



WORKFORCE INVESTMENT FIELD INSTRUCTION (WIFI) No. 13-12

DATE: June 19, 2013

TO: Local Workforce Investment Act Directors
Labor Exchange Administrators

SUBJECT: **Program Requirements for Emergency Unemployment Compensation Reemployment Services and Reemployment and Eligibility Assessments**

REFERENCES: Training and Employment Guidance Letter (TEGL) 20-11; TEGL 20-11, Change 1; TEGL 20-11, Change 2

PURPOSE: To provide information and instruction regarding the requirements for providing reemployment services (RES) and reemployment and eligibility assessment (REA) services to individuals receiving Emergency Unemployment Compensation (EUC), specifically:

- Program requirements;
- Outreach;
- Rescheduling;
- Exemptions/Waivers; and
- Referral to the Maryland's Unemployment Insurance (UI) Division.

BACKGROUND INFORMATION:

The Middle Class Tax Relief and Job Creation Act of 2012 (Act) §2142 requires states operating an EUC program to provide RES/REA services to individuals who begin receiving EUC Tier 1 benefits or who transition from Tier 1 to Tier 2 benefits on or after March 23, 2012. On January 2, 2013, Congress passed the American Taxpayer Relief Act of 2012. This law extends the EUC benefits to January 1, 2014 (week-ending December 28, 2013) and continues the work search, RES and REA requirements. Under the amended EUC Act, the U.S. Department of Labor's priorities are to provide effective reemployment services to the unemployed—including the long-term unemployed—and to minimize erroneous payments to claimants. All individuals receiving EUC, whether or not they are selected to receive RES/REAs, are now required as a condition of eligibility to establish they are "actively seeking work."

PROCEDURES: Program Requirements

State Merit staff must ensure that the following four required RES/REA services are provided to individuals who begin receiving EUC Tier 1 benefits or who transition from Tier 1 to Tier 2 benefits on or after March 23, 2012 (amended January 2, 2013 through the American Taxpayer Relief Act of 2012):

1. Orientation to the services available through Maryland's One Stop Career Centers;
2. Provision of labor market and career information;
3. Assessment of the EUC claimant's skills; and
4. Review of the claimant's eligibility for EUC, including a review of the claimant's most recent work search log by state merit staff.

All individuals receiving EUC, whether or not they are selected to receive RES/REAs, are now required as a condition of eligibility to establish they are "actively seeking work." This will be accomplished by:

1. Registering for employment services as prescribed by the state agency;
2. Engaging in an active search for work that is appropriate in light of the labor and the individual's skills and capabilities, and includes an appropriate number of employer contacts as determined/prescribed by the state;
3. Maintaining a record of his/her work search, including employers contacted, method of contact and date of contact; and
4. When requested, providing his/her work search record to the state agency.

State Merit staff must adhere to the service requirements of the EUCREA program.

Notification and Outreach

State Merit staff must be aware of the following:

An aggregated data file spreadsheet of EUC claimants who are required to participate in RES/EUCREA services is downloaded weekly from OIT to OWD from each county/region. Staff reviews the list of required attendees and send outreach letters. The process for creating and generating EUC RES/REA services outreach letters is a manual process.

A sample EUCREA outreach letter is included as Attachment A.

As required by regulation, State Merit staff must ensure that:

- Outreach is conducted to EUCREA claimants to notify them of their requirement to participate in the EUCREA program **within three weeks** of their data being received in the Central Office using the notification package; and
- EUCREA claimants are scheduled for an in-person RES/REA assessment for a date **within six weeks** of the Data Received date.

Notification package documents are not to be altered so a consistent message is delivered statewide to all EUCREA claimants. Claimants are assigned Sequence IDs that are used as their unique identifier and are coded on all of the documents. Email may be used in conjunction with the notification package to help facilitate and ensure attendance, but cannot be the sole point of contact to schedule an EUCREA appointment.

All of the following documents are required to be sent to each claimant:

1. Notification Letter with EUCREA requirements to include an appointment date, time and location;
2. Comprehensive One Stop Career Center document;
3. Eligibility Questionnaire and Work Search Log; and
4. Individual Assessment form.

Maryland Workforce Exchange (MWE) Claimant Registration Verification

Staff must certify the claimant is registered in MWE using the column labeled *Username* in the participant data file. Registration in the MWE is required as a work search provision under the EUCREA Program. If claimants are not registered, State staff must ensure claimants complete their registration in order to fulfill their requirements.

Event Requirements

Events should be created using the MWE Events Calendar. The following service codes should be attached to every event:

1. **107** - Provision of Labor Market Research;
2. **108** – Staff Assisted Informal Assessment; and
3. **188** – Reemployment for EUC Orientation

If additional services are delivered, they should be captured in the MWE to ensure accurate reporting for services rendered.

EUCREA Event Activities

Staff may provide individual or group orientation sessions. These events must also include an individual review of each claimant's EUC program eligibility and work search activities. Eligibility determinations must be made by State Merit Staff. State Merit Staff should also accommodate walk-in EUCREA customers on an individual basis for one-on-one orientation and eligibility review.

