



Category/Subject: Wagner Peyser – WF/UI Reemployment Initiatives Links to Reemployment
Colorado Policy Guidance Letter#: WP-2015-01 (prior #15-16-WP)
Revise/Replace PGL#: N/A
Date: October 16, 2015
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, UI Division Staff, Partners

I. REFERENCES:

- a. Laws. Title III of the Social Security Act (SSA); Section 4 of Public Law (P.L.) 103-152; Sections 303(a)(10); 303(j); Unemployment Compensation Amendments of 193 (P.L. 103-152); Colorado Employment Security Act (CESA) 8-73-114 and 8-73-107(4) and Regulations Concerning Employment Security (RCES) 2.6; Wagner Peyser Act of 1933, as amended, 29 U.S.C. 40 et seq.; Title I of the Workforce Innovation and Opportunity Act (WIOA): Dislocated Worker Program.
- b. Issuances. Unemployment Insurance Program Letter (UIPL) No. 13-94, dated January 28, 1994; UIPL 13-94, Change 1, dated April 15, 1994; UIPL 41-94, dated August 31, 1995; and the Secretary’s Stand for Claim Determinations, Part V, Employment Security Manual, Section 6010 et seq.

II. PURPOSE:

To establish a policy and provide procedural guidelines for the Links to Reemployment initiative for claimants that would most benefit from reemployment services earlier in their claim cycle.

III. BACKGROUND:

In 1994, U.S. Department of Labor (USDOL), Employment and Training Administration (ETA) developed regulations and program requirements regarding the Unemployment Insurance (UI) Worker Profiling and Reemployment Services (WPRS) system. In the fall of 2013, a work group of local workforce center, UI, and Workforce Development Program (WDP) representatives developed processes and procedures to transition the initiative from Job Link to Connecting Colorado. In addition, Connecting Colorado will track and report the services and activities that each selected claimant receives. Lastly, this policy officially announces Links to Reemployment as the new name for WPRS.

The UI Division and all parties who deliver services to claimants must meet all related sections of the Social Security Act (SSA) as a condition of the state receiving UI grants, as follows:

- Identify which claimants will likely exhaust regular UI and will need job-search assistance services to make a successful transition to new employment (Subparagraph (A) of Section 303(j)(1), SSA);
- Refer identified claimants to reemployment services, such as job-search assistance services, available under any State or Federal law (Subparagraph (B) of Section 303(j)(1), SSA);
- Collect follow-up information relating to the services received by such claimants and their employment outcomes and use the information for future profiling (Subparagraph (C) of Section 303(j)(1), SSA.);
- Meet “such other requirements as the Secretary of Labor determines are appropriate.” (Subparagraph (D) of Section 303(j)(1), SSA.) ; and
- Section 303(a)(10), SSA, requires claimants to participate in reemployment services to which they have been referred as a condition of UI eligibility.

IV. DEFINITIONS AND ACRONYMS:

a. General Definitions

(Service codes and definitions, particularly those specific to Links to Reemployment, are included in Attachment 4).

- **Reemployment Services** – job-search assistance, job placement services, counseling, testing, provision of career and labor market information, assessment, job search workshops, job clubs, referrals to employers, and other similar services.
- **Orientation** – A Links to Reemployment orientation is considered a service in Connecting Colorado since participants are made aware of why the services are available, what the services are, and are able to participate in the identification of appropriate services to assist them in returning to employment.
- **Assessment** – A Links to Reemployment assessment is considered a service since it identifies the needs of a specific participant.
- **Similar Service** - Reemployment services that claimants are attending on their own initiative. This may be services offered by a private employment agency and not identical to those to which the claimant was referred by the State and the workforce system; they need be only reasonably similar. In addition, this may include local workforce initiatives that invite customers to a workforce orientation. The quality of services being provided should be a relevant factor in determining whether the services are “similar.”
- **Able and Available (A&A)** – A UI representative will review a claimant’s ability to work, availability for work, and whether they are actively seeking work, i.e. the claimant is able and available to accept work if offered, or participate in specific job-search activities, such as attending a job interview or employer testing for specific employment.
- **Exclusions** – All “exclusions” shall be referred to UI to investigate for justifiable cause and A&A.

