

APPENDIX

[15 TAA petitions instituted between 8/4/14 and 8/8/14]

TA-W No.	Subject firm (petitioners)	Location	Date of institution	Date of petition
85460	Nevamar Company, L.L.C. (Company)	Hampton, SC	08/05/14	08/04/14
85461	New York Wire (Company)	York, PA	08/05/14	08/05/14
85462	Xbox Entertainment (A Division of Microsoft) (State/One-Stop)	Santa Monica, CA	08/05/14	08/04/14
85463	Moser Baer Technologies, Inc. (State/One-Stop)	Canandaigua, NY	08/05/14	08/04/14
85464	Exelis, Inc. (Union)	Roanoke, VA	08/05/14	08/04/14
85465	ProCo Sound Company (State/One-Stop)	Kalamazoo, MI	08/06/14	08/05/14
85466	Graftech International (Workers)	Emporium, PA	08/06/14	08/05/14
85467	Electrolux Home Care Products (Workers)	El Paso, TX	08/06/14	07/31/14
85468	Comcast (Workers)	Alpharetta, GA	08/07/14	08/06/14
85469	Litho-Krome Company (Workers)	Midland, GA	08/07/14	08/06/14
85470	Elsevier, Inc. (Workers)	Maryland Heights, MO	08/08/14	08/07/14
85471	Motorola Mobility (Workers)	Fort Worth, TX	08/08/14	08/07/14
85472	Global Specialty Gases (Workers)	Bethlehem, PA	08/08/14	08/07/14
85473	Fiber Glass Industries (State/One-Stop)	Amsterdam, NY	08/08/14	08/07/14
85474	Passion Splash (State/One-Stop)	City of Commerce, CA	08/08/14	08/07/14

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DEPARTMENT OF LABOR

Employment and Training
Administration

[TA-W-83,194]

**Merck Sharp & Dohme Corporation; A
Subsidiary of Merck & Co., Inc.;
Research And Development Group;
Including On-Site Leased Workers
From Agile-1 And Lancaster
Laboratories; West Point,
Pennsylvania; Notice of Revised
Determination on Reconsideration**

On April 8, 2014, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Merck Sharp & Dohme Corp., (MSD), a Subsidiary of Merck & Co., Inc., West Point, Pennsylvania. The appropriate subdivision was later identified as Merck Sharp & Dohme Corporation, a subsidiary of Merck & Co., Inc., Research and Development Group, West Point, Pennsylvania (hereafter referred to as the "R&D Group" or "subject firm"). The Notice was published in the **Federal Register** on April 29, 2014 (79 FR 24013).

In the request for reconsideration, the petitioner stated that the initial investigation of this petition was too broad and did not examine how the functions of the workers of the R&D Group may have been impacted by outsourcing and/or increased imports of like or directly competitive services. Further, the petitioner stated that workers of Merck Sharpe & Dohme Corporation, Merck Research Labs,

Disease Area Biology, In Vitro/In Vivo, Kenilworth, New Jersey (case TA-W-81,413) were certified eligible to apply for adjustment assistance on May 18, 2012 and alleged that workers of the subject firm were impacted by similar circumstances and should also be certified eligible to apply for adjustment assistance.

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

(1) 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;

(2)(B)(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/acquisition must have contributed importantly to the workers' separation or threat of separation.

During the reconsideration investigation, the Department collected information from the petitioner, a former worker of the R&D Group, and the subject firm in order to confirm previously supplied information, address allegations, narrow the scope of the investigation to the R&D Group, and collect new information to determine whether foreign competition impacted the operations at the subject firm.

The reconsideration investigation revealed that the workers in the R&D Group were impacted by a foreign acquisition of R&D functions like or directly competitive with the functions supplied by the workers, which

contributed importantly to separations in the R&D Group.

The reconsideration investigation also revealed that the worker group includes on-site leased workers from Agile-1 and Lancaster Laboratories.

Based upon the findings of the reconsideration investigation, the Department finds that Section 222(a)(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.

The Department also finds that Section 222(a)(2)(B) has been met because the workers' firm has partially acquired from a foreign country services like or directly competitive with the services supplied by the workers, which contributed importantly to worker group separations at the subject firm.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of Merck Sharp & Dohme Corporation, a subsidiary of Merck & Co., Inc., Research and Development Group, West Point, Pennsylvania, who were engaged in employment related to the supply of research and development services, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Merck Sharp & Dohme Corporation, a subsidiary of Merck & Co., Inc., Research and Development Group, including on-site leased workers from Agile-1 and Lancaster Laboratories, West Point, Pennsylvania who became totally or partially separated from employment on or after November 1, 2012, 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, DC, this 12th day of August 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor 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 *August 4, 2014 through August 8, 2014*.

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).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,261, Hibu Inc., Cedar Rapids, Iowa.

April 18, 2013.

85,261A, Hibu Inc., King of Prussia, Pennsylvania. April 18, 2013.

85,261B, Hibu Inc., The Woodlands, Texas. April 18, 2013.

85,261C, Hibu Inc., Spokane Valley, Washington. April 18, 2013.

85,261D, Hibu Inc., Columbus, Ohio. April 18, 2013.

85,261E, Hibu Inc., Effingham, Illinois. April 18, 2013.

85,261F, Hibu Inc., San Diego, California. April 18, 2013.

85,299, Graymark International, Inc., Tustin, California. May 8, 2013.

85,312, Applied Materials, Austin, Texas. May 15, 2013.

85,341, Sanderson Plumbing Products, Inc., Columbus, Mississippi. May 28, 2013.

85,347, St. Jude Medical, Minnetonka, Minnesota. May 29, 2013.

85,357, Flextronics International Inc., Fort Worth, Texas. June 3, 2013.

85,357A, Motorola Mobility LLC., Fort Worth, Texas. June 3, 2013.

85,363, Regal Beloit Corporation, Mt. Sterling, Kentucky. June 5, 2013.

85,363, Regal Beloit Corporation, Winchester, Kentucky. June 5, 2013.

85,366, Luminus Devices, Inc., Woburn, Massachusetts. June 5, 2013.

85,368, FEI Company, Delmont, Pennsylvania. June 9, 2013.