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 November 26 through November 30, 2007. 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; and

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; and

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; or

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.

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


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

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–62,436; Council Company, LLC, Plant #1, On-Site Leased Workers of Stewart Staffing, Denton, NC: November 7, 2006


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.

TA–W–62,171; Everett Charles Technologies, Clifton Park, NY

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

TA–W–62,404; Motor Wheel Commercial Vehicle Systems, Full Cast—Assembly Area, Berea, KY

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 criterion (a)(2)(A)(I.A.) and (a)(2)(B)(I.A.) (employment decline) have not been met.

TA–W–62,365; West Point Home, Inc., Bed Division, Biddeford, ME

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

TA–W–62,390; Erdman Furniture Group, Techline USA Division, Waunakee, WI

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

TA–W–62,134; Mohawk ESV., Inc., Home Division, Hiawasse, GA

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

TA–W–62,160; Dataproducts USA LLC, A Division of Clover Holdings, Inc., Calexico, CA

TA–W–62,357; WestPoint Home, Inc., Stores Division, Valley, AL

TA–W–62,357A; WestPoint Home, Inc., Stores Division, Albertville, MN

TA–W–62,357AA; WestPoint Home, Inc., Stores Division, Valdosta, GA

TA–W–62,357B; WestPoint Home, Inc., Stores Division, Allen, TX

TA–W–62,357BB; WestPoint Home, Inc., Stores Division, Williamsburg, VA

TA–W–62,357C; WestPoint Home, Inc., Stores Division, Birch Run, MI

TA–W–62,357CC; WestPoint Home, Inc., Stores Division, Wrentham, MA

TA–W–62,357D; WestPoint Home, Inc., Stores Division, Birmingham, AL

TA–W–62,357E; WestPoint Home, Inc., Stores Division, Boaz, AL

TA–W–62,357F; WestPoint Home, Inc., Stores Division, Burlington, NC

TA–W–62,357G; WestPoint Home, Inc., Stores Division, Cabazon, CA

TA–W–62,357H; WestPoint Home, Inc., Stores Division, Clinton, CT

TA–W–62,357I; WestPoint Home, Inc., Stores Division, Columbus, GA

TA–W–62,357J; WestPoint Home, Inc., Stores Division, Commerce, GA

TA–W–62,357K; WestPoint Home, Inc., Stores Division, Dalton, GA

TA–W–62,357L; WestPoint Home, Inc., Stores Division, Dawsonville, GA

TA–W–62,357M; WestPoint Home, Inc., Stores Division, Destin, FL

TA–W–62,357N; WestPoint Home, Inc., Stores Division, Edmonds, IN

TA–W–62,357O; WestPoint Home, Inc., Stores Division, Ellenton, FL

TA–W–62,357P; WestPoint Home, Inc., Stores Division, Fairburn, GA

TA–W–62,357Q; WestPoint Home, Inc., Stores Division, Foley, AL

TA–W–62,357R; WestPoint Home, Inc., Stores Division, Howell, MI

TA–W–62,357S; WestPoint Home, Inc., Stores Division, Lamarque, TX

TA–W–62,357T; WestPoint Home, Inc., Stores Division, Lumberton, NC

TA–W–62,357U; WestPoint Home, Inc., Stores Division, New Braunfels, TX

TA–W–62,357V; WestPoint Home, Inc., Stores Division, Park City, UT

TA–W–62,357W; WestPoint Home, Inc., Stores Division, Pigeon Forge, TN

TA–W–62,357X; WestPoint Home, Inc., Stores Division, San Marcos, TX

TA–W–62,357Y; WestPoint Home, Inc., Stores Division, Sarasota, FL

TA–W–62,357Z; WestPoint Home, Inc., Stores Division, St. Augustine, FL

TA–W–62,403; Quality Industrial Services, Inc., Madisonville, KY

TA–W–62,437; Mirador International, LLC, High Point, NC.
The previous investigation initiated on July 24, 2007, resulted in a negative determination issued on September 19, 2007, was based on the finding that imports of custom injection molded plastic parts did not contribute importantly to worker separations at the subject firm and no shift in production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

“All workers of Non-Metallic Components, Inc., Rib Lake, Wisconsin, who became totally or partially separated from employment on or after July 18, 2006, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.”

Signed in Washington, DC this 30th day of November 2007.

Elliott S. Kushner,
Certifying Officer, Division of Trade Adjustment Assistance

In the request for reconsideration, the petitioner provided additional information regarding the subject firm’s declining customers.

Based on the new information, the Department conducted a survey of a major declining customer regarding its purchases of like or directly competitive products with plastic parts manufactured by the subject firm. The survey revealed that the major declining customer increased imports of plastic parts during the relevant period.

In accordance with Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of Section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Non-Metallic Components, Inc., Rib Lake, Wisconsin, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

“All workers of Non-Metallic Components, Inc., Rib Lake, Wisconsin, who became totally or partially separated from employment on or after July 18, 2006, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.”

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“All workers of Non-Metallic Components, Inc., Rib Lake, Wisconsin, who became totally or partially separated from employment on or after July 18, 2006, through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.”

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