

U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION UI
	CORRESPONDENCE SYMBOL TEUR
	DATE June 11, 1998

DIRECTIVE : REPORTS AND ANALYSIS LETTER NO. 3-98
TO : ALL STATE EMPLOYMENT SECURITY AGENCIES
FROM : DAVID HENSON *David Henson*
 Director
 Office of Regional Management
SUBJECT : Employer Filed Mass Layoff Claims and Multi-Claimant
 Nonmonetary Determinations

- Purpose. To emphasize to SESAs when a multi-claimant "other" nonmonetary determination should be reported.
- Reference. ET HB 401, 2nd Edition, Section I-4, ET HB 336, 14th Edition.
- Background. It was recently discovered during a tripartite review that a few States have been erroneously reporting single claimant nonmonetary determinations on the ETA 207, Nonmonetary Determinations Activities, which should have been reported as one multi-claimant nonmonetary determination. This erroneous reporting also impacts the accuracy of the data reported on the ETA 9052, Nonmonetary Determination Time Lapse, Detection Date, and the ETA 9053, Nonmonetary Determination Time Lapse, Affected Week.

The situation which caused this problem to surface was one in which an employer laid off a large number of claimants. The employer, with the permission of the claimants, submitted a mass filing to the State on magnetic tape. The information provided included the fact that all individuals were receiving holiday pay for certain weeks. While the amounts of the holiday pay may have differed from individual to individual, the fact that all received holiday pay was constant.

- Definitions. On page I-4-13 in ET Handbook 401, 2nd Edition, a multi-claimant nonmonetary determination is defined as follows:

"A nonmonetary determination based upon a set of facts which apply to groups of similarly situated individuals and which may result in the issuance of one or more notices, depending

RESCISSIONS None	EXPIRATION DATE June 30, 1999
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upon the number of individual claimants involved in the facts."

5. Procedures. This definition must be applied to determine whether to report the issue as a single claimant or multi-claimant nonmonetary determination. The primary fact which must be obtained to determine proper reporting is: was there one set of facts that applied to the entire group of similarly situated individuals? In the above-cited example, there was only one set of facts, i.e., payment of holiday pay. The nonmonetary determination was necessary, as payment of holiday pay in the State is deductible and could serve to reduce or deny benefits to a claimant. It is important to note that differences in the amount of the holiday pay do not serve to remove the case from multi-claimant status.

It is possible to have more than one multi-claimant determination if there are subgroups which have clearly different issues and/or clearly different sets of facts.

The example cited is to be recorded in the multi-claimant "other" category on the ETA 207, column 6. (Note that any resulting denials are reported as the number of individuals.) It will also be recorded as a multi-claimant determination (cell c195) on each of the ETA 9052 and ETA 9053, Nonmonetary Determination Time Lapse reports.

6. Data Relationships. There is a correspondence between the data reported on the quarter's ETA 207 and the corresponding three months of ETA 9052 and ETA 9053 reports, except for States with a short time compensation (STC) or workshare program. Those relationships are:

ETA 207 cell c2 = 3 month total ETA 9052 cells c2+c6+c98+c102
ETA 207 cell c4 = 3 month total ETA 9052 cell c193
ETA 207 cell c5 = 3 month total ETA 9052 cell c194
ETA 207 cell c6 = 3 month total ETA 9052 cell c195

ETA 207 cell c2 = 3 month total ETA 9053 cells c2+c6+c98+c102
ETA 207 cell c4 = 3 month total ETA 9053 cell c193
ETA 207 cell c5 = 3 month total ETA 9053 cell c194
ETA 207 cell c6 = 3 month total ETA 9053 cell c195

In the case of States with an STC program, since data for that program is included in the ETA 207 but excluded from the ETA 9052 and ETA 9053, then the ETA 207 should exceed the counts on the comparable ETA 9052 and ETA 9053 by the number of STC nonmonetary determinations.

There should never be more than one nonmonetary determination based on similarly situated individuals selected for nonmonetary determination quality review. If more than one is selected, this is an indication of erroneous reporting.

Funding for multi-claimant services is based on actual staff years worked/used, and not workload counts. See ET Handbook No. 336, Chapter II.

7. Inquiries. Further inquiries should be directed to Cindy Ambler (202-219-6209 x129), Leslie Thompson (202-219-5215 x131), or Diann Lowery (202-219-5340 x179).