

Comments on Performance Measurement Review Interim Evaluation Report

#	ISSUE	COMMENT	DOL RESPONSE
1	First Payment Time Lapse Program Types	<p>! One comment: transitional first payments are identical in process to initial claims, and need no separate breakout.</p> <p>! One State commented that including partial payments in first week promptness will not be cost effective because of the small numbers involved and the probability that stressing promptness in this category will lead to shortcuts in fact finding and a degradation of quality in order to improve speed.</p> <p>! Why is CWC eliminated from the first pay and continued weeks time lapse measures but included in the adjudication time lapse and quality measures?</p>	<p>! DOL will include transitional first payments in first payment time lapse; they will not be broken out as a separate category. (Transitional claims are reported separately for economic purposes.)</p> <p>! During the field test, DOL did not find a significant difference in time lapse between partial and total first payments. The separate category will be retained to demonstrate performance.</p> <p>! CWC has been eliminated as a separate reporting category from all time lapse and quality measures.</p>
2	First Payment Time Lapse - Workshare	<p>! One State recommended that workshare claims remain a separate measure for first payment time lapse.</p>	<p>! Workshare will remain a separate measure.</p>
3	Parameters for Time Lapse	<p>! One State would prefer to use payment authorization date as the ending parameter for time lapse on first payments.</p> <p>! Two favor use of mail date as the ending parameter.</p> <p>! One would prefer to use system date.</p> <p>! Post-test meeting participants agreed that mail date should be used, with an explanation of how the State derives it.</p>	<p>! DOL will accept "mail date" as the ending parameter for time lapse; States will be required to explain how the date is derived from their automated systems.</p>
4	Continued Claims Time Lapse	<p>! One State sees no reason to have a measure of continued claims time lapse.</p> <p>! One feels the measure will be beneficial and is long overdue.</p> <p>! One wishes to exclude subsequently paid waiting weeks from the continued claims time lapse universe.</p> <p>! Post-test meeting presentations and the MPR final report on the Field Test revealed uneven performance, which indicates a need for analysis.</p>	<p>! Continued claims time lapse showed large variations during the field test and should be measured.</p> <p>! Payment of subsequently paid waiting weeks will be excluded from the time lapse measure.</p>

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5.1	Adjudications* Universe for Time Lapse and Quality **"Adjudications" was used in the field test to refer to nonmonetary determinations.	! One question received was, "If no week is claimed, how can we say an adjudication affects past, present, or future benefit rights?"	! The requirement of DOL's adjudication validation is that 1) an issue existed, and 2) a determination was made. DOL does not recommend that States adjudicate issues with no week claimed, but will measure the adjudications that are done for time lapse and quality.
5.2	Adjudications Universe	! One State recommended excluding all straight overpayment determinations from the time lapse universe. (These are notices of overpayment obligation sent as a result of but separately from a nonmonetary determination of eligibility.)	! Straight overpayment notices will be excluded from the adjudications time lapse/quality universe.
5.3	Adjudications Universe	! One State felt that BPC crossmatch cases should be <u>included</u> for time lapse.	! Benefit Payment Control Crossmatch determinations will not be included in the adjudications universe. BPC issues are currently under review and will be treated separately.
5.4	Adjudications Universe	! One stated that BPC crossmatch and overpayments should be <u>excluded from the adjudications quality universe</u> and reviewed as a separate category.	! Benefit Payment Control Crossmatch determinations will not be included in the adjudications universe. BPC issues are currently under review and will be treated separately.
5.5	Adjudications Universe	! Two feel that misrepresentation determinations should be included in the adjudications quality universe. ! Two field test States reported that misrepresentation determinations are not currently included in the adjudications quality/time lapse universe.	! Misrepresentation determinations are to be included in universes for time lapse and quality.
6	Starting parameter for Adjudication Time Lapse	! Four States favor use of the week-ending date of first week affected by the decision for adjudication time lapse.	! Days elapsed between the week ending date of the first week affected and the date an issue is detected will be tracked as a non-tiered performance measure.

