

DEPARTMENT OF LABOR

Employment and Training Administration

TA-W-93,364

TOKUSEN U.S.A., INC.
SCOTTSBURG DIVISION
INCLUDING ON-SITE LEASED WORKERS FROM MANPOWER
SCOTTSBURG, INDIANA

Certification 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.

The group eligibility requirements for workers of a firm under Section 222(b) of the Act, 19 U.S.C. § 2272(b), can be satisfied if the following criteria are 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 term "Supplier" as "a firm that produces and supplies directly to another firm component parts for articles, or services used in the production of articles or in the supply of services, as the case may be, that were the basis for a certification of eligibility under subsection (a) [of Section 222 of the Act] of a group of workers employed by such other firm."

The investigation was initiated in response to a petition filed on December 12, 2017 by three workers on behalf of workers of Tokusen U.S.A., Inc., Scottsburg division, including on-site leased workers from Manpower, Scottsburg, Indiana (Tokusen). The workers' firm is engaged in activities related to the production of steel tire cord.

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

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 Tokusen 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)(A) has been met because the steel tire cord produced by Tokusen for a firm that employed a certified worker group accounted for at least 20 percent of the production or sales of Tokusen.

Conclusion

After careful review of the facts obtained in the investigation, I determine that workers of Tokusen U.S.A., Inc., Scottsburg division, including on-site leased workers from Manpower, Scottsburg, Indiana, who are engaged in activities related to the production of steel tire cord 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 Tokusen U.S.A., Inc., Scottsburg division, including on-site leased workers from Manpower, Scottsburg, Indiana, who became totally or partially separated from employment on or after December 6, 2016 through two years from the date of certification, and all workers in the group threatened with total or partial separation from employment on the 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 28th day of May 2018.

/s/Hope D. Kinglock

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