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DEPARTMENT OF LABOR AND EMPLOYMENT

WORKFORCE DEVELOPMENT PROGRAMS

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TECHNICAL ASSISTANCE NOTICE: 12-01

SUBJECT: Use of Unemployment Insurance Notifications and Screen Prints to Document WIA Program Eligibility and Outcomes

DATE: November 6, 2012

Please Note: The following Technical Assistance Notice (TAN) should be viewed as an Official state communication from CDLE's Workforce Development Programs (WDP) Office. The contents of this TAN will be incorporated into PGL 08-17-WIA on WIA Eligibility at a later date.

PURPOSE:

This Technical Assistance Notice (TAN) is intended to provide guidance on the expanded use of Unemployment Insurance (UI) notifications and screen prints to document eligibility and outcomes for Workforce Investment Act (WIA) programs and discretionary grants. These additional options for documentation are the result of recent rulings by the US Department of Labor and the Unemployment Insurance Division of the Colorado Department of Labor and Employment.

I. USE OF THE EUC-8 NOTIFICATION TO DOCUMENT DISLOCATED WORKER PROGRAM OR DISCRETIONARY GRANT ELIGIBILITY (See attachment 1: EUC-8).

Beginning in March 2012 WDP, UI, and the statewide network of workforce centers began implementation of the Extended Unemployment Compensation (EUC) - Workforce Reemployment Services program for those individuals transitioning from an initial unemployment insurance claim to the first or second tier of EUC. Claimants who become eligible for EUC tier 1 or 2 between March 23, 2012, and January 2, 2013, receive a written notice from UI about the new work-search requirements and their responsibility to complete the four required reemployment activities. This official notification form is identified as the EUC-8.

On the recommendation of local workforce centers, WDP approached the regional office of the US Department of Labor (USDOL) to determine if the EUC-8 could serve as stand-alone documentation of eligibility for WIA Dislocated Worker programs and discretionary grants. The model for this is the way workforce centers currently use the UI Profiling notification letter for DW eligibility. After extensive research USDOL agreed that **the EUC-8 by itself can be used to document Dislocated Worker eligibility**, and the state is authorized to create a policy for its use by local WIA service providers.

If an EUC claimant is referred to the WIA Dislocated Worker program or a DW discretionary grant initiative for additional services, the EUC claimant will need to provide a copy of their individual EUC-8 notification to the workforce center staff person for inclusion in the eligibility documentation section of the customer case file. Claimants may provide the EUC-8 in hard copy format or electronically through email or FAX, but in all cases the name of the claimant must be legible on the document for it to be acceptable as eligibility documentation. **The EUC-8 can be used to document eligibility for Dislocated Worker programs and discretionary grants for up to two years from the date of EUC-8 letter (beginning with letters issued March 2012), if the customer is still unemployed or underemployed and looking for work.**

Even though the EUC-8 by itself is the only document needed to meet the specific requirements of DW eligibility, Workforce Regions will still need to obtain basic WIA eligibility documentation,

including the Affidavit of Immigration, plus proof of age and Selective Service registration. (See PGL 08-17-WIA: WIA Eligibility Determination and Documentation, for detailed instructions regarding basic WIA eligibility documentation.)

As new EUC claimants are identified through the daily list received from UI in Connecting Colorado, Workforce Regions may wish to modify the appointment notification to include instructions for the claimant to bring a copy of their EUC-8 to their EUC one-on-one appointment and to hold onto this document if they wish to receive more intensive services, such as training or career counseling services. **If an EUC-8 is lost or misplaced, UI can reissue the document to the claimant. To request a copy, the Claimant can call the Customer Contact Center and request the duplicate form; or Workforce center staff may send an email request to cdle_ccc@state.co.us, put EUC-8 in the subject line and the Claimant ID in the body, including the last four of the SSN and claimant's last name.** In both cases the form will be sent to the claimant via email or to their mailing address. If the duplicate EUC-8 is needed for program eligibility, please ask the claimant to send or bring a copy to the workforce center when they receive it from Unemployment Insurance.

If no EUC-8 is available, regions will need to rely on other methods to document eligibility, such as the UI notice of decision, statement of wages, and 6 weeks of job search logs or LMI data for documentation of layoff, UI eligibility and unlikely to return, etc.