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6	Starting parameter for Adjudication Time Lapse (Cont.)	<p>! Nine favor use of issue detection date as the beginning parameter.</p> <p>! Two said Performance Measurement Review (PMR) should not hold States to performance standards for activities beyond their control as when an issue is revealed only very late in the claims series.</p> <p>! One alternative solution was suggested: retain week-ending date of first week affected, but review a sample to determine controllable/uncontrollable nature of any delayed payments.</p> <p>! Post test meeting participants voted: 2 States in favor of using the week ending date of the first week affected by decision; 2 States favored use of issue detection date for the beginning parameter; 1 State abstained from the vote because it favored including both dates with a controllable/uncontrollable element added.</p> <p>! With the new Tier I measure, the beginning parameter is the date the issue is detected. When a new, additional, or reopened claim is filed, issues are identified before the first week ending date occurs. This will result in increasing the number of days in our adjudications time lapse.</p> <p>! The adjudications time lapse measure will result in a negative number of time lapse days for issues detected when a new claim, additional claim, or reopened claim is filed. The reporting intervals indicate the lowest reporting interval is <=7 days. Should States report negative days in this category?</p>	<p>! The issue detection date will be used as the beginning parameter for adjudication time lapse, a Tier I UI Performance Measure. Days elapsed from the issue <u>detection date</u> to the determination date will be a benchmarked measure, as specified by the Performance Enhancement Workgroup (PEWG).</p> <p>! There will be no element to track failure to meet time lapse as controllable or uncontrollable. Use of detection date addresses the element of controllable/uncontrollable.</p> <p>! That is correct; time lapse may lengthen in such cases.</p> <p>! There should be no "negative" time lapse when detection date is used as the beginning parameter for time lapse as could occur when the week ending date of the first week affected was used.</p>

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7	Adjudications Program Type	<p>! One State commented that there is no need for CWC as a separate reporting category, as these claims are only differentiated by the nature of the base period wages and are not treated differently from UI claims.</p>	<p>! CWC will not be retained as a separate adjudications time lapse report. No significant difference was found during the field test between time lapse for adjudications on combined wage claims and other UI claims.</p>
8	Redetermination Time Lapse	<p>! Two States felt that redetermination time lapse should be included in PMR, after modifications.</p> <p>! Six felt that the redetermination measures should be excluded from PMR.</p> <p>! Three stipulated that if the measure is included in the new reporting requirements, request/detection date should be used as the beginning parameter for time lapse.</p>	<p>! The redetermination time lapse measure will not be implemented. DOL found during the field test that SESA definitions for redeterminations vary too widely to use for performance measurement at this time. Further study of the problem is warranted.</p>
9	CWC Time Lapse <ul style="list-style-type: none"> • Wage Transfer • Billing • Reimbursement 	<p>! Five States felt that CWC time lapse measures should not be implemented before further review.</p> <p>! One stated that wage transfer time lapse only should be implemented.</p> <p>! One suggested retaining the time lapse measures only in non-automated States.</p> <p>! One felt that the ending parameter for CWC reimbursement time lapse should be the date a payment is made on the outstanding bill, not the date of final resolution of disputed amounts.</p>	<p>! The CWC time lapse measures will be implemented. The field test revealed significantly varied results from six States, and analysis of reports allowed States to begin program improvements where deficiencies were detected.</p> <p>! The ending parameter for CWC reimbursement will be the date a payment is made on the current bill.</p>
10	Reporting Intervals	<p>! Two States felt that there are too many reporting intervals and a disproportionate emphasis on time lapse under this review system, and that reporting category breakouts are excessive.</p> <p>! One recommended a 35-day cut-off for first payment time lapse.</p> <p>! One noted that LAA implementation time lapse will require additional intervals.</p>	<p>! The reporting intervals are useful for analysis. Multiple reporting intervals allow analysts to measure continuous improvement and identify outliers.</p>

