training Requirement of Section 231(a)(5)(A) of the Trade Act of 1974 (19U.S.C. 229(a)(5)(A)) as amended, which states: "the enrollment...occurs no later than the latest of:</p> <p>(I) the last day of the 8<sup>th</sup> or 26<sup>th</sup> week after the week in which the Secretary issues a certification covering the worker,</p> <p>(II) the last day of the 16<sup>th</sup> or 26<sup>th</sup> week after the worker's most recent total separation from adversely affected employment, or</p> <p>(III) forty-five (45) days after the later of the dates specified in (I) or (II), if there are extenuating circumstances that justify an extension of the enrollment period."</p> <p>This waiver is issued for the following reason(s) for up to a period of 6 months and <u>must be reviewed every 28 days</u>:</p> <p style="text-align: center;">FROM _____ TO _____</p>			
Enrollment in training requirement may be waived for one or more of the following reasons apply:			
<input type="checkbox"/>	<b>HEALTH</b>	The applicant is unable to participate in training due to his/her health.	
<input type="checkbox"/>	<b>ENROLLMENT UNAVAILABLE</b>	The first available enrollment date for the applicant's approved training is within 60 days after the date of this waiver.	
<input type="checkbox"/>	<b>TRAINING NOT AVAILABLE</b>	Suitable training is not available: <input type="checkbox"/> at a reasonable cost <input type="checkbox"/> no training funds are available <input type="checkbox"/> not reasonably available from either governmental agencies or private sources	
<input type="checkbox"/>	<b>RECALL</b> (Not applicable for 2011)	Applicant has been notified that he/she will be recalled by the firm from which separation occurred. (File must contain written notice of recall from the company.)	
<input type="checkbox"/>	<b>RETIREMENT</b> (Not applicable for 2011)	Applicant is within two years of meeting all requirements for entitlement to: <input type="checkbox"/> Old-age insurance benefits under Title II of the Social Security Act <input type="checkbox"/> A private pension sponsored by an employer or labor organization	
<input type="checkbox"/>	<b>MARKETABLE SKILLS</b> (Not applicable for 2011)	Applicant has marketable skills for suitable employment. There is reasonable expectation of employment at equivalent wages in the foreseeable future.	
<b>REVOCATION:</b> This waiver shall be revoked when it is determined the reason specified above is no longer applicable. Failure to report may cause interruption of benefits or revocation of this waiver.			
<b>CERTIFICATION:</b> I understand in order to receive weekly Basic Trade Readjustment Allowances (TRA) while on a waiver I must make a systematic and sustained search for work, which is a minimum of 3 contacts per week, and keep accurate records of such search. I further understand the law provides penalties for willful misrepresentation made to obtain benefits and allowances to which I am not entitled. Failure to follow instructions on the 28-day waiver reviews or appointments may result in loss of Basic TRA benefits.			
<b>APPEAL RIGHTS:</b> If you feel this determination is incorrect, you have a right to a hearing before an Appeal Tribunal, providing you file a timely notice of appeal in writing, which must clearly state that you are appealing and the reasons why you believe this determination to be incorrect. Your notice of appeal and such reasons must be received at the office issuing this determination within twenty (20) days after the date this determination is mailed.			
Applicant Signature			Date
Case Manager Signature			Date
State Merit Staff Management/State Trade Unit Signature			Date

**FOR AGENCY USE ONLY**

Applicant's Social Security #	Name	Petition Number
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☐ Waiver Denied or Revoked *(Explain in Detail)*

28-DAY REVIEW OF WAIVER OF TRAINING PARTICIPATIONS		
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review
Signature of Case Manager	Date	Date of Next Review

**REVOCATION**

This waiver shall be revoked when it is determined the reason specified above is no longer applicable. Failure to report may cause interruption of benefits or revocation of this waiver.

