

As both companies produced similar product lines, a strategic business decision was made to consolidate production among multiple facilities. Thus declines in sales, production and employment were attributable to eliminating excess capacity. Plant production of valves and pumps were scheduled to be shifted to other domestic locations during mid-2002. Of note, workers producing fittings at the same location were certified under the same NAFTA-TAA determination (NAFTA-05556). The three groups of workers were separately identifiable.

The petitioner alleges, that the workers producing valves and pumps and related support activities are also impacted by the planned shift in production of valves and pumps to Richmond, Virginia and other foreign countries. The company further states that the decision reached, regarding eligibility of workers engaged in activities related to the production of fittings, was based upon those jobs already being affected due to this area of production transferring outside the United States (Mexico). The petitioner further states that the shift (fittings) does not reflect nor include all of the jobs (valves & pumps) which have been or will be affected at the subject plant over the course of the planned shutdown of this facility.

Since the shift in subject plant production of fittings to Mexico occurred during the relevant period, that worker group was certified eligible for NAFTA-TAA under section 250 of the Trade Act of 1974. Shifts in the subject plant's production of valves and pumps were scheduled for a future period. Unless the shift actually occurred during the relevant period, it is not considered relevant to the petition filed.

Although workers producing fittings were certified eligible under NAFTA-TAA, the workers engaged in activities related to the production of valves and pumps are separately identifiable from the workers producing fittings and therefore cannot be considered eligible under the NAFTA-TAA certification for the workers producing fittings. That certification was based on a shift in subject plant production of fittings to Mexico during the relevant period.

To be considered eligible for NAFTA-TAA under Criterion (4), the product shifted to Mexico or Canada must be like or directly competitive with what the subject plant worker group produced. That was not the current event for the workers producing valves and pumps at the subject plant.

The petitioner further states that in relation to bumping "it is difficult, if not

impossible, to identify the exact employees who will be affected as product is transitioned out of the facility."

Workers engaged in the production of fittings including support activities related to the production of fittings are eligible to apply for NAFTA-TAA benefits. The Wisconsin Department of Workforce Development follows guidelines in making the final decision of individual eligibility for the NAFTA-TAA worker group engaged in the production of fittings and related support activities. The workers terminated producing valves and pumps, if they are bumped by a worker producing fittings, are eligible to apply for NAFTA-TAA under NAFTA-05556.

Conclusion

After review of the application for reconsideration and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC this 6th day of May 2002.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-05929]

Oxford Automotive Oscoda Division, Also Known as Simplified Employment Services, D.A.R.T., ELITE LEASING, ERM, INC. AND NMA, INC. Oscoda, Michigan; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on March 27, 2002, applicable to workers of Oxford Automotive, Oscoda Division, Oscoda, Michigan. The notice was published in the **Federal Register** on April 5, 2002 (67 FR 16442).

At the request of the company, the Department reviewed the revised determination for workers of the subject firm. The workers are engaged in the

production of automotive metal stampings and assemblies.

New information received from the company shows that the subject firm is also known as several other company entities: Simplified Employment Services, D.A.R.T., Elite Leasing, ERM, Inc. and NMA, Inc. These firms provide payroll and personnel services as well as legal matters for Oxford Automotive. Information also shows that workers wages at the subject firm are reported under the Unemployment Insurance (UI) tax accounts for Simplified Employment Services, D.A.R.T., Elite Leasing, ERM, Inc. and NMA, Inc.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's revised determination is to include all workers of Oxford Automotive, Oscoda Division who were adversely affected by the shift of production of automotive metal stampings and assemblies to Mexico.

The amended notice applicable to NAFTA-05929 is hereby issued as follows:

"All workers of Oxford Automotive, Oscoda Division, also known as Simplified Employment Services, D.A.R.T., Elite Leasing, ERM, Inc., and NMA, Inc., Oscoda, Michigan, who became totally or partially separated from employment on or after December 21, 2000, through March 27, 2004, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed in Washington, DC this 16th day of May, 2002.

Linda G. Poole,
Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-5006]

Weyerhaeuser, Longview, Washington; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(A), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on August 30, 2001, applicable to workers of Weyerhaeuser, Fine Paper Division, Longview, Washington. The notice was published in the **Federal Register** on September 11, 2001 (66 FR 47242).