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11	Scoring Questions and Pass/Fail in Non-Mon Quality	<p>! Four opposed the pass/fail nature of the adjudication quality scoring, commenting that this approach will result in very low scores.</p> <p>! Seven felt that the DCI puts too much emphasis on the written determination, while four others opined that the DCI should emphasize the written determination elements. (Most of the latter noted that the emphasis would lead to improvement, especially in canned determinations.) One recommended canned paragraphs which include more specificity.</p> <p>! Two opposed use of more individualized determinations, stating that they tend to reduce consistency Statewide.</p> <p>! Two proposed a new method of scoring to incorporate discrete scoring for each element. Another agreed that separate scoring for each element is of benefit, and states that "in PMR the whole claim does not fail when only one piece is not properly done."</p> <p>! Four asked that the measures be rewritten to reduce subjectivity in scoring by providing clear guidance.</p> <p>! Three commented that "reasonable effort" to obtain rebuttal should be defined by the NO to achieve consistency.</p> <p>! Two felt that the multiple elements involved in scoring the quality of the written determination lead to double penalties in this category; one mentioned specifically that Correct Eligibility Outcome Stated and Material Facts Cited seem to duplicate what other categories are designed to assess. One commented that the quality of the written determination should be scored separately from the quality of otherwise acceptable fact finding.</p> <p>! One stated that the inclusion of several new categories not currently part of QPI may have been responsible for the greater failure rate seen in the Field Test States.</p>	<p>! The PEWG has recommended that PMR use the QPI numerical scoring methods and procedures. This change has been made, and scores will be figured automatically when quality evaluations are data-entered.</p> <p>! DOL agrees with the need to emphasize the quality of written determinations.</p> <p>! DOL will take under advisement the need to define a minimum "reasonable effort."</p>

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		<p>! One felt the rebuttal element ought to be logically linked to the information elements.</p>	
11	Scoring Questions and Pass/Fail in Non-Mon Quality (Cont.)	<p>! What, exactly, will equal "sufficient facts" to qualify a case to pass? Will, for example, a canned written determination citing "insufficient facts have been presented to demonstrate misconduct" be sufficient where an employer refused to provide details on the reason for discharge? Should the specific reason be cited, for example?</p> <p>! Will "insufficient facts" language be adequate for justifying a credibility ruling against one party or the other?</p>	<p>! The phrase "insufficient facts have been presented. . ." implies that some facts have been presented, but these were not of sufficient weight to establish misconduct. This phrase should not be used in the case described; the specific reason should be cited, along with the fact that the employer provided no information.</p> <p>! Not unless specific circumstances such as refusal to give information are cited.</p>
12	Adjudication Quality review consistency	<p>! Nine States were concerned with issues of scoring consistency. One stated: ". . .it is disturbing that in so many instances federal and regional reviews resulted in different conclusions than those reached at State level. This points up the need to provide clearer definitions, and, perhaps, to redefine certain categories."</p> <p>! Five said they would not recommend implementation until issues of scoring inconsistency can be cleared up.</p> <p>! Five commented that the PMR system is not objective enough.</p> <p>! One said the method of checking for consistency is cumbersome.</p>	<p>! The method of checking scoring consistency used during the Field Test did not reflect the final scoring results after the State, Regional, and National office reviewers conferred regarding issues on which they initially disagreed. Therefore, the high rate of differences in scoring represents the worst possible scenario.</p> <p>! In order to reduce nonsampling error in adjudications quality review, DOL will implement a tripartite review process involving reviewers from the the host and visiting States and from the Regional Office. Each will review 2/3 of the sample so that all cases are reviewed twice. When any two outcomes conflict on whether a case should pass or fail, the third reviewer will independently score the case. After discussion of the case among the three reviewers, the majority score will decide the outcome.</p>

