

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

WORKFORCE INVESTMENT ISSUANCE NUMBER PY 03-25

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 **OZARK IRON WORKS LLC, CALICO ROCK, AR.**
2. **General Information:** The Office of Trade Adjustment Assistance issued a Negative Determination on **May 14, 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.

OZARK IRON WORKS LLC, CALICO ROCK, AR.	
Petition Filing Date:	April 09, 2004
Petition Number:	TAW-54705

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 **OZARK IRON WORKS LLC, CALICO ROCK, AR.**
6. **Expiration Date:** Continuing.

DEPARTMENT OF LABOR

Employment and Training Administration

TA-W-54,705

OZARK IRON WORKS, LLC
(FORMERLY KNOWN AS CALICO ROCK IRON WORKS INC.)
A DIVISION OF SOMMER METALCRAFT
CALICO ROCK, ARKANSAS

Negative 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 USC 2273), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker 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 worker's 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 April 12, 2004 in response to a petition filed by a state agency representative on behalf of workers at Ozark Iron Works, LLC (formerly known as Calico Rock Iron Works Inc.), a division of Sommer Metalcraft, Calico Rock, Arkansas. The workers at the subject facility produce iron home accessories; workers are not separately identifiable by product line.

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

The investigation revealed that the subject facility did not import iron home accessories.

Furthermore, the subject facility did not shift production of iron home accessories abroad during the relevant period.

The Department of Labor surveyed the subject facility's sole customer regarding their purchases of iron home accessories in 2002, 2003 and the first quarter of 2003 and 2004. This survey revealed no import purchases of iron home accessories

during the relevant period.

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 during this investigation, I determine that all workers of Ozark Iron Works, LLC (formerly known as Calico Rock Iron Works Inc.), a division of Sommer Metalcraft, Calico Rock, 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 14th day of May 2004.

/s/ Linda G. Poole

LINDA G. POOLE
Certifying Officer, Division of
Trade Adjustment Assistance