

It shall further consist of approximately 10–12 representatives, appointed by the Secretary, with at least one from each of the following constituencies consisting of: Self-advocates for individuals with intellectual or developmental disabilities; providers of employment services, including those that employ individuals with intellectual or developmental disabilities in competitive integrated employment; representatives of national disability advocacy organizations for adults with intellectual or developmental disabilities; experts with a background in academia or research and expertise in employment and wage policy issues for individuals with intellectual or developmental disabilities; representatives from the employer community or national employer organizations; and other individuals or representatives of organizations with expertise on increasing opportunities for competitive integrated employment for individuals with disabilities.

The Advisory Committee shall report to the Secretary of Labor. It is required to submit an interim report not later than one year after the date on which the Committee is established and a final report, not later than 2 years after the date on which the Committee is established. It will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act, and its charter will be filed under the Act.

For further information, contact Jennifer Sheehy, Designated Federal Officer, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, U.S. Department of Labor, 200 Constitution Avenue NW., Suite S-1303, Washington, DC 20210, telephone (202) 693-7880.

Signed at Washington, DC this 18th day of September, 2014.

**Jennifer Sheehy,**

*Deputy Assistant Secretary, Office of Disability Employment Policy.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-85,277]

#### **Aegis Media Americas; a Subsidiary of Dentsu Holdings USA, Inc.; Including On-Site Leased Workers From Solomon Page Technology Partners; Boston, Massachusetts; Notice of Negative Determination Regarding Application for Reconsideration**

By application dated June 30, 2014, a worker requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance, applicable to workers and former workers of Aegis Media Americans, a subsidiary of Dentsu Holdings USA, Inc., including on-site leased workers of Solomon Page Technology Partners, Boston, Massachusetts (Aegis Media Americans). The determination was issued on May 23, 2014. The Department's Notice of determination was published in the **Federal Register** on June 6, 2014 (79 FR 32757). Aegis Media Americans supplies media marketing and communications strategy services.

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 misinterpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the Trade Adjustment Assistance (TAA) petition filed on behalf of workers at Aegis Media Americans was based on the findings that the subject firm does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Trade Act of 1974, as amended.

The request for reconsideration asserts that the Department made "an incorrect assessment of Dentsu Aegis Network's services, products and articles"; that information technology (IT) workers' separation from the subject firm was due to outsourcing to Tata Consulting Services (TCS); that a "significant part of the responsibility of the Aegis IT workers group (IT Team) was the monitoring of major servers and

services for Aegis"; that "After TSC started servicing Aegis, the monitoring of these services was shifted to overseas teas who now performed the monitoring duties in India"; and that Aegis Media Americans produced an article because an "article is the byproduct of the internal company services, processes and the product/article itself" and that the articles produced are computer code & algorithms.

The request also asserts that there should be no distinction between computer code for hardware and computer code for software and that the databases upon which services rely (such as research and analysis) are also articles.

In *Former Employees of Mortgage Guaranty Insurance Corporation (MGIC) v. United States Secretary of Labor* (Court No. 07-00182), the Department stated the policy requiring that the firm employing the subject workers produce an article domestically; that workers providing services incidental to the provision of a services are not engaged in the production of an article, for the purposes of the Trade Act; and that the services provided by a workers' firm would not be considered articles, whether tangible or intangible. The Department's determination in the afore-mentioned case (negative determination on remand regarding petitioning workers' eligibility to apply for Trade Adjustment Assistance) was affirmed by the U.S. Court of International Trade.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

### Conclusion

After careful review of the application 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 decision. Accordingly, the application is denied.

Signed in Washington, DC, this 4th day of September, 2014.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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