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		! One said the PMR results are not indicative of true quality of nonmonetaries.	
13	Data Collection Instruments (DCIs)	<p>! Entries not included on the revised adjudications quality DCI are: SSN, Claimant Name, Reviewer Name, Date Reviewed, Claim Type, Multi-claimant indicator, Labor Dispute Indicator, Local Office, Valid Adjudication, and Total time to review case. If identifying characteristics are not entered into the Sun system, how will DOL identify cases for regional and national review? How will the State retrieve data on individual cases?</p> <p>! One State felt that the DCIs contain too many fields for what appears to be statistical purposes only, and asked "What will all this information be used for?"</p> <p>! One asked that a field be added to the adjudications quality DCI for coding types of separation and nonseparation issues -- broadening the DCI to distinguish among issues.</p>	<p>! The Adjudications Quality DCI used in the PMR Field Test has been revised. Actual SSN will not be used on reports because these reports become part of a public record. The case sequence number will be assigned when the sample is pulled, and the case will be filed by that number in State review files. Tracking from actual SSN to case sequence number will be available on the sample printout, which will be the responsibility of the State Agency to maintain in a secure file. Claimant Name, Reviewer Name, and Total time have been omitted, but the remaining items are on the DCI in a slightly different format.</p> <p>! PMR is not collecting any demographic information.</p> <p>! DOL will include a field for more specific issue identification on adjudications quality cases.</p>
14	Comments on Specific Data Elements on Adjudication Quality	<p>! Element # 20: Law & Policy: Where canned statements include language that broadens the options for an examiner, will all those statements result in failing cases? For example, the SESA's statute cites misconduct penalties can result from "discharge. . .or suspension" as a result of "a willful disregard of standards. . .or a series of repeated instances"; if the canned language includes all these options, but the discharge is the result of only one, will including all the statutory language instead of pinpointing it result in case failure?</p> <p>! What became of the "Appeal Information" item on the revised DCI? If it was a pass/fail item, why was so critical a portion of the DCI omitted?</p>	<p>! Only the section of the law specifically applying to the claimant's circumstances should be included.</p> <p>! During the Field Test, reviewers found that the appeal rights information is consistent on all (written) determinations, and therefore, all either pass or fail this element. In the future, this element will not be included in the quality score, but will be a part of an annual program review.</p>

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14	Comments on Specific Data Elements on Adjudication Quality (Cont.)	! When a case fails as a result of poor fact finding, how is this reflected in the written determination components, i.e., material facts supported, law & policy correctly applied, correct eligibility outcome stated, and determination clearly written and understandable?	! This comment no longer applies. Please see DOL Response in #11.
15	Sample Selection	! One State said that using a random sample for LAA review is a good idea, but is concerned about there being no limit on the length of cases reviewed.	! Size or complexity of cases cannot be a selection criteria.
16	Sample Size	! One State suggested that it is essential for sample size to bear a reasonable relationship to the size of the State's LAA caseload; ". . .it is illogical to suggest that 20 cases from CA and from NH is a reasonable sample for either..." ! One asked: "If more than the minimum sample are scored by the State, are all the [cases] scored entered into the system?" ! Another stated: "The PMR suggests that the number of cases to be reviewed would vary depending upon the size of the State," adding that such a requirement could definitely impact a State's resources.	! NO will require a minimum sample of twenty cases per quarter. In order to provide a differential for sample size to relate to case load, States with a high case load will be required to pull a larger sample. ! Yes: if the State chooses to draw a larger sample than required, all sampled cases must be entered. ! States are funded based on workload: part of workload involves review of work.
17	Adjudication Implementation Time Lapse	! The measure states "The number of days elapsed from the determination date to the date the outcome is applied to the claim record." (1) Is the "outcome" the date of the decision -- the date the adjudication interviewer issues a written decision? (2) If the decision is appealed, is the outcome the date the appealed decision is rendered?	! "Outcome" in this measure is defined two ways: 1) in decisions which pay benefits, outcome is the date the payment authorized by the decision is mailed to the claimant or offset is applied to an existing overpayment; (2) in decisions which deny benefits, outcome is the date the decision is entered into the automated system with a disqualification code which prevents payment as specified in the decision.
18	LAA Case Aging	! One State was in favor of a case aging measure.	! DOL will implement a case aging measure for Lower Authority Appeals, which is a new measure and will require additional programming.

