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DEPARTMENT OF LABOR AND EMPLOYMENT DIVISION OF EMPLOYMENT AND TRAINING

WORKFORCE DEVELOPMENT PROGRAMS
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Category: Wagner Peyser (and all Workforce Programs)
Subject#: Regular Approved Training Requests
Source: Federal/State
Revise/Replace:
Contact: Workforce Development Programs Director
Distribution: Managers, Workforce Development Staff, Workforce Region Directors, Fiscal
Colorado One-Stop System Policy Guidance Letter#: 11-14-P
Date: November 29, 2011

I. REFERENCE(S):

Workforce Investment Act, Public Law 105-220; Wagner-Peyser Act of 1933 as amended by Title III of WIA of 1998; Trade Adjustment Assistance Act of 2002, Public Law 107-210; Colorado Employment Security Act (CESA) 8-73-114 and 8-73-107(4) and Regulations Concerning Employment Security (RCES) 2.6.

II. PURPOSE:

To establish policy and provide guidelines for processing a **Regular Approved Training** request and waiving job search contacts for unemployment insurance claimants while they are in training.

III. BACKGROUND:

Unemployment Insurance (UI) customers who are taking classes that impact their availability to work (and as a result, might cause a loss of UI benefits), may be eligible to receive a **waiver of their job search requirements** while in training. The legal basis for the Regular Approved Training waiver includes the following regulations that apply to implementing provisions of the Colorado Employment Security Act:

- **2.6.2 Approved Training.**

The claimant must produce evidence of continued attendance and satisfactory progress in an approved-training course when requested by the division. In determining whether or not a training course will be approved for an individual claiming benefits under the provisions of 8-73-107 (4), C.R.S.

- **2.6.3 Effect of Participation in Approved Training.**

With respect to any week in which a claimant is participating in a training program with the approval of the division and meets the requirements of this section, he or she shall not be denied benefits for the reason that he or she is not actively searching for work or that he or she has failed to apply for or refused to

accept suitable work.

With the increased number of UI claimants in training, CDLE recognized the need to formalize a process for workforce centers and unemployment office staff to process approved training requests for those served by all workforce center or partner programs.

In September 2009, UI developed a **B643 - Regular Approved Training Authorization Form (Attachment 1)** to establish consistent procedures for submitting requests among Employment Services (ES), Workforce Investment Act (WIA), ~~Trade Adjustment Act (TAA)~~* and other workforce programs. This form is available for use by both workforce center and unemployment office representatives; however, workforce center representatives have the primary responsibility for initiating the regular approved training request process.

* NOTE: The TAA and TRA program will continue to record Approved Training Status for TAA/TRA applicants. TAA is not applicable.

IV: POLICY/ACTION:

Definition of Training – WIA Section 134(d)(4)(D) states that training services may include occupational skills training including training for nontraditional employment; on-the-job training; programs that combine workplace training with related instruction; training programs operated by the private sector; skill upgrading and retraining; entrepreneurial training; job readiness training; adult education and literacy activities; and customized training conducted with a commitment by an employer or groups of employers to employ an individual upon successful completion of the training. For purposes of Approved Training Status, training may also include internships and work experiences.

Taking classes or participating in an internship may impact a UI claimant's weekly benefits since claimants must be "available for and actively seeking" work. Claimants must report any training to the workforce and/or UI system in a timely manner to avoid overpayments or other issues with their claim. Claimants may start training on their own or through a program that pays for training, such as WIA, Vocational Rehabilitative Services, or other training partners. In all cases, training status must be reviewed and approved by the Workforce or UI program staff for the claimant to receive UI benefits for their weeks in training. This policy will discuss the forms and procedures required to process an approved training request for a UI claimant.

A. Processing a Regular Approved Training Request

Workforce and Unemployment Insurance representatives are expected to evaluate the appropriateness of an authorization to waive job contacts during the time frame of the class or classes. This waiver should be approved for a short period of time (semester by semester preferred) and Workforce center (or UI) staff should review the progress and results of past semesters (grades or some kind of progress report) to determine the appropriateness and satisfactory progress of the training for subsequent job search waiver authorizations.

In order for the UI claimant to qualify for benefits during training, workforce representatives (or UI staff) must submit an authorization notice (**Form B643**) to waive job search contacts to the following UI email address box: ui/wfc@state.co.us.

In the subject line of the email, include the **last 4 digits of the social security number**, the claimant's **last name**, and "**Regular Approved Training**" in the order mentioned.

For example: 1234 Jones, Regular Approved Training

NOTE: This email address is for CDLE and Workforce Center staff only. **Do not share this address with customers.**

NOTE: For those workforce programs that provide career counseling, training reviews and case management to their participants, you may submit the Form B643 **OR** a current program authorization form verifying that the claimant is enrolled in a specific program and the program approves the training for the specific timeframe identified on the submission form.

All Regular Approved Training requests should be emailed to
ui/wfc@state.co.us

In **ALL** cases, the training program must meet the five UI criteria listed below and can be used when the evaluation of the training has not been reviewed by a Workforce Development program, such as WIA ~~or TAA~~. **2.6.1 Statutory Reference: 8-73-107 (4), C.R.S.**

1. Whether the claimant's skills are such that reasonable employment opportunities do not exist or have substantially diminished in the labor-market area of the claimant to the extent that, in the judgment of the division, the individual has little or no prospect of obtaining suitable employment;
2. Whether the claimant possesses the qualifications and aptitudes to successfully complete the program of training;
3. Whether there is a reasonable expectation that the claimant will complete the training course;
4. Whether the training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities for the claimant; and
5. Whether the training course is reasonably designed to result in the claimant's prompt reemployment in suitable work.

B. Revoking an Approved Training Program Status

If Workforce Center or UI staff have reason to believe that a claimant has discontinued the training, failed a course(s), has not provided progress reports, or has demonstrated insufficient progress to continue training, the staff member should immediately notify the UI Benefits section to revoke the approved training status. This notification can be emailed to ui/wfc@state.co.us.

In the subject line of the email, include the **last 4 digits of the social security number**, the claimant's **last name**, and "**Regular Approved Training**", then "**Revocation**" in the order mentioned.

For example: 1234 Jones, Regular Approved Training – Revocation

Workforce Center and UI staff may elaborate on the reason for the revocation in the body of the email.

V. IMPLEMENTATION DATE:

VI. INQUIRIES:

Please direct all inquiries to your Regional Program Monitor at CDLE Workforce Development Programs.

Elise Lowe-Vaughn, Acting Director
Workforce Development Programs

ATTACHMENTS:

Attachment 1 – B643 Regular Approved Training Authorization Form