

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-37,563]

**Tecumseh Products Company,  
Somerset, Kentucky; Notice of  
Negative Determination Regarding  
Application for Reconsideration**

By application dated July 7, 2000, attorneys on behalf of the workers (hereinafter referenced as the petitioner), request administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the Tecumseh Products Company, Somerset, Kentucky. The denial notice was signed on May 12, 2000, and published in the **Federal Register** on June 8, 2000 (65 FR 36469).

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.

To support the application for reconsideration, the petitioner provided a published article quoting a company official of Tecumseh Products Company linking the Somerset plant closing with the dumping of cheap Asian compressors in the United States, devastating the subject firm customer base. The petitioner states also that the article cites that the layoffs and plant closure are intended to help Tecumseh cut prices so it can combat the challenge.

The workers at Tecumseh Products Company, Somerset, Kentucky, produced refrigeration and air conditioner compressors. The workers were denied eligibility to apply for TAA based on the finding that the contributed importantly criterion (3) of the worker group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. Section 222 (3) requires that increased imports of articles like or directly competitive with those produced at the subject firm contribute importantly to declines in sales or production and worker separations.

Layoffs at Tecumseh Products Company were attributable to the company's decision to transfer production to other domestic facilities. The investigation further revealed that the majority of the output at the Somerset, Kentucky plant was for the export market. A loss of export market business cannot be considered a basis for worker group certification.

**Conclusion**

After 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 at Washington, D.C., this 17th day of July 2000.

**Grant D. Beale,**

*Program Manager, Division of Trade  
Adjustment Assistance.*

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**BILLING CODE 4510-30-M**

**DEPARTMENT OF LABOR****Employment and Training  
Administration****Solicitation for Grant Applications  
(SGA) H-1B Technical Skill Training  
Grants**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice of availability of funds and solicitation for grant applications (SGA).

**SUMMARY:** *This Notice contains all of the necessary information and forms needed to apply for grant funding.* The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), announces the availability of grant funds for skill training programs for unemployed and employed workers. Funding for these grants is coming from the user fee mandated for applicants for new H-1B nonimmigrant visa workers and established under the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA). The grants will have the longer term goal of raising the skill levels of domestic workers so that they can fill high skill jobs which are presently being filled by temporary workers being admitted to the United States under the provisions of H-1B. Department of Labor will convene Bidders Conferences in early August to share information with eligible applicants and other interested

parties. Detailed information as to the exact times and locations of these sessions together with other pertinent facts may be found on the ETA web page (<http://www.doleta.gov>) or by calling a toll-free help line (1-877-US2-JOBS).

Eligible applicants for these grants will be local Workforce Investment Boards (WIBs) established under section 117 of the Workforce Investment Act (WIA) that will carry out such programs or projects through one-stop delivery systems established under section 121 of WIA, or regional consortia of local boards. Regional consortia may be interstate. Successful applicants under earlier H-1B Solicitations will be eligible for grants under this competition; however those current awardees will be required to indicate that this proposal provides a completely new approach to skill training (including a different skill shortage area, e.g., health occupations rather than information technology) from that being conducted under their current grant. Proposals submitted by those current awardees will be subject to pre-screening to assure that they propose an approach that is clearly innovative and different from the activity that was implemented under the previous award.

WIA provides a framework for a national workforce investment and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers and workers who want to further their careers. ACWIA will provide resources for skill training in occupations that are in employer demand; one measure of this demand is employer H-1B applications for workers. In particular, industries that appear to generate the most H-1B demand include information technology and health. Appendix A to this Solicitation provides information on the kinds of occupations certified under the H-1B program by the Department of Labor for Fiscal Year 1999 (Oct. 1, 1998 to May 1999), and the number of job openings certified in each occupation.

This notice describes the application submission requirements, the process that eligible entities must use to apply for funds covered by this solicitation, and how grantees will be selected. It is anticipated that about \$45 million will be available for funding the projects covered in this second-round solicitation, that approximately fifteen projects will be selected for funding,