

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION TAA
	CORRESPONDENCE SYMBOL OTAA
	DATE March 16, 2011

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 19-10, CHANGE 1

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

FROM: JANE OATES *Jane Oates*
Assistant Secretary

SUBJECT: Effective July 1, 2011, Expired Petition Forms Will No Longer Be Accepted for Filing for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance

- Purpose.** To notify State Workforce Agencies or agencies designated by Governors as "Cooperating State Agencies" (CSAs) (also jointly referred to as "states") that beginning June 30, 2011, the Department of Labor (Department) will no longer accept ETA Form 9042 (Rev. 4/09) and its Spanish translation, ETA Form 9042A (Rev. 4/09). Effective July 1, 2011, these forms will not be accepted as valid forms for use in filing for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA).
- References.** The Omnibus Trade Act of 2010, Public Law, (P. L.) No. 111-344 (enacted December 29, 2010) (Omnibus Trade Act); The Trade and Globalization Adjustment Assistance Act of 2009, Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, P. L. No. 111-5 (enacted February 17, 2009) (TGAAA or 2009 Amendments); the Trade Adjustment Assistance Reform Act of 2002, Division A, Title I, Subtitle A of the Trade Act of 2002 (P. L. 107-210) (2002 Amendments); the Trade Act of 1974, as amended, P.L. No. 93-618, as amended (Trade Act); 20 CFR Part 90; Training and Employment Guidance Letter (TEGL) No. 2-03 and its Changes, Interim Operating Instructions for Implementing the Alternative Trade Adjustment Assistance (ATAA) for Older Workers Program Established by the Trade Adjustment Assistance Reform Act of 2002; TEGL No. 22-08 and Change 1, Operating Instructions for Implementing the Amendments to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009; TEGL No. 16-10 and its Change 1 and Change 2, Instructions for Phasing Out Changes to the Trade Act of 1974 Enacted by the Trade and Globalization Adjustment Assistance Act of 2009; OMB PRA Information Collection Control No. 1205-0342 (ETA-9042), approval issued January 14, 2011; and TEGL No. 19-10

RESCISSIONS None	EXPIRATION DATE Continuing
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Petition Forms to File for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance - Starting February 15, 2011.

3. Background. Consistent with Section 246 of the Trade Act under the 2002 Amendments, TEGL No. 2-03 provided that a request for ATAA consideration must be made at the same time a TAA petition is filed. The Department determined that the petition forms announced in TEGL No. 19-10, unlike the expired forms, would include ATAA in the title and as appropriate throughout the form to enable petitioners to request TAA and ATAA at the same time by using a single form. TEGL No. 19-10, further explained that TAA petition forms that were in effect under the 2009 Amendments were not adequate for use in administering the TAA program under the 2002 Amendments since they did not mention ATAA. This guidance further requested that states make available revised ETA forms, identified as “*Petition for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA)*” and numbered 9042 (Rev. January 2011), 9042A (Rev. January 2011), and 9042A-1 (Rev. January 2011) in all local offices (including Career One-Stop Center operators, Career One-Stop Center partners, and state workforce agencies) to petitioners wishing to apply for TAA and ATAA. This guidance informed states that English and Spanish versions of these forms were downloadable from the Department’s Employment and Training (ETA) website at <http://www.doleta.gov/tradeact>. In addition, TEGL No. 19-10 indicated online petition forms had been updated on <http://www.doleta.gov/tradeact> to enable petitioners to file online for TAA and ATAA certification of group eligibility under the 2002 Amendments.

The Department recognizes that states and petitioners need time to transition to the new forms and to remove the expired forms from circulation. Accordingly, it has determined that it will accept petitions filed on the expired forms for TAA and ATAA and investigate them to determine group eligibility for both TAA and ATAA under the 2002 Amendments until June 30, 2011.

Effective July 1, 2011:

- Petitions filed using expired ETA Forms 9042 (Rev. 4/09) and ETA 9042A (Rev. 4/09) will not be deemed to be a request for ATAA. Therefore, in order to request both TAA and ATAA, petitioners must use a petition form that displays a revision date of January 2011 in the lower right-hand corner of the form.
- Petitions received by the Department on expired petition forms will be considered invalid and will not be instituted or investigated. Petitioners will be notified that they will need to submit a petition on a valid form and the petition date will be considered the date on which the valid petition form is filed.

4. Instructions. States are requested to remove from circulation in print and electronic format all expired forms entitled *Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance*, ETA Form 9042 (Rev. 4/09) and its Spanish translation, ETA Form 9042A (Rev. 4/09). States are requested to replace these forms with revised ETA Forms 9042 (Rev. January 2011), and 9042A (Rev. January 2011). States are encouraged to refer petitioners wishing to file online to www.doleta.gov/tradeact and instruct them to select “File Online” to access the revised English and Spanish versions of the online petition forms 9042A-1 (Rev. January 2011).

5. Inquiries. Inquiries should be addressed to the appropriate Regional Office.