Waiver is revoked for the following reason(s)

- ☐ Training is now available
- ☐ Training funds are available
- ☐ Recall is cancelled
- ☐ Worker does not have marketable skills
- ☐ Customer is now in training
- ☐ Other (explain) \_\_\_\_\_

Effective Date of Revocation: \_\_\_\_\_

Case Manager Signature	Date
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**Nebraska Department of Labor**  
550 S 16<sup>th</sup> Street, P.O. Box 94600  
Lincoln, Nebraska 68509-4600

**Trade Training Plan**  
**TAA Approved Training Benchmark Agreement**

Name: \_\_\_\_\_ Social Security Number: XXX-XX- \_\_\_\_\_  
Trade Employer Name: \_\_\_\_\_ Petition Number: \_\_\_\_\_  
Trade Training Dates: Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_  
Waiver Dates (if applicable): Issue Date: \_\_\_\_\_ End Date: \_\_\_\_\_

In order to meet eligibility requirements to receive 13 weeks of Completion TRA, the following Benchmarks must be met and verified every \_\_\_\_\_ days:

- Maintain a cumulative 2.0 GPA or the grade required by the school for your individual course/degree.
- Complete your TAA approved training by the expected graduation date on your training application.
- Meet all attendance requirements for academic courses you enroll in.

By signing below, I agree to:

- Contact my instructors or the academic institution to obtain verification of benchmarks by the method requested every \_\_\_\_\_ days. I understand that it is my responsibility to ensure my Case Manager receives/returns those verifications.
- Notify my Case Manager and the TRA Program Coordinator if I am not making satisfactory progress in my classes or if I will not graduate by my agreed upon graduation date.
- Authorize Nebraska Department of Labor to provide a copy of this agreement to the following training institution: \_\_\_\_\_
- Contact my Case Manager before withdrawing from any course(s) or before making changes in my TAA approved training program.
- I understand that if I fail to achieve benchmarks twice, or I fail to provide the required verification of Training Benchmarks while enrolled in TAA approved training, I could lose eligibility to receive Completion TRA.
- Completion TRA (TEGL 10-11 Section C.3) provides up to 13 more weeks of TRA in order to complete a training plan only if participating in TAA (Trade) approved training and Basic and Additional TRA have exhausted. You may qualify for up to 13 weeks of Completion TRA where all of the following five additional criteria are met:

Please Initial next to each item

\_\_\_\_\_ The requested weeks are necessary for you to complete a training program that leads to completion of a degree or industry-recognized credential; and

\_\_\_\_\_ You are participating in training in each such week; and

\_\_\_\_\_ You have substantially met the performance benchmarks established in your approved training plan (you have maintained satisfactory academic standing and are scheduled to complete training within your training plan's specified timeframe); and

\_\_\_\_\_ You are expected to continue to make progress toward the completion of the approved training; and

\_\_\_\_\_ You will be able to complete the training during the period authorized for receipt of Completion TRA.

Participant Signature \_\_\_\_\_ Date \_\_\_\_\_  
Case Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

cc: client file/ecm  
State TRA Coordinator  
State Trade Coordinator

NEBRASKA DEPARTMENT OF LABOR  
OFFICE OF EMPLOYMENT & TRAINING SERVICES  
TRAINING BENCHMARK PROGRESS REPORT

Participant's Name	Petition Number	Issue Date
Training Facility:	Benchmark Period	
	Return to:	
	Phone: (     )     -	
	Fax:    (     )     -	

IMPORTANT INFORMATION - DEADLINE FOR REPLY

Training Start Date:                      Training End Date:                      Name of Program:

In accordance with your Trade Adjustment Assistance Training Contract, you are required to maintain satisfactory academic standing and complete your training by the end date specified above. Please have a designated representative from the training facility (i.e. Trainer/Guidance Counselor/Teacher) sign and complete the required section below. Please return this form to your American Job Center or Nebraska Department of Labor representative by the date listed above.

- Q1:     Student is maintaining satisfactory academic standing (e.g. not on probation or determined to be "at risk" by the instructor or training institution)     ☐ Yes     ☐ No
- Q2:     Student is on schedule to complete training within the timeframe identified in the approved training plan (dates specified above)     ☐ Yes     ☐ No

If "No" was selected for any of the above please explain:


\_\_\_\_\_  
Training Representative Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Case Manager Signature

\_\_\_\_\_  
Date Signed

**Nebraska Department of Labor**  
550 S 16<sup>th</sup> Street, P.O. Box 94600  
Lincoln, Nebraska 68509-4600

Reset Form Fields

**Failed TAA Benchmark: First Warning**

Name: \_\_\_\_\_ Social Security Number: XXX-XX- \_\_\_\_\_

From: \_\_\_\_\_ to: \_\_\_\_\_ you failed to meet the following TAA Benchmark(s).

