

DEPARTMENT OF LABOR

Employment and Training Administration

TA-W-75,268

NESTLÉ HEALTHCARE NUTRITION, INC.
 WHOLLY OWNED BY NESTLÉ HOLDINGS, INC.
 INCLUDING ON-SITE LEASED WORKERS FROM ADECCO USA
 ST. LOUIS PARK, MINNESOTA

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(a) of the Act, 19 U.S.C. § 2272(a), are satisfied if the following criteria are met:

I. 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.

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

(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
 (i)(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.

III. The third criterion requires that the shift/acquisition must have contributed importantly to the workers' separation or threat of separation. See Section 222(a)(2)(B)(ii) of the Act, 19 U.S.C. § 2272(a)(2)(B)(ii).

The investigation was initiated in response to a petition filed on February 14, 2011 by a state workforce office on behalf of workers of Nestlé HealthCare Nutrition, Inc., wholly owned by Nestlé Holdings, Inc., St. Louis Park, Minnesota. The workers are engaged in activities related to the production of nutritional products. The worker group includes on-site leased workers from Adecco USA.

The investigation revealed that workers of Nestlé HealthCare Nutrition, who are engaged in activities related to the production of nutritional products, meet the criteria for certification.

Criterion I has been met because a significant number or proportion of workers in the workers' firm have been separated or threatened with separation during the relevant period.

Criterion II has been met because the workers' firm has shifted to a foreign country the production of articles like or directly competitive with the nutritional products produced by the firm.

Criterion III has been met because the shift in production contributed importantly to the worker group separations at Nestlé HealthCare Nutrition.

Conclusion

After careful review of the facts obtained in the investigation, I determine that workers of Nestlé HealthCare Nutrition, Inc., wholly owned by Nestlé Holdings, Inc., St.

Louis Park, Minnesota, who are engaged in activities related to production of nutritional products, 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 Nestlé HealthCare Nutrition, Inc., wholly owned by Nestlé Holdings, Inc., including on-site leased workers from Adecco USA, St. Louis Park, Minnesota, who became totally or partially separated from employment on or after February 11, 2010, 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 4th day of May, 2011

/s/Michael W. Jaffe_____
MICHAEL W. JAFFE
Certifying Officer, Office of
Trade Adjustment Assistance