b. Acronyms

- Workforce Center (WFC) = One-Stop Center
- Workforce Development Programs (WDP)
- Unemployment Insurance (UI)

- Reemployment Services and Eligibility Assessments (RESEA)
- Workforce Innovation and Opportunity Act (WIOA)
- Wagner Peyser (WP)
- Labor Market Information (LMI)
- Social Security Act (SSA)
- Claimant = Participant = Customer
- Able and Available (A&A)
- Service Providers = WFCs or contractors who provide WIOA and/or core services
- Connecting Colorado (CC)

V. POLICY/ACTION:

The information captured in the main body of this guidance letter is intended to include enough information for both Workforce and UI staff to gain a basic understanding of the Links to Reemployment initiative. Procedural documents for UI and workforce programs will be included as attachments. In addition, a selection of other documents, forms, and helpful information will be included as separate attachments.

The SSA requires that claimants are identified, referred and participate in reemployment services through a “profiling” or scoring process, or participate in similar services, as a condition of UI eligibility.

Local workforce centers, WDP, and the UI Division are working in partnership to provide reemployment services to claimants who have been selected to participate in a mandatory orientation regarding the available workforce center services. In addition, claimants will learn about UI eligibility requirements as they relate to work-search, reemployment, and continued eligibility for UI benefits. This guidance describes the minimum requirements for program administration. Workforce centers and service providers are encouraged to design more robust programs to expedite reemployment for the participant.

One of the principal aims of Links to Reemployment is to provide reemployment services to certain claimants through an “early intervention” process. Claimants who are unlikely to return to their previous industry or occupation will be identified and given assistance early in their claim series (within the first five weeks after the claimant receives the first benefit payment). In addition, this approach is expected to create a cost savings to the Colorado UI Trust Fund by those individuals who return to work before exhausting all of their UI benefits. For that reason, the identified claimants shall be immediately referred to workforce reemployment services or placed in a “selection pool/queue” from which a future referral may be made.

Connecting Colorado enhancements have been made to track and report on the reemployment services received by each claimant and for the Links to Reemployment population, as a whole.

Alternative Recruitment Options

Alternative reemployment and recruitment opportunities may be used in combination with Links to Reemployment. For example, assuming a WFC has 25 slots available for selection, the local WFC may refer 15 claimants identified through Links to Reemployment and the remaining 10 claimants using another reemployment recruitment initiative that will also expedite reemployment. Links to Reemployment is a required initiative and one of many ways to recruit UI claimants.

State Level Selection Process

Data elements, including labor market information, are collected from claimants during the initial claim and work registration processes. Certain elements will allow the profiling or scoring system to exclude certain claimants from participation.

Exclusions:

- Claimants that are job attached; who use a hiring hall; or have a recall status on their claim.
- Claimants who are not collecting benefits from the employer who paid the most wages.

Inclusions:

- Claimants must have been issued a first payment
- Claimant who are collecting benefits from the employer who paid the most wages.

Colorado's Current Characteristics and Variables

Colorado's current characteristics and variables include: Base-period earnings and wage replacement rates; industry; other earnings such as pensions, severance, or old age survivors insurance (OASI); weekly benefit amounts; claimant exhaustion rates by industry; number of base period employers; workforce center registration.

NOTE: Colorado is not using occupation or education because of concerns about data quality and availability.

The remaining claimants are assigned a numerical score indicating the claimant's probability of dislocation through a statistical evaluation process. The statistical model ranks claimants in order of their probability of exhaustion of benefits (0.1 to 0.9 score). Claimants with the highest score will appear on the selection list.

NOTE: The model may not produce results which discriminate in violation of any federal or state law or which otherwise favors some claimants over those similarly situated with respect to their need for reemployment services, including age, race, ethnic group, sex, color, national origin, disability, religion, political affiliation, and citizenship.

a. Local Level Selection Process

Each local office or local area may generate a list of selected claimants for Links to Reemployment in Connecting Colorado. WFCs shall only refer and promptly serve the number of claimants that the provider is capable of serving, based on the availability of services at the local level. All other claimants will remain in a "referral pool" for a subsequent selection and will be removed from the pool after five weeks from receiving the first benefit payment to ensure that workforce centers serve claimants who are early in their claim cycle.

