

Hi, State Colleagues:

This a follow-up to my March 18th communication informing states on the operational flexibilities available to support states' need to divert available staff in supporting the program's mission and operations.

We realize that all states remain engaged in implementing the new Unemployment Insurance (UI)-related programs under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 and processing the unprecedented volume of claims that are being filed for the various programs.

Some of you have reached out to the regional and national offices requesting extensions to the operational flexibilities 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 the workload challenges you are experiencing, we have updated the available operational flexibilities, for each of the program functions, described below:

BAM

Denied Claims Accuracy (DCA) – ETA provided flexibility for states to suspend BAM DCA effective with Batch 202011. Upon request, with appropriate rationale, ETA will consider extending this suspension, for an additional quarter, through Batch 202039. States are expected to complete any open DCA cases by October 28, 2020.

Paid Claims Accuracy (PCA) –ETA granted states flexibility to suspend BAM PCA for the quarter beginning April 1, 2020 and ending June 30, 2020 (Batch #202014 through Batch #202026), upon request and with appropriate rationale. States are expected to resume BAM operations with Batch 202027 and will need to complete any outstanding cases from the quarter ending March 31, 2020 (through Batch #202013), by September 30, 2020. There are no plans for ETA to consider further extensions of the suspension for the BAM PCA sampling and investigations. Any additional waiver or suspension of BAM PCA will impact the Department's ability to fulfil its statutory requirement to report a statistically representative and accurate improper payment rate at the national and state levels.

TPS

The original deadline for completion of State TPS sampling was March 31, 2020. With appropriate rationale, ETA will allow for an extension of the cutoff date to finalize CY 2019 State TPS results, to June 30, 2020. There are no plans for ETA to consider further extensions beyond the June 30, 2020 deadline.

TAX FIELD AUDITS

Some states have experienced challenges with conducting Tax Field Audits. With appropriate rationale, ETA will consider granting approval for states to suspend Tax Field Audit functions/activities through July 31, 2020. After this date, states granted suspensions will need to begin remotely conducting these field audits until circumstances are suitable to resume normal field audit operations.

BTQ

Upon request, ETA granted approval for states to suspend BTQ for quarters ending March 31, 2020, and June 30, 2020. There are no plans to further extend the suspension of this function. States that were allowed to suspend BTQ through the quarter ending June 30, 2020, should plan to resume BTQ with the quarter ending September 30, 2020.

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, ETA will not approve requests to suspend 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.

STATE QUALITY SERVICE PLAN (SQSP) QUARTERLY UPDATES

The SQSP is the state UI performance management and service plan, and also the grant document through which states receive Federal UI administrative funding. With appropriate rationale, ETA previously approved the suspension of some states' submissions of quarterly updates to the SQSP Corrective Action Plan for quarters ending March 31, 2020 and June 30, 2020. With appropriate rationale, ETA will consider extending this flexibility for the quarter ending September 30, 2020. It is important to note that all states are still expected to submit the FY2021 SQSP Workbook according to the guidance provided in UI Program Letter Nos. 15-19 and 9-20.

DATA VALIDATION (DV)

Many states expressed concerns with meeting the deadline (June 10, 2020) for submission of Data Validation results. For states providing appropriate rationale, ETA extended the deadline to submit DV results, by 60 days, to August 10, 2020. There are no plans to further extend this deadline.

FEDERAL REPORTING

States should continue to ensure the timely submittal of the weekly claims reports (ETA538 and ETA539). The data from these reports remains vital for policy makers and financial markets in light of these rapidly changing economic conditions. As a reminder, this data must remain embargoed until the national claims report is released the following Thursday at 8:30 AM EDT/EST. States should not provide numeric values to the public until the release of the embargoed claims data by ETA.

All States should now be providing Pandemic Unemployment Assistance and Pandemic Emergency Unemployment Compensation claims information in the comments for these reports as specified in UIPL 16-20 and UIPL 17-20, respectively. Those requirements include the following:

ETA 538: States should provide preliminary PUA initial and continued claims for the associated reporting week in the comments. Formatting for these items should match the following:

PUA IC: ###

PUA CW: ###

ETA 539: States should provide the PUA initial and continued claims taking into account any revisions from the preliminary submission, and PEUC continued claims only in the comments. Formatting for these items should match the following:

PUA IC: ###

PUA CW: ###

PEUC CW: ###

While we are unable to waive the requirements for other federal reporting, we will consider flexibilities related to the timeliness of submission. Please keep in mind that ETA902P, ETA 5159, ETA 207 and ETA 5130 reports are key in providing the timely and accurate distribution of administrative funding.

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
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