

DEPARTMENT OF LABOR

Employment and Training Administration

TA-W-92,537

GENERAL MOTORS COMPONENTS HOLDINGS, LLC (GMCH)
INCLUDING ON-SITE LEASED WORKERS FROM
DEVELOPMENT DIMENSIONS INTERNATIONAL (DDI)
KOKOMO, INDIANA

Notice of Revised Determination
on Reconsideration

On February 27, 2018, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of General Motors Components Holdings, LLC (GMCH), including on-site leased workers from Development Dimensions International (DDI), Kokomo, Indiana. The notice was published in the Federal Register on December 21, 2017 (82 FR 60621).

The workers are engaged in activities related to production and supply of various automotive electronic devices (body computer modules, engine control modules, transmissions control, modules, crash sensors, pressure sensors and auxiliary power electronics), non-automotive integrated circuits, and related support services.

To support the request for reconsideration, the petitioner supplied additional information regarding a possible trade impact to supplement that which was gathered during the initial investigation.

Based on additional information provided during the reconsideration investigation, the Department of Labor determines that the subject workers meet the worker group certification criteria under Section 222(b) of the Act.

Section 222(b)(1) has been met because a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated.

Section 222(b)(2) has been met because General Motors Components Holdings, LLC (GMCH), Kokomo, Indiana is a Supplier to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. § 2272(a), and such supply is related to the finished article that was the basis for such certification.

Section 222(b)(3)(B) has been met because the loss of business by General Motors Components Holdings, LLC (GMCH), Kokomo, Indiana with the firm that employed a certified worker group contributed importantly to worker separations at General Motors Component Holdings, LLC (GMCH), Kokomo, Indiana.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of General Motors Components Holdings, LLC (GMCH), including on-site leased workers from Development Dimensions International (DDI), Kokomo, Indiana, who were engaged in employment related to the production and supply of various automotive electronic devices (body computer modules, engine control modules, transmissions control, modules, crash sensors, pressure sensors and auxiliary power electronics), non-automotive integrated circuits, and related support services, meet the worker group certification criteria under Section 222(b) of the Act, 19 U.S.C. § 2272(b). In accordance with Section 223 of

the Act, 19 U.S.C. § 2273, I make the following certification:

"All workers of General Motors Components Holdings, LLC (GMCH), including on-site leased workers from Development Dimensions International (DDI), Kokomo, Indiana who became totally or partially separated from employment on or after December 9, 2015, through two years from the date of this certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended."

Signed in Washington, D.C., this 5th day of July, 2018.

/s/Jessica R. Webster

JESSICA R. WEBSTER
Certifying Officer, Office of
Trade Adjustment Assistance

U.S. DEPARTMENT OF LABOR

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GENERAL MOTORS COMPONENTS HOLDINGS, LLC (GMCH)
INCLUDING ON-SITE LEASED WORKERS FROM
DEVELOPMENT DIMENSIONS INTERNATIONAL (DDI)
KOKOMO, INDIANA

Notice of Affirmative Determination
Regarding Application for Reconsideration

By application dated December 14, 2017, the subject firm requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for worker adjustment assistance applicable to workers and former workers of General Motors Component Holdings, LLC (GMCH), including on-site leased workers from Development Dimensions International (DDI), Kokomo, Indiana. The determination was issued on November 24, 2017.

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.

The request for reconsideration includes new information, including but not limited to information relating to a shift in production of like or directly competitive articles to a foreign country.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the

workers meet the eligibility requirements of the Trade Act of 1974, as amended.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 27th day of February, 2018

/s/ Del-min Amy Chen

DEL-MIN AMY CHEN

Certifying Officer, Office of
Trade Adjustment Assistance

DEPARTMENT OF LABOR

Employment and Training Administration

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GENERAL MOTORS COMPONENTS HOLDINGS, LLC (GMCH)
INCLUDING ON-SITE LEASED WORKERS FROM
DEVELOPMENT DIMENSIONS INTERNATIONAL (DDI)
KOKOMO, INDIANA

Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. § 2273, the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

Workers of a firm may be eligible for worker adjustment assistance if they satisfy the criteria of subsection (a), (b) or (e) of Section 222 of the Act, 19 U.S.C. § 2272(a), (b) and (e). For the Department of Labor to issue a certification for workers under Section 222(a) of the Act, 19 U.S.C. § 2272(a), the following criteria must be met:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. § 2272(a)(1)) requires that a significant number or proportion of the workers in the workers' firm must have become totally or partially separated or be threatened with total or partial separation.