Due to the nature of the statistical scoring to rank each claimant, WFCs should select participants in the order listed. Those not invited will automatically return to the main selection pool for a later selection, as applicable. Claimants with identified local exclusions at the time of the local selection process will be referred (NE service code) to UI for further investigation. These individuals will not be required to attend a future meeting unless local

policy dictates this requirement.

b. Veteran's Priority Selection Process

Training and Employment Guidance Letter (TEGL) 10-9 – Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs funded in whole or in part by USDOL has provided guidance regarding the application of Veteran's Priority for UI mandated activities. Local areas shall follow the most current Veteran's Priority of Service guidance, along with any updated "triage" processes when referring customers to Disabled Veterans Outreach Program services.

Initiatives, such as Links to Reemployment and Reemployment Services and Eligibility Assessment (RESEA) "apply specified criteria to identify certain categories of UI claimants who are required to report in-person to a service delivery location." The intent of the requirement to report is to reinforce compliance with eligibility requirements including ability to work, availability for work and actively seeking work, and other requirements for eligibility.

As a result, veteran priority of service for UI mandated activities begins once the customer attends the orientation and receives referrals to additional reemployment and training services.

Before applying veteran's priority of services procedures to other UI mandated activities having a potentially punitive consequence for nonparticipation (examples: Emergency Unemployment Compensation [EUC]-Reemployment and Eligibility Assessment [REA]/Reemployment Services [RES] or State Extended Benefits [SEB]), WFCs are encouraged to seek technical assistance from the WDP project coordinator or WDP Regional Liaisons.

c. Unemployment Insurance/Workforce Center Notifications and UI Adjudication Process

At the time a claimant files a UI claim, they are provided information about their right to know, establish, and protect their rights under Colorado UI laws and regulations. The Benefits Right Information (BRI) advises claimants of the possible consequences of failure to report or to participate in any reemployment services to which they may be referred. For Links to Reemployment and RESEA programs, claimants must participate in reemployment services during the week(s) of the scheduled or rescheduled appointment(s).

Claimants must be held ineligible for any week in which there is a failure to participate in a scheduled appointment for workforce reemployment services unless they: 1) have justifiable cause and sufficiently show proof that they were able and available for work the week of the scheduled appointment; or 2) have completed such services or attended similar services. Workforce center representatives and partner organizations will report any "no shows" to UI so UI representatives will conduct an investigation to evaluate "good cause" and the claimants' availability status during the week in question.

Selected claimants will receive a notification (Attachment 3 – Links to Reemployment Orientation Letter Template [Form UIW-1]) to attend a mandatory orientation. This notification will explain that they have been identified as unlikely to return to their previous occupation or industry and would benefit from reemployment assistance and services; why reemployment services are being offered; and when and where to report for the orientation. The notification will also explain how to contact a workforce center to reschedule the appointment in advance, if necessary. This notification will be delivered by mail.

Additional Notifications:

- In addition, an email will be automatically generated and sent to invited participants with active emails in Connecting Colorado and who have chosen email as the preferred method of contact.
- WFCs are **highly encouraged** to contact attendees by telephone one or two days in advance to reduce the no-show rate.
- Attachment 2 – UI Division Procedural Document provides reference information for UI and WFC representatives to review. UI representatives should refer to the most current internal procedural documents when processing claims for this initiative.

d. Advance Rescheduling (SH –Rescheduling Service Code)

WFCs may reschedule claimants for the next scheduled orientation date. All reschedules must be reported to UI to evaluate whether the claimant had justifiable cause for the reschedule and whether the claimant was able and available to work during the week of the original appointment, as well as any subsequent reschedules. All claimants who request a reschedule in advance should be given an opportunity to attend an orientation to facilitate an earlier return to work.

A case note in Connecting Colorado is required and will briefly describe the reason for the advance reschedule so UI representatives will be able to effectively investigate the reschedule reason.

NOTE: When a claimant is rescheduled, they are required to report to the next available orientation. Failure to attend this meeting may impact their benefits for the week of the reschedule, as well as the original orientation.