Required RES/REA services and activities include:

1. A comprehensive orientation, individually or in groups, to the services available through the One Stop Career Center and partner organizations;
2. Provision of labor market and career information;
3. An assessment of the skills of the claimant; and
4. A review of the claimant's continued eligibility for EUC with respect to the "actively seeking work" requirements as defined under EUC Act and under state law.

Exemptions/Waivers

State Merit staff may exempt or waive EUC claimants from participation in RES/EUC REA services for any of the following reasons:

- Within the last three months, the claimant participated in similar reemployment or UI eligibility assessment services while collecting regular UI benefits;
- The claimant is working;
- The claimant would have to commute an unreasonably long distance (excess of 50 miles) to report to a One-Stop Career Center for the RES/REA;
- Union workers engaged in their Union Hall's Reemployment program;
- Claimants are actively engaged in approved training.

Participant data files have the most recent allowable exemption codes. All waivers granted require appropriate documentation, to support the exemption and must be stored in the participant file within the local area.

Reporting

A number of reports are required for the EUCREA program. Each report has its own unique template and instructions. Do not create an attachment with the reported data. All templates should be placed in the body of the submission email to the OWD Central Office and/or UI. The templates can

be located in the 2013 EUCREA Information Guide.

Referral to the State of Maryland's Unemployment Insurance Division

Failure to Report (FTR) to a Scheduled Event Referral

If a claimant does not attend the first scheduled appointment, the data file must be noted with a FTR in the attendance column. Once the file has been noted with the one (1) FTR, UI must be notified using the *Failure to Report* template. UI will then conduct fact-finding with the claimant. UI will advise the claimant to call the local EUCREA reschedule contact, as provided by each local area, to be scheduled for a new appointment. A phone call or email may be used in conjunction with the letter, but cannot be the sole point of contact for scheduling appointments. All FTR referral emails must be sent **within one (1) business day** of the missed appointment.

Rescheduled Participant(s) from the FTR Referrals

Once UI receives the FTR notification from the State staff, UI will schedule the claimant for adjudication and instruct him or her to contact the One Stop EUCREA staff to schedule EUCREA services. UI may suspend the claimant's EUC benefits until the claimant fulfills his or her EUCREA obligation. UI will provide a contact number for the appropriate state staff to the claimant. State staff must ensure that the claimant is scheduled to be seen within 5 days of receiving the call. If the claimant fails to report for the rescheduled appointment, a new FTR referral must be made to UI.

After the claimant has reported to their appointment and met all of the requirements of the program, LWIAs must send an email to UI, **within one (1) business day** of the event, reporting the claimant's attendance. UI will take appropriate action in regards to the claimant's benefits upon receipt of this notification. The *Obligation Fulfilled* template is located in the 2013 EUCREA Information Guide.

Reschedule Requests from the Claimant

If an EUC claimant notifies the staff that he/she is unable to attend the scheduled RES/REA assessment, staff must ensure that that the reason for the reschedule fits one of the following "good cause" reasons:

1. The claimant has a job interview on that date;
2. The claimant has a medical appointment pre-scheduled for that date/time; or
3. The claimant must report for jury duty.

If the claimant provides one of the three listed reasons, State staff must update the participant data file with the claimant's one-time, good cause reschedule. Staff must provide the claimant with the new appointment date, time and location. Staff must then mail a second notification to the claimant to confirm the reschedule.

If an EUC claimant gives any other reason for the reschedule request, the claimant must be referred to UI.

Questionable Eligibility and Work Search Logs

Additionally, State staff must ensure that referrals are made to the UI Division if the EUCREA claimant:

- Does not meet the work search requirements; or
- It is determined that the claimant may have issues that make the EUC claimant unable or unavailable to work.

State staff is required to use the Excel Reporting Spreadsheet to record questionable referrals. In addition, State staff is responsible for sending an email to the UI office with all questionable documents scanned as attachments via EUC-REA@dllr.state.md.us. UI will follow up with an additional review and fact finding as deemed necessary.

Able and Available Issues

UI must be notified of all claimant issues relating to Able, Available, or Actively Seeking Employment.

State staff is advised to err on the side of caution. If the reason for a reschedule, lateness, or FTR appears to cause an Able, Available, or Actively Seeking issue, a referral must be made to UI using the *Able and Available Issuetemplate*.

EUCREA Weekly Report

State Merit staff must ensure that staff submits the required weekly status report to the OWD Central Office by Tuesday of every week with the previous week's statistics. The report demonstrates the number of events held within the previous week, the number of claimants who were scheduled for the event(s), the number of claimants who attended that week's event(s), and the number of claimants who failed to report. In addition, staff must include quarterly data, as well as cumulative data from



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the beginning of the program in March 2012.

EUCREA Program Tracking

State Merit staff is required to track all data and have that information readily available upon request. OWD Central Office has templates available to be used by each Labor Exchange Administrator (LEA) to ensure that all information, reports, statistics, etc. are consistently monitored on the local level in addition to the State level. It is recommended that each LEA perform quality assurance audits within their EUCREA program to ensure all requirements are being met. Documentation must be maintained according to the guidance provided.

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EFFECTIVE: March 23, 2012

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ATTACHMENT: Attachment A: Sample EUCREA Services Outreach Letter with documents