

TRAINING AND EMPLOYMENT NOTICE	NO. 14-10
	DATE November 10, 2010

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

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Availability of an Electronic Submission Process for Petitions for Trade Adjustment Assistance (TAA): ETA Form 9042 (OMB Control No. 1205-0342).

1. **Purpose.** To announce the implementation of an online electronic filing application for petitions for TAA.
2. **References.** The Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, Public Law (P. L.) No. 111-5 (enacted February 17, 2009) (TGAAA); the Trade Act of 1974, as amended (P. L. No. 93-618, as amended) (Trade Act); 20 CFR Part 617; 29 CFR Part 90; Training and Employment Guidance Letter (TEGL) No. 22-08, OMB PRA Information Collection Control No. 1205-0342 (ETA-9042), online form approval issued October 1, 2010, and <http://www.doleta.gov/tradeact/>.
3. **Background.** The first step in obtaining TAA reemployment services and benefits is to file a petition on behalf of a worker group with the U.S. Department of Labor's Office of Trade Adjustment Assistance (OTAA) requesting certification as workers adversely affected by foreign trade. Eligible petitioners include:
 - a group of three or more workers
 - a union or duly authorized representative
 - a company official
 - a State Workforce Office
 - a One Stop Operator/Partner

If the worker group meets the necessary group eligibility criteria found in section 222 of the Trade Act, a certification of eligibility to apply for TAA is issued. Individuals may then seek TAA benefits and services through their local One-Stop Career Center.

- 4. Benefits of electronic petition submissions.** Currently, petitioners must submit copies of their completed petitions by fax or mail to both OTAA in Washington, D.C. and to their state workforce agency. To better facilitate submissions of petitions for TAA, an electronic filing application has been designed that will allow users to file online. Through the OTAA website, users can complete the application online, sign the petition electronically, and file the petition with both OTAA and the relevant state workforce agency.

While the option to file a paper petition continues, electronic filing has the benefit of providing guidance to the user for completing the petition that is not available in the paper petition. For example, identification of “Petitioner Type” by the user will affect the selection of successive screens provided. If a user selects “Three Workers,” the application will provide a screen that allows the entry of personal information for three petitioners; the selection of “Company Official” will lead to a screen that allows the entry of information for a single petitioner and requests the professional “title” of that petitioner. Most screens contain data fields that must be completed by all petitioner types and are displayed in their proper order regardless of which “Petitioner Type” is selected. This process eliminates common errors that often result in returned petitions and delays in petition processing.

To view the instructions for the online petition, refer to Attachment A of this TEN. The online petition also provides assistance to users in form of “Help Tags” that contain additional clarification about the required information. For example, when users are asked to select their “Petitioner Type,” a link to a help tag containing information on who may file a petition is presented.

- 5. Electronic Petition Recipients.** Petitions that are submitted electronically will be transmitted simultaneously to OTAA and the relevant state workforce agency contact (usually the State Trade Coordinator). Even though all petitions will be transmitted to both OTAA and the state contact, not all petitions will result in an investigation by OTAA (petitions may be incomplete when filed or duplicative of other ongoing investigations, for example). All petitions that are under investigation can be found at: <http://www.doleta.gov/tradeact/>.

Electronic transmission of the petition increases the speed by which the petition is transmitted and filed with the two statutorily required entities (OTAA and the relevant State agency). In addition, the user may also choose to send a copy of the petition via email to the petitioner(s) and any other(s) for whom a non-mandatory email address is provided.

After the petition has been transmitted, the user will have an opportunity to print or save a copy of the petition for record-keeping purposes.

- 6. Affirmation of Data Provided, Signature, and Date.** Prior to successful electronic submission, the petitioner must check a box at the end of the petition application (for affirmation statement, refer to Attachment B of this TEN). By checking this box the petitioner(s) affirm that all of the information (including petitioner name(s) and contact data)

is correct and true, and this single check mark will serve as the electronic signature for the petitioner(s) listed on the petition.

Further, the petition date will automatically be set as the date of the electronic submission.

