

ARKANSAS WORKFORCE INVESTMENT BOARD
Post Office Box 2981
Little Rock, AR 72203

WORKFORCE INVESTMENT ISSUANCE NUMBER PY 03-24

Sandra Winston, Executive Director

May 24, 2004

TO: All Local Office Area Managers

SUBJECT: Negative Determination Regarding Eligibility to Apply for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance.

1. **Purpose:** To provide information concerning the Negative Determination of Trade Adjustment Assistance for **WEST TELEMARKETING OUTBOUND, FORT SMITH, AR.**
2. **General Information:** The Office of Trade Adjustment Assistance issued a Negative Determination on **May 07, 2004.** 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.

WEST TELEMARKETING OUTBOUND, FORT SMITH, AR	
Petition Filing Date:	April 09, 2004
Petition Number:	TAW-54704

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 **WEST TELEMARKETING OUTBOUND, FORT SMITH, AR.**
6. **Expiration Date:** Continuing.

DEPARTMENT OF LABOR

Employment and Training Administration

TA-W-54,704

WEST TELEMARKETING CORPORATION OUTBOUND
FORT SMITH, 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 investigation was initiated on April 12, 2004, in response to a petition filed a state agency on behalf of workers at West Telemarketing Corporation Outbound, Smith, Arkansas. The workers in the petitioning worker group make outbound phone calls for the purpose of selling long distance or take credit card applications on behalf of clients.

The investigation revealed that West Telemarketing Corporation Outbound, Smith, Arkansas, does not produce an article within the meaning of Section 222(a)(2) of the Act. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a "firm" or appropriate subdivision that produces an article and there must be a relationship between the workers' work and the article produced by the workers' firm or appropriate subdivision. The workers' that make outbound phone calls or take credit card applications do not support a firm or appropriate subdivision that produces an article domestically and thus the worker group cannot be considered import impacted or affected by a shift in production of an article.

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, I determine that all workers of West Telemarketing Corporation Outbound, Smith, Arkansas are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also denied eligibility to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, D. C. this 7th day of May 2004.

Elliott S. Kushner

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