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. § 2272(a)(2)) may be satisfied in one of two ways:

(A) Increased Imports Path:

(i) sales or production, or both, at the workers' firm must have decreased absolutely; AND

(ii) (I) imports of articles or services like or directly competitive with articles or services produced or supplied by the workers' firm have increased, OR

(II) (aa) imports of articles like or directly competitive with articles into which the component part produced by the workers' firm was directly incorporated have increased; OR

(II) (bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by the workers' firm have increased; OR

(III) imports of articles directly incorporating component parts not produced in the U.S. that are like or directly competitive with the article into which the component part produced by the workers' firm was directly incorporated have increased; AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm.

(B) Shift in Production or Supply Path:

(i)(I) there has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm; OR

(II) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

For the Department to issue a secondary worker certification under Section 222(b) of the Act, 19 U.S.C. § 2272(b), to workers of a Supplier or a Downstream Producer, the following criteria must be met:

(1) a 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 is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. § 2272(a), and such supply or production is related to the article or service that was the basis for such certification; and

(3) either

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph

(2) accounted for at least 20 percent of the production or sales of the workers' firm;

or

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

Section 222(c) of the Act, 19 U.S.C. § 2272(c), defines the terms "Supplier" and "Downstream Producer."

Workers of a firm may also be considered eligible if they are publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in a category of determination that is listed in Section 222(e) of the Act, 19 U.S.C. § 2272(e).

The group eligibility requirements for workers of a firm under Section 222(e) of the Act, 19 U.S.C. § 2272(e), can be satisfied if the following criteria are met:

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in--
(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);
(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or
(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which--

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the Federal Register; and

(3) the workers have become totally or partially separated from the workers' firm within--

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b), the 1-year period preceding the 1-year period described in paragraph (2).

The investigation was initiated in response to a petition filed on January 9, 2017 by three workers on behalf of workers of General Motors Component Holdings, LLC (GMCH), Kokomo, Indiana ("GMCH"). The workers' firm is engaged in activities related to the production of modules, sensors, electronics and semiconductors. The workers are not separately identifiable by product produced. The subject worker group includes on-site leased workers from Development Dimensions International (DDI).

The petitioners' alleged that, "The loss of business has occurred in the FAB operations and it is slated to close in the summer of 2017. The company stated that the semiconductor business is no longer profitable and plans to close the FAB permanently".

During the course of the investigation, information was collected from the petitioners, the workers' firm, and the major declining customer(s) of the workers' firm.

With respect to Section 222(a)(2)(A)(ii) of the Act, the investigation revealed that company and customer imports of like or directly competitive articles did not increase comparing 2015 versus 2016. Imports were not reported. Additionally, aggregate U.S. imports of articles like or directly competitive to articles produced by the workers' firm did not contribute importantly to workers separations or sales and/or production declines at the workers' firm. The investigation revealed a loss in export business.

With respect to Section 222(a)(2)(B) of the Act, the investigation revealed that the firm did not shift the production of modules, sensors, electronics and semiconductors or a like or directly competitive article to a foreign country or acquire modules, sensors, electronics and semiconductors or a like or directly competitive article from a foreign country.

With respect to Section 222(b)(3) of the Act, the investigation revealed that GMCH LLC is a Supplier to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. § 2272(a); however, the component parts supplied did not account for at least 20 percent of the production or sales or contribute importantly to workers' separation or threat thereof.

With respect to Section 222(b)(3) of the Act, the investigation revealed that GMCH LLC does act as a Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. § 2272(a), but it did not contribute importantly to worker separations or threat of separations.

Finally, the group eligibility requirements under Section 222(e) of the Act, have not been satisfied either because Criterion (1) has not been met since the workers' firm has not been publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in an affirmative finding of serious injury, market disruption, or material injury, or threat thereof.

Conclusion

After careful review of the facts obtained in the investigation, I determine that the requirements of Section 222 of the Act, 19 U.S.C. § 2272, have not been met and, therefore, deny the petition for group eligibility of General Motors Component Holdings, LLC (GMCH), including on-site leased workers from Development Dimensions International (DDI), Kokomo, Indiana engaged in activities related to the production of modules, sensors, electronics and semiconductors to apply for adjustment assistance, in accordance with Section 223 of the Act, 19 U.S.C. § 2273.

Signed in Washington, D.C. this 24th day of November 2017.

/s/Hope D. Kinglock

HOPE D. KINGLOCK
Certifying Officer, Office of
Trade Adjustment Assistance