

Hello, State Colleagues:

As you are aware, the UI program has become a pivotal safety net in the context of the coronavirus, requiring the need for states to tap staff on short notice to be responsive in supporting the program's mission and operations. We also realize that all states are engaged in ongoing preparedness efforts in response to the current situation including exploring options for staff to work remotely and continuing to process claims timely.

Several states are anticipating sharp increases in claims workload in the coming weeks, and are proactively taking steps to ensure adequate staffing for claims processing. Some of you have reached out to the regional and national offices with questions or requested temporary suspension or reduction in sampling for Employment and Training Administration (ETA) quality programs such as the Benefit Accuracy Measurement (BAM), Benefits Timeliness and Quality (BTQ), Tax Performance System (TPS), flexibilities with the Reemployment Services and Eligibility Assessment (RESEA), and federal reporting.

Based on state requests and on the workload challenges states are experiencing, the following flexibilities are being considered for each of the program functions described below.

Benefits Accuracy Measurement (BAM)

The BAM program is an essential quality function for the UI program. 20 CFR 602.30 establishes required methods and procedures for the BAM program. The states have the responsibility to draw samples, perform investigations, identify errors, compute error rates, analyze data, and initiate corrective action if appropriate. For BAM paid cases, we strongly encourage states to continue to sample at the current rate/week and complete the investigations for the quarter ending March 31, 2020 (through Batch #202013), if at all possible.

We will consider individual state requests for the following:

- BAM – Denials functions may be suspended immediately effective with Batch 202011.
- Upon request with appropriate rationale, we may approve a state to suspend BAM for Paid Cases for the quarter beginning April 1, 2020 and ending June 30, 2020 (Batch #202014 through Batch #202026).

Benefits Timeliness & Quality Reviews (BTQ)

The determination of a claimant's eligibility for UI benefits is a critical UI program function. BTQ reviews assess the overall quality of the nonmonetary determination process using a set of federally established minimum criteria, evaluating the quality elements of the determination.

States may suspend BTQ for the quarter ending March 31, 2020. However, it should be noted that the prior three quarters will be used to assess the FY 2021 State Quality Service Plan quality performance. Additionally, based upon request and with appropriate rationale, we may approve suspension of BTQ for one additional quarter beginning April 1, 2020 through June 30, 2020.

Reemployment Services and Eligibility Assessment Program (RESEA)

As you are aware, RESEA is now a permanently authorized program with growing funding. It is also a mission critical program designed to support the reemployment of UI claimants as quickly as feasible. Therefore, the Employment and Training Administration is not anxious to interrupt program delivery if at all feasible and strongly urges states to continue RESEA service delivery. To support states in their continued operation of the RESEA program, we offer the following recommendations:

- During the temporary circumstances related to COVID-19, states have flexibility to conduct RESEA service delivery by telephone if other person-to-person virtual means are not practical.
- In recognition that traditional work search may not be feasible, states are encouraged to focus on helping claimants frame effective reemployment and work search plans to be implemented when there is no longer a COVID-19 threat.

If a state experiences a situation they believe requires taking steps to limit the RESEA program in any way, the state must contact their Regional Office to set up a call to discuss options.

Tax Performance System (TPS)

CY 2019 TPS sampling is expected to be completed by March 31, 2020. If the sampling schedule is delayed, the cutoff date to finalize CY 2019 State TPS results may be extended due to extenuating circumstances.

Federal Reporting

We understand most federal reporting functions are automated in states. States should work to ensure the timely submittal of the weekly claims reports (ETA538 and ETA539). The data from these reports is monitored closely by policy makers and financial markets to determine appropriate actions in light of fast changing economic conditions. As such, this data must remain embargoed until the national claims report is released the following Thursday at 8:30 AM EDT/EST. We recognize the need for states to be responsive to media questions following significant events and as such states may provide information using generalities to describe claims levels (very high, large increase). States should not provide numeric values to the public prior to the release of the embargoed claims data. Once ETA has released the data, states may share information for the given week at the level of granularity deemed appropriate within the confines of Federal and State confidentiality guidelines.

Additionally, ETA requests that, as possible, states provide any available information on COVID-19 related claims along with details on heavily impacted industries. These details in particular will be important to policymakers as legislation is developed to assist those most impacted by this unprecedented event. This information should be included in the comments section of the ETA 538 and ETA 539 reports.

We will consider flexibilities for other federal reporting based on requests such as a waiver for the timeliness of submission.

Finally, ETA recognizes the impact this situation is placing on state UI operations, and will provide approval for these requests on a case-by-case basis. We ask that you submit formal requests through email or letter and include the following types of information:

- Rationale for your request including, but not limited to, information on the level of claims work load and staffing considerations; and
- Staffing changes you will make if the request is granted.

Please send state requests to alter normal operations for these programs/functions to the mailbox COVID-19@dol.gov with a copy to your Regional Office UI Director.

We will provide responses as quickly as feasible.

Gay Gilbert, Administrator, Office of Employment Insurance