

UIPL 13-94 ATTACHMENT II

PARTICIPATION IN REEMPLOYMENT SERVICES

a. Text of the Amendment - Section 4(b) of P.L. 103-152.

(b) PARTICIPATION REQUIREMENT.--Section 303(a) of the Social Security Act is amended--

(1) by striking the period at the end of paragraph (9) and inserting "; and ", and

(2) by adding at the end thereof the following new paragraph:

"(10) A requirement that, as a condition of eligibility for regular compensation for any week, any claimant who has been referred to reemployment services pursuant to the profiling system under subsection (j)(1)(B) participate in such services or in similar services unless the State agency charged with the administration of the State law determines--

"(A) such claimant has completed such services; or

"(B) there is justifiable cause for such claimant's failure to participate in such services."

b. Discussion. P.L. 103-152 added Section 303(a)(10) to the SSA to require States, as a condition of receiving Title III grants, to place an additional condition of eligibility on claimants who have been referred to reemployment services pursuant to the profiling system under subsection 303(j)(1)(B), SSA. A profiled claimant, in order to be eligible for regular UC for any given week, must participate in reemployment services or similar services unless the State agency determines that (1) the profiled claimant has already completed such services; or (2) there is a justifiable cause for the claimant's failure to participate in such services. The Department of Labor will provide further guidance to States concerning participation in "reemployment services" or "similar services" and "justifiable cause."

The Department believes States will need to amend their laws to provide for a disqualification based on a profiled claimant's failure to participate in reemployment services. If a State does not need to make such a law change, it will be necessary to notify the Department that such a disqualification can be accomplished without amendment.

c. Effective Date. Section 4(f) of P.L. 103-152, requires that new Section 303(a)(10), SSA, "shall take effect on the date one year after the date of the enactment of this Act," or November 24, 1994. In determining whether

to take action against a State which has not met this requirement by this effective date, the Department of Labor will take into consideration the feasibility of such State timely amending its law and establishing a profiling system (which is a necessary requisite to this denial provision) which meets the requirements established by the Department in its operating instructions.