

herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of May 16, 2011 through May 20, 2011.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

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 to 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.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.*, conditions within the industry are adverse).

#### *Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance*

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions. The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA-W No.	Subject firm	Location
80,039 .....	Michael Wrights Framing Concepts, Inc. ....	Kissimmee, FL.

I hereby certify that the aforementioned determinations were issued during the period of May 16, 2011 through May 20, 2011. Copies of these determinations may be requested under the Freedom of Information Act. Request may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or [tofoiarequest@dol.gov](mailto:tofoiarequest@dol.gov). These determinations also are available on the Department's Web site at <http://www.doleta.gov/tradeact> under the searchable listing of determinations.

Dated: May 26, 2011.

**Michael W. Jaffe,**  
*Certifying Officer, Office of Trade Adjustment Assistance.*

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## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221 (a)

of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 13, 2011.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than June 13, 2011.

Copies of these petitions may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail, to FOIA Disclosure Officer, Office

of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or to [foiarequest@dol.gov](mailto:foiarequest@dol.gov).

Signed at Washington, DC, this 25th day of May 2011.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

#### APPENDIX

[TAA petitions instituted between 5/16/11 and 5/20/11]

TA-W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
80181 .....	L'Oreal, USA (Workers) .....	Clark, NJ .....	05/16/11	05/09/11
80182 .....	Palmer Johnson Yachts, LLC (Company) .....	Sturgeon Bay, WI .....	05/16/11	05/04/11
80183 .....	Century Furniture Caseloads (Company) .....	Hickory, NC .....	05/19/11	05/18/11
80184 .....	Unigram (State/One-Stop) .....	Carson, CA .....	05/19/11	05/11/11
80185 .....	Iron Mountain Information Management, Inc. (Company) .....	Boston, MA .....	05/19/11	05/17/11
80186 .....	Colville Tribal Construction (State/One-Stop) .....	Nespelem, WA .....	05/19/11	05/18/11
80187 .....	Bendonfield Management Services (Company) .....	Voorhees, NJ .....	05/20/11	04/18/11
80188 .....	Berkline/Benchcraft, LLC (Company) .....	Morristown, TN .....	05/20/11	05/17/11
80189 .....	Bristol Products Corporation (Company) .....	Bristol, TN .....	05/20/11	05/20/11
80190 .....	Rankin Manufacturing, Inc. (Company) .....	New London, OH .....	05/20/11	05/20/11
80191 .....	Tegant Corporation (Company) .....	New Brighton, PA .....	05/20/11	05/19/11

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-74,364]

#### International Business Machines (IBM), Sales and Distribution Business Unit, Global Sales Solution Department, Division 91, Off-Site Teleworker in Armonk, NY; Notice of Negative Determination on Reconsideration

On April 6, 2011, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of International Business Machines (IBM), Sales and Distribution Business Unit, Global Sales Solution Department, off-site teleworker, Centerport, New York. The Department's Notice was published in the **Federal Register** on April 14, 2011 (76 FR 21033). The request for reconsideration alleges that IBM outsourced to India and China.

During the reconsideration investigation, it was revealed that the subject firm was mischaracterized. During the reconsideration investigation, the Department determined that the correct subject firm name and location is International

Business Machines (IBM), Sales and Distribution Business Unit, Global Sales Solution Department, Division 91, off-site teleworker, Armonk, New York. The subject worker group supply computer software development and maintenance services to the Sales and Distribution Business Unit within IBM.

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The initial negative determination was based on the findings that Section 222(a) and Section 222(c) of the Trade Act of 1974, as amended (the Act) have not been satisfied because fewer than three workers were totally or partially separated and further separations are not threatened. The investigation also revealed that the group eligibility requirements under Section 222(f) of the Act have not been satisfied because the workers' firm has not been identified by name in an affirmative finding of injury by the International Trade Commission.

29 CFR 90.2 states that a significant number or proportion of the workers means at least three (3) workers in a firm (or appropriate subdivision thereof) with a workforce of fewer than 50 workers, or five (5) percent of the workers or 50 workers, whichever is less, in a workforce of 50 or more workers.

A careful review of the administrative record and additional information obtained by the Department during the reconsideration investigation confirmed that the group eligibility requirements under Section 222(a) and (c) of the Act have not been met because fewer than three workers were totally or partially separated from IBM, Sales and Distribution Business Unit, Global Sales Solution Department, Division 91, or threatened with such separation. Moreover, new information obtained during the reconsideration investigation confirmed that only one person worked within Division 91 of the Sales and Distribution Department (working on-site at Armonk, New York or reporting remotely to Armonk, New York).

#### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of International Business Machines (IBM), Sales and Distribution Business Unit, Global Sales Solution Department,