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WORKFORCE INVESTMENT

ISSUANCE PY 03-06

Jane English, Executive Director

January 16, 2004

To: Area Operations Chiefs, ES Regional Supervisors, ES Program Supervisors, ES Staff, DVOPs, and LVERs

Subject: Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

1. **Purpose:** To provide information concerning the Negative Determination of Trade Adjustment Assistance for WEYERHAEUSER COMPANY, WEST MEMPHIS, AR.
2. **General Information:** The Office of Trade Adjustment Assistance issued a Negative Determination on December 17, 2003. Employees of this company are not eligible to apply for Trade Adjustment Assistance under the Trade Act of 2002. Below is the information concerning the Negative Determination.

WEYERHAEUSER COMPANY, WEST MEMPHIS, AR	
Petition Filing Date:	October 21, 2003
Petition Number:	TAW-53384

Employment Security Department staff is being advised to coordinate all activities with the WIA provider.

3. **Action Required:** Please notify the appropriate members of your staff regarding the contents of this memorandum.
4. **Inquiries:** Direct any questions concerning this memorandum to the TAA Unit at (501) 682-3227.
5. **Attachment:** Negative Determination for WEYERHAEUSER COMPANY, WEST MEMPHIS, AR.
6. **Expiration Date:** Continuing.

Arkansas Workforce Investment Board

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DEPARTMENT OF LABOR

Employment and Training Administration

TA-W-53,326

WEYERHAEUSER COMPANY
INCLUDING LEASED WORKERS OF MANPOWER, INC.
WEST MEMPHIS, ARKANSAS

Negative Determination 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 USC 2273), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance. The group eligibility requirements for directly-impacted (primary) workers under Section 222(a) the Trade Act of 1974, as amended, can be satisfied in either of two ways:

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 is 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.

The investigation was initiated on October 23, 2003 in response to a petition filed by a state agency representative on behalf of workers at Weyerhaeuser Company, West Memphis, Arkansas. The workers at the subject firm produce corrugated cardboard containers. The subject firm also leases workers from Manpower, Inc.

The investigation revealed that criteria (a)(2)(A)(I.C) and (a)(2)(B)(II.B) were not met.

The investigation revealed that the subject firm did not import corrugated cardboard containers during 2001, 2002, or January through October of 2003, nor did it shift production abroad during the relevant period.

The Department of Labor surveyed the subject firm's major declining customers regarding their purchases of corrugated cardboard containers during the period from 2001 to 2002 and January through November 2003 compared to the same period in 2002. The survey revealed no imports of corrugated cardboard containers during the period under investigation.

In addition, in accordance with Section 246 the Trade Act of 1974 (26 USC 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 worker group must be certified eligible to apply for trade adjustment assistance

(TAA). Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

Conclusion

After careful review of the facts obtained in this investigation, I determine that all workers of Weyerhaeuser Company, West Memphis, Arkansas and leased workers of Manpower, Inc. are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, D.C. this 17th day of December 2003

/s/ Elliott S. Kushner

ELLIOTT S. KUSHNER
Certifying Officer, Division of
Trade Adjustment Assistance