7. **Email Confirmation.** Users who include their email in the electronic petition will receive an email confirmation that the petition has been received.
8. **Inquiries.** Inquiries related to the electronic online petition should be directed to taa.petition@dol.gov.
9. **Attachments.**
Attachment A: Instructions
Attachment B: Statement of Affirmation

Attachment A: Online Petition Instructions

About the Trade Adjustment Assistance (TAA) Program

The Trade Act of 1974 (19 USC § 2271 et seq.), as amended, established Trade Adjustment Assistance (TAA) to provide assistance to workers in firms hurt by foreign trade. Program benefits include long-term training while receiving income support. TAA provides both rapid and early assistance. Filing this petition is the first step in qualifying for benefits and assistance. After the petition is filed, the U.S. Department of Labor will determine whether a significant number or proportion of the workers of the firm have become total or partially separated or are threatened to become totally or partially separated, and whether imports or a shift in production or services to a foreign country contributed importantly to these actual or threatened separations and to a decline in sales or in production of articles or supply of services. Workers in public agencies may also qualify for assistance where an agency has acquired from a foreign country services like or directly competitive with the services the agency supplies. If a petition is approved and the workers are certified as eligible to participate in the TAA program, workers covered by a certification may contact their state workforce agency to apply for benefits. **These benefits are provided at no expense to employers.**

A group of three workers from the same firm at the same job location, or a union official, or a state or local agency representative in a local One Stop Career Center, or an employer official, or a legally authorized representative must complete this Petition Form by answering all questions before submitting it to the U.S. Department of Labor.

For assistance in preparing a petition

Petitioners may request assistance in preparing the petition at their local One-Stop Career Center which may be located by calling 1-877-US2-JOBS, (TTY) 1-877-889-5627, or visit the America's Service Locator website at <http://www.servicelocator.org>. Petitioners may also contact the U.S. Department of Labor in Washington, D.C. at 202-693-3560 or 1-888-365-6822.

If you choose to file a petition on behalf of workers at more than one location, please contact the Office of Trade Adjustment Assistance at the numbers above.

Public Burden Statement

Persons are not required to respond to this collection of information unless it displays a currently valid Office of Management and Budget control number. Responding is required to obtain or maintain benefits (19 USC § 2321). Public reporting burden for this collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information, and a state review. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Labor at the address provided above (Paperwork Reduction Project 1205-0342).

Petition for Trade Adjustment Assistance (TAA)

Before You Start

The system session will terminate after 15 minutes of inactivity. In order to ensure your privacy, the information that you provide on this online petition form is not saved. Please make sure you have all the required information available before you begin.

Required Information

The online petition will not be able to save a partially completed petition. Please use this checklist to make sure you have all the information before beginning the online petition process:

- Petitioner(s) name and contact information, including current address and telephone
- Approximate or actual date of worker separation
- Employer name and contact information, including address and telephone
- Contact information for two current company contacts, including name, title, and telephone

Helpful Tips for Online Filing

The online petition is an electronically submitted form that is identical to the petition forms available for download. This electronic form does not replace the paper petition; rather, it provides an alternate, paperless option for the convenience of those who prefer it. Filing electronically will not impact the investigative process or final determination on the petition.

Once you begin the online filing process, several screens will appear in sequence to guide you through the petition. Note that the “back” button has been disabled and you will not be able to return to previous screens until the entire petition is completed. At the completion of the petition, a final edit screen will appear that will allow you to edit any section(s) of the petition that you have completed. Once you have reviewed and corrected all sections of the petition, you will have the option to transmit the petition to OTAA and the relevant State agency.

Throughout the online petition, there will be “Help Tags” next to each section. Clicking or hovering on these tags will open windows that provide additional description of the information that is required.

If you are providing supporting information, the online petition will allow you to attach up to three documents. These documents must be in MS Word, MS Excel, or .pdf format and less than 2 MB each in size. For additional attachments, please print and submit the completed petition together with relevant attachments by fax to (202) 693-3585.

If you have any questions, please contact the U.S. Department of Labor in Washington D.C. at 202-693-3560 or 1-888-365-6822.

Attachment B: Statement of Affirmation

Affirmation of Information

“The information you provide on this petition form will be used for the purposes of determining worker group eligibility and providing notice to petitioners, workers, and the general public that the petition has been filed and whether the worker group is eligible. Knowingly falsifying any information of this Petition Form is a Federal offense (18 USC § 1001) and a violation of the Trade Act (19 USC § 2316), as amended. If there is more than one petitioner, checking this box confirms that this electronic petition form was completed with the authorization of all petitioners listed in this document. By signing below, you agree to the following statement:”

"Under penalty of law, I declare that to the best of my knowledge and belief in the information I have provided is true, correct and complete."

I Agree (Check Box)

The petition date will be recorded as the date that the petition is transmitted electronically via Web site to the Office of Trade Adjustment Assistance.

The petition will be made available for public inspection and copying under the Freedom of Information Act, as amended (5 USC § 552), Executive Order 12600, and 29 CFR Part 70, upon written request to the Department of Labor.