II. USE OF THE UI NOTICE OF DECISION TO DOCUMENT LAYOFF AND UI ELIGIBILITY (See attachment 2: UI Notice of Decision)

Regions have been utilizing the UI Notice of Decision to document a layoff, as well as UI eligibility, when the notice contains the following legal citation:

Colorado Employment Security Act 8-73-108(4)(a)

This citation is specifically defined to mean that the claimant has been laid off due to lack of work, and will be getting a full award of benefits without a disqualification.

However, there are 21 other citations that also mean that the claimant is being granted a full award without a disqualification. USDOL has recently reviewed all of these UI citations and has determined that if any one of them appears on the UI Notice of Decision, the Notice may be used to document layoff and UI eligibility. **These citations always start with 8-73-108(4), but can end with a different letter from (a) through (v).** Each letter signifies a different definition. The intent of the law is to determine who is responsible, and 8-73-108 (4) indicates 'through no fault of their own.' Thus the claimant is considered out of work and not responsible for the separation when any of the 'a' through 'v' definitions is used with 8-73-108(4).

The UI Notice of Decision **cannot** be used to document layoff and UI eligible when the following citation is used: ***Colorado Employment Security Act 8-73-108(5)(e)***
This citation indicates that a disqualification has been applied against the claim.

Please note that not all claimants receive a Notice of Decision. Only claimants who had some type of issue on their claim will receive this notice. Workforce regions will need to use other forms of documentation in these cases.

III. USE OF CUBS 03 and 04 SCREEN PRINTS TO DOCUMENT LAYOFF ONLY (See examples below)

- The CUBS 04 screen covers the base period of a claim and contains two codes that identify the reasons for a job separation, one for the claimant’s stated reason and one for the employer’s stated reason. The CUBS 03 screen covers the time period after the base period of the claim and contains the separation codes for that time frame.
- The 09 code indicates the separation reason is due to lack of work. An 03 or 04 screen can be used to document a layoff:
 - if both the Claimant and Employer Separation columns have 09 codes (see Sample 1 below). **Or,**
 - if the Claimant column has 09, but the Employer column has 00 **and** the Due Date is past (see Sample 2 below). **Or,**
 - if the Claimant column has 09 and the Employer has OA, **and** the CUBS 20 screen indicates a full award of benefits without a disqualification (see section IV below).
 Any other code will not be acceptable as a reason for separation. For example, a code 20 indicates that there was a discharge; however, the reason for discharge is undefined. An 03 or 04 screen with a code 20 cannot document a layoff.
- In cases where the coding in the Claimant and Employer Separation columns are different from the combinations listed above, the 03 or 04 screen cannot be utilized as there is a disagreement between the employer and claimant regarding the separation reasons.
- The case manager may print the CUBS screen and place it in the case file. The case manager should also mark the printout as documenting layoff for DW eligibility in lieu of a layoff notice and yellow highlight both the 09 code(s) and the name of the employer.

04 Screen Sample 1: Acceptable Documentation of Layoff for DW

An 04 screen from CUBS that shows code 09 in both Claimant and Employer Separation columns (**CLMNT SEP, EMPL SEP**) and will be accepted as documentation of layoff in situations where a layoff letter is not available.

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03/01/2005                - BASE PERIOD EMPLOYERS -                04
SSN: 123 45 6789 0      NAME: Duck, Donald                BYE: 12/14/2002
NO. OF EMPLOYERS: 01

EMPLOYER NO: 01 ACCOUNT: 001234.00-8 NAME: Disney Land Inc.
REIMBURSIBLE: N SEASONAL: N                START:                END:
EMPLOYER FACT FINDING -- DUE DATE: 12/31/2001 RECEIPT DATE: 12/21/2001 2ND: N
CLAIMANT FACT FINDING -- DUE DATE: 12/13/2001 RECEIPT DATE: 12/13/2001 2ND: N

      WAGES          WAGE          START          END          CLMNT    EMPL
      WAGES          SOURCE         DATE         DATE         SEP      SEP
QTR 1: 13335.20      3           05/28/1974   12/13/2001    00      09
QTR 2: 14818.49      3           05/28/1974   12/13/2001    09      00
QTR 3: 13542.74      3                               00      00
QTR 4: 14939.73      3                               00      00
TOTAL: 56636.16      0                               00      00

