

JOHN HICKENLOOPER Governor		ELLEN GOLOMBEK Executive Director	
Workforce Development Programs 633 17 th Street, 7 th Floor Denver, Colorado 80202-3627		COLORADO Department of Labor and Employment	Division of Unemployment Insurance 633 17 th Street, 7 th Floor Denver, Colorado 80202-3627
ELISE LOWE-VAUGHN Director		JEFF FITZGERALD Division Director	

Subject: Reemployment Services and Eligibility Assessment (RESEA) Guidance
Colorado Policy Guidance Letter#: WP-2016-02
Revise/Replace PGL#: N/A
Date: June 1, 2016
Distribution: CDLE Management/Finance, State/Local One Stop 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) 2.8; Wagner Peyser Act of 1933, as amended, 29 U.S.C. 40 et seq.; Workforce Innovation and Opportunity Act (WIOA) of 2014, Pub. L. No. 113-128;
- b. Issuances. Unemployment Insurance Program Letter (UIPL) No. 13-94,; UIPL 13-94, Change 1,; UIPL 41-94,; and the Secretary’s Stand for Claim Determinations, Part V, Employment Security Manual, Section 6010 et seq. UIPL No. 10-14; UIPL No. 13-15; UIPL No. 07-16; Training and Employment Notice (TEN) No. 31-09; UIPL No. 20-15.

II. PURPOSE:

To establish a policy and provide procedural guidelines for the Reemployment Services and Eligibility Assessment (RESEA) initiative which targets 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 August 2015, CDLE launched Links to Reemployment to move the WPRS system from Job Link to Connecting Colorado. With the release of this PGL and any associated statewide training, CDLE announces RESEA as the newest addition to reemployment initiatives.

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 are likely to 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

- **Reemployment Services** – job-search assistance, job placement services, counseling, testing, career and labor market information, assessments, job search workshops, job clubs, job referrals, referrals to training services and other similar services.
- **Orientation** – Per USDOL, an RESEA 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** – An RESEA 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 to each of the services required for a complete RESEA. In addition, this may include local workforce initiatives that invite customers to a workforce reemployment orientation and individualized reemployment services. 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** – Recording exclusions should occur as part of the IVR selection process for RESEA. Exclusions allow One Stop Center representatives an opportunity to exclude or exempt a participant from attending the RESEA orientation if the customer has participated in an activity that is considered to be 1) similar in nature to what will be offered in the orientation and other activities; 2) already enrolled in a WIOA program; 3) a UI approved training status is established; 4) Banned or Flagged from a workforce center. Exclusions are made at the discretion of the local area. Some exclusions may not be appropriate, based on whether the exclusion was recent enough to justify the exclusion. All “exclusions” shall be referred to UI to investigate for justifiable cause and A&A.

b. Acronyms

- Workforce Center (WFC) = One-Stop Center = Local Area
- 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 One Stop and UI representatives to gain a basic understanding of the RESEA initiative. Procedural documents for UI and One Stop 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 One Stop 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 Merit Staff” at One Stop Centers are encouraged to design more robust programs to expedite reemployment for the participant.

One of the principal aims of RESEA 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, USDOL has also identified the UCX Veterans (recent military separation) as an additional population who would benefit from reemployment services administered under RESEA.

This targeted 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.

RESEA vs. Links to Reemployment

USDOL requires that One Stop Centers must administer either Links to Reemployment or RESEA in offices throughout the state. The state will monitor which offices are administering programs to ensure compliance.

State Level Selection Process

Data elements, including labor market information, are collected from claimants during the initial claim and work registration processes. Scores are determined based on defined coefficients within the model. All claimants who have received a first payment from UI and are not actively working with a union or seasonally attached by UI requirements will receive a score (0.1 to 0.9). Those with the highest score will appear at the top of the selection list, and are most likely to exhaust all unemployment compensation benefits.

Colorado's Current Characteristics and Variables

Colorado's current characteristics and variables include:

- Base-period earnings and wage replacement rates;
- industry
- Weekly benefit amounts
- Claimant exhaustion rates by industry
- Number of base period employers
- One Stop Center registration

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

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.

One Stop Level Selection Process

Each local area will generate a list of selected claimants for RESEA in Connecting Colorado. One Stop Centers 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, following the receipt of their first benefit payment. This ensures that One Stop centers serve claimants who are early in their claim cycle.

Due to the nature of the statistical scoring to rank each claimant, One Stop Centers should select participants in the order listed, and with a preference of serving as many UCX claimants as is reasonable. Those claimants not invited will automatically return to the main selection pool for a later selection, as applicable. Claimants with an identified local exclusions at the time of the local selection process will be referred (manual 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.

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 engage participants in workforce services and 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 non-participation, One Stop Centers are encouraged to seek technical assistance from the WDP project coordinator or WDP Regional Liaisons.

Unemployment Insurance/One Stop 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 may 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. One Stop Center representatives and partner organizations shall refer any "no shows" to UI. 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 – RESEA Orientation Letter Template [Form UIW-2]) 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 One Stop Center to reschedule the appointment in advance, if necessary. This notification will be delivered by mail.

Notifications and Reminders:

- Once the IVR selection process is submitted and finalized (hit “Go”), 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.
- One Stop Centers are **highly encouraged** to contact attendees by telephone one or two days in advance to reduce the no-show rate. When One Stop Centers do contact attendees, it is recommended that representatives make note of this contact and any known results in Connecting Colorado ES notes to assist UI in any future investigations.

