

APPENDIX

[13 TAA petitions instituted between 6/27/11 and 7/1/11]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
80253	Adecco Employment Services (State/One-Stop)	Windsor, CO	06/27/11	06/22/11
80254	Rheem Manufacturing Corporation (State/One-Stop)	Fort Smith, AR	06/27/11	06/24/11
80255	Technicolor Home Entertainment Services (Company)	Camarillo, CA	06/28/11	06/27/11
80256	The News & Observer Publishing Company (Company)	Raleigh, NC	06/28/11	06/27/11
80257	Liz Claiborne Distribution Center (State/One-Stop)	Westchester, OH	06/28/11	06/27/11
80258	Avery Dennison (Company)	Greensboro, NC	06/29/11	06/29/11
80259	Welded Tube of Canada, Inc (Company)	Delta, OH	06/29/11	06/15/11
80260	Unimin Corporation (Company)	Aurora, IN	06/29/11	06/27/11
80261	Fritch Mill (State/One-Stop)	Snohomish, WA	06/29/11	06/22/11
80262	Cooper Lighting, LLC (Company)	Americus, GA	06/29/11	06/28/11
80263	Alabama Wholesale Socks (Company)	Sylvania, AL	06/29/11	06/27/11
80264	Keithley Instruments (Company)	Solon, OH	06/30/11	06/30/11
80265	MWH (Workers)	Fort Myers, FL	07/01/11	06/23/11

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of June 27, 2011 through July 1, 2011.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or

production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

**Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section

222(a)(2)(A) (increased imports) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

*None.*

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

*None.*

#### **Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA-W-80,178; Chelsea House, Inc., Gastonia, NC: May 12, 2010.*

*TA-W-80,183; Century Furniture, LLC, Hickory, NC: November 19, 2010.*

*TA-W-80,211; Ringo B.D., Inc., Passaic, NJ: June 1, 2010.*

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA-W-80,064; Wayne Trademark Printing & Packaging, High Point, NC: March 22, 2010.*

*TA-W-80,155; Apogee Medical, LLC, Youngsville, NC: May 4, 2010.*

*TA-W-80,229; Neff Motivation, Inc., Greenville, OH: June 13, 2010.*

*TA-W-80,236; Unimin Corporation, Green Mountain, NC: June 15, 2010.*

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*TA-W-80,234; American Phoenix, Inc., Trenton, TN: June 10, 2010.*

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

*None.*

#### **Negative Determinations for Alternative Trade Adjustment Assistance**

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

*None.*

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

*None.*

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

*None.*

#### **Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

*None.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*None.*

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

*None.*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-80,063; Stream International, Inc., Richardson, TX.*  
*TA-W-80,102; JPMorgan Chase & Co., Fort Worth, TX.*  
*TA-W-80,147; Travelers Insurance, Syracuse, NY.*  
*TA-W-80,166; Computer Sciences Corp., El Segundo, CA.*  
*TA-W-80,184; Merchants Bank of California, N.A., Carson, CA.*  
*TA-W-80,197; EMH Amherst Hospital, Amherst, OH.*

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

*None.*

#### **Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under Section 223(b), and therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

*TA-W-80,207; Tecumseh Products Corp., Ann Arbor, MI.*

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

*TA-W-80,241; CompuCredit Holdings Corporation, Atlanta, GA.*

I hereby certify that the aforementioned determinations were issued during the period of June 27, 2011 through July 1, 2011. Copies of these determinations may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S.

Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or [tofoiarequest@dol.gov](mailto:tofoiarequest@dol.gov). These determinations also are available on the Department's Web site at <http://www.doleta.gov/tradeact> under the searchable listing of determinations.

Date: July 7, 2011.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-75,067; TA-W-75,076A]

**JLG Industries, Inc., Access Segment, a Subsidiary of Oshkosh Corporation, Including On-Site Leased Workers From Aerotek, McConnellsburg, PA; JLG Industries, Inc., Access Division, a Subsidiary of Oshkosh Corporation, Hagerstown, MD; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 9, 2011, applicable to workers and former workers of JLG Industries, Inc., Access Segment, a subsidiary of Oshkosh Corporation, including on-site leased workers of Aerotek, McConnellsburg, Pennsylvania (JLG-McConnellsburg). The workers produce access equipment. The Department's Notice was published in the **Federal Register** on March 23, 2011 (76 FR 16449).

At the request of a worker separated from the Hagerstown, Maryland facility, the Department reviewed the certification for workers of JLG-McConnellsburg.

New information supplied by the workers and confirmed by JLG Industries, Inc. revealed that the Hagerstown, Maryland facility operated in conjunction with JLG-McConnellsburg in the production of access equipment and supplied design engineering, global procurement supply chain, safety, and reliability services used in the production of equipment at JLG-McConnellsburg.

Based on these findings, the Department is amending this certification to properly reflect these matters.

The amended notice applicable to TA-W-75,067 is hereby issued as follows:

All workers of JLG Industries, Inc., Access Segment, a subsidiary of Oshkosh Corporation, including on-site leased workers from Aerotek, McConnellsburg, Pennsylvania (TA-W-75,067) and JLG Industries, Inc., Access Division, a subsidiary of Oshkosh Corporation, Hagerstown, Maryland (TA-W-75,067A), who became totally or partially separated from employment on or after January 3, 2011, through March 9, 2013, and all workers in the group threatened with total or partial separation from employment on March 9, 2011 through March 9, 2013, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 11th day of July 2011.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-74,935]

**Husqvarna Turf Care, a Subsidiary of Husqvarna A.B., Beatrice, NE; Notice of Negative Determination on Reconsideration**

On May 3, 2011, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Husqvarna Turf Care, a subsidiary of Husqvarna A.B., Beatrice, Nebraska (subject firm). The Department's Notice was published in the **Federal Register** on May 20, 2011 (76 FR 29273). The workers are engaged in activities related to the production of zero turn mowers for commercial users and home owners.

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted was based on the findings that Criterion III has not been met because the worker

separations are not attributable to increased imports or a shift in production to a foreign country. Rather, the investigation established that the worker separations were attributable to a shift in production to an affiliated facility within the United States, and that the shift is attributable to business considerations unrelated to increased imports.

With regard to the affiliated facility (TA-W-74,418) identified in the petition, the investigation confirmed that the shift by the workers' firm of computer-aided design (CAD) services to a foreign country was unrelated to the shift in production in this case.

With respect to Section 222(c) of the Act, the investigation revealed that Criterion (2) has not been met because the firm is not a Supplier or Downstream Producer to a firm that employed a worker group eligible to apply for Trade Adjustment Assistance.

In the request for reconsideration, the petitioner stated that "it has been the intent of Husqvarna to gradually but progressively move these jobs to another country or countries \* \* \* It has been rumored that he (a line leader) has been given the ultimatum to increase his production or they would move this line to Germany. In addition to this, it was rumored that they had built a new building in Germany \* \* \* and that our PZ line was already running in Germany before our plant had closed."

In an attachment to the request, another worker stated that "we have reports that some of our jobs have already been moved to foreign soil and that more will be in the future."

A careful review of the administrative record and additional information obtained by the Department during the reconsideration investigation confirmed that the worker separations are not attributable to increased imports or a shift in production to a foreign country. Rather, the investigation established that the worker separations were attributable to a shift in production to an affiliated facility within the United States, and that all production was moved to Orangeburg, South Carolina. Further, the firm addressed the above-mentioned petitioner allegations, in addition to confirming that separations were attributable to a shift in production to an affiliated facility within the United States, and that all production was moved to Orangeburg, South Carolina.

### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of