      PAY RATE: 3600.00 UNIT: 6 LAST EMPLOYER: N TYPE: 00
INITIAL POTENTIAL CHARGE: 10140.00
CURRENT POTENTIAL CHARGE: 10140.00
FOR MORE THAN 1 EMPLOYER DEPRESS PF2
  
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04 Screen Sample 2: Acceptable Documentation of Layoff for DW

An 04 screen from CUBS that shows 09 in only the Claimant Separation column (CLMNT SEP) will be accepted **only** if the Employer Fact Finding period has expired (see date in green). This may be used as documentation of layoff in situations where a layoff letter is not available.

03/01/2005 - BASE PERIOD EMPLOYERS - 04

SSN: 123 45 6789 0 NAME: Duck, Donald BYE: 12/14/2002

NO. OF EMPLOYERS: 01

EMPLOYER NO: 01 ACCOUNT: 001234.00-8 NAME: Disney Land Inc.
REIMBURSIBLE: N SEASONAL: N START: END:
EMPLOYER FACT FINDING -- DUE DATE: 12/31/2001 RECEIPT DATE: / / 2ND: N
CLAIMANT FACT FINDING -- DUE DATE: 12/13/2001 RECEIPT DATE: 12/13/2001 2ND: N

WAGES	WAGE SOURCE	START DATE	END DATE	CLMNT SEP	EMPL SEP
QTR 1: 13335.20	3	05/28/1974	12/13/2001	00	00
QTR 2: 14818.49	3	05/28/1974	12/13/2001	09	00
QTR 3: 13542.74	3			00	00
QTR 4: 14939.73	3			00	00
TOTAL: 56636.16	0			00	00

PAY RATE: 3600.00 UNIT: 6 LAST EMPLOYER: N TYPE: 00

INITIAL POTENTIAL CHARGE: 10140.00

CURRENT POTENTIAL CHARGE: 10140.00

FOR MORE THAN 1 EMPLOYER DEPRESS PF2

IV. USE OF THE CUBS 20 SCREEN TO DOCUMENT LAYOFF ONLY (See attachment 3 – CUBS 20 screen)

There are many instances of CUBS 03 and 04 screens that do not contain the 09 code in the either the Claimant or Employer Separation columns. In such cases, workforce regions should check the CUBS 20 screen for the code that appears in the column titled: **Letter Sent**. This code will always have 6 digits that are split in three sections, separated by dashes. There can be multiple codes listed under Letter Sent. However, if any of the codes listed has a 01, 02, or 03 in the first section **AND** a 0 in third section of the code (such as 02-201-0), this indicates a full award of UI benefits with no disqualifications, and the 20 screen can be used to document a layoff or separation not attributable to the claimant.

The CUBS 20 screen may also contain any **reversals of decisions** that originally resulted in disqualifications. When such a reversal results in a full award with no disqualifications, the Letter Sent code will have a 01, 02, or 03 in the first section, **333** in the second section, and a 0 in the third section of the code (such as 02-333-0). In these instances, the 20 screen can be used to document a layoff or separation not attributable to the claimant. At the same time, it is possible for a full award to be reversed to an award with a disqualification. When this happens the code in the Letter Sent column will have a 333 in the middle section and a 2, 3, or 4 in the third section (such as 02-333-4). This type of reversal means that the CUBS 20 screen cannot be used to document a layoff.

A print of this screen should be placed in the case file with the appropriate Letter Sent code highlighted. (**Please Note:** The CUBS 30 screen further documents the 20 screen by providing the result of the review of the separation, the decision issued, and who is responsible for the separation.)

V. PRINTING CUBS SCREENS

UI has expanded its authorization for the printing of CUBS screens to document eligibility and outcomes for WIA programs. Workforce regions may now print any of the following screens for inclusion in confidential case files:

01	Claimant Profile Data	W6	Wage Inquiry
03	Non-Base Period Employers	20	Non-monetary Determinations
04	Base Period Employers	30	Notice of Decision

NOTE: No other CUBS screens may be printed. In addition, CUBS screen prints may not be given to claimants nor be used for any purpose other than inclusion in a confidential case file.

Attachments:

1. UI EUC-8 Notice
2. UI Notice of Decision
3. CUBS 20 Screen