

also address laundering, inspection, packing and shipping.

The company official maintained that, aside from miscellaneous sewing repair, sample production, and print shop production, no production occurred at the subject facility. The departments and functions described by workers in the line of production were performed mainly for sample production, with the exception of miscellaneous repairs.

Workers also describe a Trim Department involving functions performed "specifically for audit" purposes, which involved checking to see that "orders for * * * accessories were distributed correctly here and in El Paso."

As described by the workers, the Trim Department does not involve production, but performance of a service.

Finally, the workers allege that they trained workers in similar functions as those performed at the subject facility, although no specific functions were noted.

The company official did not deny that there was some similarity in work functions such as production in the Print Shop. However, she did affirm that no production occurred at the subject facility aside from sample production and print shop production.

In the original request for reconsideration, the workers state that the subject firm was previously certified for trade adjustment assistance, and that the basis for previous certification should be used to establish eligibility of the current petitioning worker group. The workers also appear to allege that they performed regular production of apparel for a specific customer, and not just sample production.

Workers producing jeans and laundering jeans at the subject facility were previously certified for trade adjustment assistance (TA-W-37,187 and TA-W-37,412, respectively). The last active certification, TA-W-37,412, expired on July 7, 2002. By the date of the above certification (July 7, 2000), a company official confirmed that all mass production of apparel had been shifted from the subject facility to Mexico. As this shift occurred outside the relevant period, it cannot be used to certify the current worker group. In the current investigation, it was reconfirmed by a company official that the subject facility produces apparel for sample purposes only and that all other apparel production was shifted from the subject facility in 2000.

Finally, to support their claim of a production shift, worker representatives attached a series of statements from subject firm workers who performed

machine operations, supervision, labeling, shipping and receiving, and repair and maintenance of equipment at the Armour facility. One worker statement appears to claim that work was shifted to Mexico, Canada and Japan.

In regard to specific statements made by employees that they were engaged in production and that production shifted, the company confirmed that the only production at the subject facility was for samples and print shop labels, and that there was no shift in production of samples or imports of samples.

Workers are separately identifiable between workers in the Print Shop and all other workers at the subject facility.

It has been determined with respect to workers at Sun Apparel, Armour Facility, Print Shop, El Paso, Texas that all of the criteria have been met.

It has been determined with respect to all other workers at Sun Apparel, Armour Facility, El Paso, Texas that criteria I.C and II.B have not been met.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that there was a shift in production from Sun Apparel, Armour Facility, Print Shop, El Paso, Texas to Mexico of articles that are like or directly competitive with those produced by the subject firm or subdivision. In accordance with the provisions of the Act, I make the following certification:

All workers of Sun Apparel, Armour Facility, Print Shop, El Paso, Texas, who became totally or partially separated from employment on or after January 8, 2002 through two years from the date of certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974. and;

I further determine that all other workers at Sun Apparel, Armour Facility, El Paso, Texas, are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 1st day of July, 2003.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-51,130]

Tyler Refrigeration, Carrier Commercial Refrigeration, Carrier Corporation, Waxahachie, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 15, 2003, applicable to workers of Tyler Refrigeration, Waxahachie, Texas. The notice was published in the **Federal Register** on June 3, 2003 (68 FR 33195).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of refrigerated food display cases.

Information shows that Carrier Corporation is the parent firm of Tyler Refrigeration. Information also shows that workers separated from employment at the subject firm had their wages reported under separate unemployment insurance (UI) tax accounts for Carrier Commercial Refrigeration, Carrier Corporation.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Tyler Refrigeration who were adversely affected by increased imports.

The amended notice applicable to TA-W-51,130 is hereby issued as follows:

All workers of Tyler Refrigeration, Carrier Commercial Refrigeration, Carrier Corporation, Waxahachie, Texas, who became totally or partially separated from employment on or after March 7, 2002, through May 15, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Dated: Signed at Washington, DC, this 3rd day of July, 2003.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

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