

Definition of Suitable Employment in Relation to Criterion 1 of TAA Training Eligibility

20 CFR § 618.110 Definition: “*Suitable employment* means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work that are not less than 80 percent of the worker's average weekly wage. Part-time, temporary, short-term, or threatened employment is not suitable employment.” This definition is applied in Criterion 1 of TAA training eligibility at **20 CFR § 618.610(a)**, which requires that no suitable employment be available for the worker.

The definition of suitable employment in 20 CFR § 618.110 consists of multiple components. All components of the definition must be met for a job to meet the definition of suitable employment. If one component fails to meet the definition, the worker does not have suitable employment and TAA training benefits can be considered.

Applying the Definition of Suitable Employment under Criteria 1 for Trade-approved Training	
Substantially equal or higher skill set	Compare job duties from separation job compared to current job. Is the new job equal to, lower or higher skilled than their adversely affected employment?
Average weekly wages of at least 80% of the TAA-qualifying separation	Information that may be collected from the worker to determine whether this component is met may include: (1) What is their weekly wage (hourly rate and how many hours) now vs. what was their weekly wage (hourly rate and how many hours) in adversely affected employment? (2) Does the new job or separating employment include commission, regular bonuses, retention pay- if so, what was/is it?
Threatened with layoff	Does the worker’s current employment have an outstanding WARN notice, layoff announcement from the employer, multiple active UI claims, or does the worker have a future layoff? If yes, eligible under Criteria 1, regardless of wages.
Short-term / Temporary Employment	Does the new employment have an end date or is the employment with a temporary agency or contract firm? If yes, eligible under Criteria 1, regardless of wages.
Part-Time Employment	Is the new employment less than full-time? If yes, eligible under Criteria 1, regardless of wages.