BASIC PROCEDURES, ACTIVITIES AND SERVICES

1. One Stop Selection of Participants (IVR Contacts)
 - a. Determine if any participant exclusions apply
2. Mail orientation letters
3. Advance reschedule, as appropriate
4. Facilitate RESEA orientation
5. Complete RESEA required activities with participants
6. Record attendance and track activity in Connecting Colorado
7. Send potential eligibility referrals and other communications to UI, as appropriate

ADDITIONAL INFORMATION FOR PARTNER AGENCIES

Advance Rescheduling

One Stop Centers may reschedule claimants for the next scheduled orientation date or an individual appointment. All reschedules (not related to job searching or interviewing) must be referred 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. All claimants who request a reschedule in advance should be given an opportunity to attend an orientation.

Procedures:

Open up the A0 screen. Modify the reschedule date field. Click the save button at the bottom of the page. If the reschedule reason is a potential eligibility issue, manually record a NE service code and include the reason for the reschedule in the comment line for UI agents to read as part of their investigation.

NOTE: When a claimant is rescheduled, they are required to report to the next available orientation. PLEASE advise participants that One Stop Centers are required to notify UI of the reschedule, and a failure to attend this meeting may impact their benefits for the week of the reschedule, as well as the original orientation.

Refer to the One Stop Center procedural document attachment which describes how and what to record in Connecting Colorado.

Local Exclusions (NE - Potential Eligibility Issue Service Code – manual data entry)

Local exclusions are determined when a One Stop Center representative discovers that a customer has already completed or is currently engaged in reemployment activities. The federal definition of an

“exclusion” are “those profiled claimants who are not required to participate in reemployment services or in further reemployment services through the RESEA 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 One Stop representatives. UI representatives must investigate all local exclusions and review the reason for nonattendance and potential eligibility issues.

Potential One Stop exclusions include:

- Program enrolled (WIOA and other tracked program enrollments in Connecting Colorado)
- Similar Services (outsourced services that are similar to what a One Stop Center provides)
- Approved Training status
- Banned/Flagged in Connecting Colorado (*Guidance for this category will be released in the near future*)

NOTE: One Stop Centers shall include a brief Employment Services (ES) case note within the NE service code, describing the exclusion to assist UI representatives with their investigation and determination of whether the service is acceptable. See One Stop Procedural document – Reporting and Tracking section for additional information.

Reemployment Service Delivery

Before attending the orientation, customers are referred to a website, where they will learn about the required steps to complete before attending the orientation. Participants shall come to the RESEA orientation with their most recent work-search log (two weeks) and a printed copy of their online assessment results.

www.coloradoui.gov/reemployment or www.colorado.gov/cdle/reemployment

Mandatory Orientation: 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.

Mandatory One-on-One Services: An overall assessment of each participant’s needs shall be administered during the one-on-one meeting. Based on the individualized employment plan, the claimant may be referred to other reemployment and training services tailored to the individual’s needs. One Stop Center representatives will review the following activities and make suggestions to improve upon the current work-search strategy as it applies to the following required activities:

- Updated Connecting Colorado registration (skills, credentials, employment goals)
- Customized LMI and career information
- Online self-assessment
- UI eligibility questionnaire and work-search log review*
- Individualized reemployment plan*
- Referral to reemployment services or training

* This activity must be completed during a one-on-one appointment. Other activities may be completed in a group setting with the individual results reviewed during the one-on-one appointment, as it pertains to the development of the reemployment plan.

One Stop Centers will promptly refer any necessary information regarding the participant's continuing eligibility of UI benefits, such as failing to report for the mandatory orientation or any potential eligibility issues discovered while meeting with the claimant.

Tools and Resources: One Stop Center 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 One Stop procedural document.

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 has exhausted their entitlement to unemployment compensation, and is unlikely to return to their previous industry or occupation.

Selected claimants are considered DW eligible (permanently laid off, eligible for UI, and unlikely to return to their previous industry or occupation) for the purposes of WIOA. One Stop 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 **highly encourages** all One Stop Centers to upload the RESEA Orientation Letter into the claimant's Connecting Colorado registration for **all** claimants that have been referred or invited to attend a RESEA Orientation (A0 service in CC services screen). 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 an 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:

The RESEA initiative began June 1, 2016 for the participating One Stop Centers. USDOL requires that Local Areas must administer either RESEA or Links to Reemployment. In March and April 2016, procedural webinars were held to officially launch the program statewide. Participating RESEA One Stop Centers are required to begin administering and selecting claimants for the RESEA initiative in June 2016, and forward, pending the release of the Notice of Funding Availability (NFA).

VII. INQUIRIES:

Please direct all workforce inquiries to the appropriate Regional Liaisons at Workforce Development Programs. Local Area workforce representatives shall direct any UI inquiries to a lead or supervisor

who may forward appropriate questions to the UI liaison. Contact Sue Rusch, Reemployment Programs Coordinator for the Workforce and UI Reemployment Partnership Programs with One Stop and UI questions, as appropriate.



Elise Lowe-Vaughn, Director
Workforce Programs, Policy, and Strategic Initiatives



Jeff Fitzgerald, Director
Division of Unemployment Insurance

ATTACHMENTS

1. One Stop Center Procedural Document
2. RESEA Orientation Letter Template (Form UIW-2) –Feb2016
3. Online RESEA links to Video and Website
4. UI Eligibility Review Questionnaire
5. Individualized Reemployment Plan
6. LMI and Career Info Handout –rev. Aug2015
7. RESEA and Links to Reemployment – Work-Search and UI Fact Sheet –Feb2016
8. UI Work-Search Log
9. RESEA Financial Guidance – Requesting Reimbursements
10. RESEA Monitoring Tool
11. UI Division Procedural Document
12. Presentation: RESEA One Stop Managers and Leads Training –Mar1 2016
13. Presentation: RESEA Procedural Training –Mar17 2016
14. Presentation: UI Eligibility and Work-Search Log -Mar31 2016
15. Presentation: UI Able and Available (A&A) Training –Apr14 2016