Refer to the workforce center procedural document which describes how and what to record in Connecting Colorado.

e. Local Exclusions (NE - Potential Eligibility Issue Service Code)

Local exclusions are determined when a WFC representative discovers a reason that the claimant cannot participate due to one of the identified categories below. The federal definition of an “exemption” are “those profiled claimants who are not required to participate in reemployment services or in further reemployment services through the Links to Reemployment system because they have completed such services, they have participated in similar services, or have justifiable cause for their failure to participate in reemployment services. Colorado has grouped additional categories into the exclusions to simplify the process for UI and workforce representatives. UI representatives must investigate all local exclusions and review the reason for nonattendance and potential eligibility issues.

Potential local exclusions include:

- Program enrolled (WIOA and other tracked program enrollments in Connecting Colorado)
- Similar Services (outsourced services that are similar to what a WFC provides)
- Approved Training status
- Banned/Flagged in Connecting Colorado

NOTE: WFCs shall include a brief Employment Services (ES) case note within the NE service code, describing the exclusion to assist UI staff with their investigation and determination of whether the service is acceptable.

f. Reemployment Service Delivery

Mandatory Services: Services will begin with an orientation advising claimants of the available reemployment services. In addition, participants will learn about the requirements to maintain eligibility for UI benefits by watching a UI eligibility and work-search video.

Optional Services: If appropriate, an individual assessment of each claimant's needs may be administered. Based on the individualized employment plan, the claimant may be referred to other reemployment and training services tailored to the individual's needs.

WFCs will promptly refer any necessary information regarding the claimant's continuing eligibility of UI benefits, such as not reporting for the mandatory orientation or any potential eligibility issues that were discovered while meeting with the claimant.

Tools and Resources: WFC tools and resources have been made available in the attachments noted at the bottom of this guidance letter. Many of these attachments are referenced in the workforce procedural document (Attachment 1).

Dislocated Worker (DW) Eligibility and Eligibility Documentation

WIOA defines an "eligible dislocated worker" as an individual who has been terminated or laid off or who has received a notice of termination or layoff from employment, is eligible for or have exhausted their entitlement to unemployment compensation, and is unlikely to return to their previous industry or occupation.

Selected claimants are considered eligible DW (permanently laid off, eligible for UI, and unlikely to return to their previous industry or occupation) for the purposes of WIOA. Workforce center case files shall include an individualized copy of the orientation letter. Case files may be kept electronically or on paper. The letter must identify the specific individual, issue date, and must be on the original letterhead. Orientation letters may be used to document DW eligibility for up to five years; however, subsequent jobs and work history for the last five years should be evaluated to determine the appropriate job of dislocation and DW eligibility category. The letter may not be appropriate based on subsequent work history within the five year time frame. The WIOA registration in Connecting Colorado should include the "PR" (or profiled) category in the eligibility calculation section when the orientation letter is used.

Colorado **encourages** all workforce centers to upload the Links to Reemployment Orientation letter into the claimant's Connecting Colorado registration for **all** claimants that have been invited to attend a Links to Reemployment Orientation. The orientation letter may be used for DW eligibility documentation whether or not the claimant actually attended the mandatory orientation since the invitation has already identified that individual as a WIOA eligible DW.

NOTE: Basic WIOA eligibility must be documented before enrolling an individual in a WIOA or discretionary grant program. Refer to the most current WIOA eligibility guidance letter to ensure that local offices are meeting all documentation requirements.

VI. IMPLEMENTATION DATE:

Local area participation in the Links to Reemployment initiative began in May 2015 for the local areas who piloted the programmatic changes made in Connecting Colorado. On August 4, 2015, a webinar was held to officially launch the program statewide. All local workforce areas are required to begin administering and selecting claimants for the Links to Reemployment initiative during the quarter ending September 30, 2015, and forward.

VII. INQUIRIES:

Please direct all workforce inquiries to the appropriate Regional Liaison at WDP. UI representatives shall direct any UI inquiries to a lead or supervisor. Sue Rusch, Strategic Liaison for Workforce and UI Reemployment Partnership Programs may also assist with workforce or UI questions.

Elise Lowe-Vaughn, Director
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Jeff Fitzgerald, Director
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ATTACHMENTS

1. Workforce Procedural Document
2. UI Division Procedural Document
3. Links to Reemployment Orientation Letter Template (Form UIW-1)
4. Links to Reemployment Service Codes and Definitions–Aug2015
5. Career and LMI info handout – rev. Aug2015