- ☐ Failure to maintain a cumulative 2.0 GPA or the grade required by the school for your individual course/degree.
- ☐ Failure to maintain a 2.0 GPA or the grade required by the school for your individual course/degree for the most recent academic term
- ☐ You are no longer on track to complete training by the expected graduation date of \_\_\_\_\_.
- ☐ Failure to meet attendance requirements for 1 or more of my academic courses.
- ☐ Failure to submit Benchmark Verification form(s) as required.

Explanation of how/why the benchmark was failed:

Action plan to ensure that Benchmark(s) will be met in the future:

**Statement of Understanding**

Completion TRA is a type of TRA that pays 13 weeks of benefits during my last semester of training. I understand that if I fail a second Benchmark, I will have to modify my training plan and pass all of future Benchmarks to receive Completion TRA.

Even if I change my training plan, I could still lose Completion TRA if I fail any Benchmarks on my new training plan.

If I fail a second Benchmark, I understand that I may not be allowed to complete my current training program, and I will lose eligibility to receive the Completion TRA.

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Case Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Appeal Rights** If you disagree with the determination indicated above, you have the right to a hearing before an appeal tribunal. You have the right to appeal all TAA determinations. You must file an appeal by mail and it must be postmarked within 20 days after the date in Item 8 which is shown above. The appeal must be in writing and state: (1) that you are appealing and, (2) the reason(s) why you believe this determination is incorrect. Mail to Office of Employment & Training, Attn: Trade Coordinator, 550 S. 16th Street, Lincoln, Nebraska 68509.

cc: client file/ecm  
State TRA Coordinator  
State Trade Coordinator

**Nebraska Department of Labor**

550 S 16<sup>th</sup> Street, P.O. Box 94600  
Lincoln, Nebraska 68509-4600

**Failed TAA Benchmark: Second Warning**

Name: \_\_\_\_\_ Social Security Number: XXX-XX- \_\_\_\_\_

From: \_\_\_\_\_ to: \_\_\_\_\_ you failed to meet the following TAA Benchmark(s).

- ☐ Failure to maintain a cumulative 2.0 GPA or the grade required by the school for your individual course/degree.
- ☐ Failure to maintain a 2.0 GPA or the grade required by the school for your individual course/degree for the most recent academic term
- ☐ You are no longer on track to complete training by the expected graduation date of \_\_\_\_\_.
- ☐ Failure to meet attendance requirements for 1 or more of my academic courses.
- ☐ Failure to submit Benchmark Verification form(s) as required.

Explanation of how/why the benchmark was failed:

***Statement of Understanding***

Check the box below that reflects your election:

- ☐ I have elected to change my training plan and the change request is attached. I understand that I must pass all Training Benchmarks and that failing to do so may make me ineligible to receive Completion TRA.
- ☐ I have elected to change my training plan and submit the change request within 60 days or at least 30 days prior to the start of the next semester, *whichever occurs first*. I understand that I must pass all Training Benchmarks and that failing to do so may make me ineligible to receive Completion TRA.
- ☐ I have elected to continue with my current plan. I understand that by making this election, I am no longer eligible to receive Completion TRA.

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Case Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Appeal Rights** If you disagree with the determination indicated above, you have the right to a hearing before an appeal tribunal. You have the right to appeal all TAA determinations. You must file an appeal by mail and it must be postmarked within 20 days after the date in item 8 which is shown above. The appeal must be in writing and state: (1) that you are appealing and, (2) the reason(s) why you believe this determination is incorrect. Mail to Office of Employment & Training, Attn: Trade Coordinator, 550 S. 16th Street, Lincoln, Nebraska 68509.

cc: client file  
State TRA Coordinator  
State Trade Coordinator