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18	LAA Case Aging (Cont.)	<p>! Two consider Lower Authority Case Aging a better criteria for management purposes than "time lapse," going on to state that extending the old time lapse system ". . . amounts to micromanagement."</p> <p>! One states that "We currently monitor the age of open cases and would not be opposed to such a measure, assuming an appropriate standard is set; however, our concern is having too many measures being monitored. . . Increasing the number of measures to the level suggested in the PMR. . . will increase the red tape without making a significant impact on the detection role of the standards."</p> <p>! This is a new reporting category and will require additional programming.</p>	
19	LAA Implementation Time Lapse	<p>! One State supports the idea of a standard for implementation, although not necessarily the 4-day period used in the Field Test. The implementation standard should take into account working days as opposed to calendar days, and should measure reversals to deny <u>and</u> reversals to pay, separately.</p> <p>! Another said the tentative four day standard should be revised to reflect cases where weekends and holidays affect the outcome. Another suggested that more study is needed to determine a reasonable measurement period.</p>	<p>! The PEWG has established this as a Tier II measure which will not be nationally benchmarked, but which will track both pay and deny reversals. Implementation will be broken out in intervals up to 10+ days.</p> <p>! DOL is not going to establish a standard for implementation timelapse. During the field test 4 days was used for purposes of analysis only.</p>
20	LAA Quality	<p>! One State supports identification of critical due process elements but is unclear on how cases failing one or more critical elements factor in the score -- will there be two standards --one for missed due process elements and one for overall case score?</p>	<p>! There will be two quality measures: a measure of due process and a measure of overall quality. The measure of quality includes the due process elements as well, combining all elements to produce an over-all quality score. The due process elements are: #6, 10, 11, 19, 22, 23, 25, and 26. A failure in any of these causes the case to fail due process.</p>

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		<p>! In the PMR instrument there is no provision for identifying <u>remanded</u> cases, which may present special problems or which may reflect faulty administrative procedures. In [State], rescheduling is discouraged and failure to appear at LAA hearing (even though the SESA has information that a party was unable to attend) results in a LAA decision which must be appealed to HAA. HAA must then remand the case for another hearing at LAA so that double counts are taken at both levels, delaying due process and masking accountability.</p>	<p>! This appears to be an operational issue and does not preclude the need to evaluate the quality of such cases.</p>
20	LAA Quality (Cont.)	<p>! Was the omission of UI, UCFE, UCX, and CWC, separations and nonseparations deliberate? If so, it should be made clear that the universe includes all these, since these cases are not presently included in time lapse reporting.</p>	<p>! All programs will be included in LAA Quality reviews.</p>
21	CWC Quality	<p>! Six States felt that CWC quality measures should not be implemented, and one went on to caution against implementing other CWC quality measures without field testing them first.</p>	<p>! DOL will not implement CWC quality measures because the field tested measures were not successful in discriminating among States' performance.</p>
22	Implementation Concerns	<p>! Nine States expressed concern about the cost of implementing PMR measures.</p> <p>! Six noted that the changes would require more time than is allowed in the implementation plan.</p> <p>! Two commented on the necessity of thorough training on the adjudication quality scoring instrument before implementation.</p> <p>! One suggested that PMR be made a part of the QC program so that staffing can be adequate.</p> <p>! One suggested that standardized computer programming be provided to all States for PMR reporting.</p> <p>! One comment mentioned that the UIRR should be revised to include PMR measures.</p> <p>! One recommended that all State QPI staff test the new pass/fail approach before implementation.</p>	<p>! DOL has provided funding to assist States with implementation.</p> <p>! We anticipate States will have five months to implement PMR measures.</p> <p>! DOL plans to begin training in 1996.</p> <p>! State agencies can choose to incorporate the new quality measures into their operations however they choose.</p> <p>! It would be impractical for DOL to provide extract routines for States. Our data validation initiative is geared to ensure data accuracy for conformity to federal reporting requirements by all States.</p> <p>! The UIRR will be revised to include PMR measures.</p> <p>! No longer applicable; see DOL Response in #11.</p>

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23	Data Validation	<p>! The three comments received were emphatic regarding the need for validation to ensure quality data.</p>	! DOL will validate benefits data.
24	Benchmarking	<p>! Seven comments were received. Four commented that DOL should review standards in light of the more stringent review criteria. Another stated that there is a limit to performance obtainable with current resources. Benchmarks should not be set at unattainable levels.</p> <p>! One noted a need for uniform minimum national levels.</p>	! DOL is reviewing methods for establishing national standards.
24	Benchmarking (Cont.)	<p>! One asked that special consideration be given to the effects of automated systems on many features of the UI program.</p> <p>! One State feels that weekly filing and biweekly filing States should have the same opportunity to achieve high scores.</p> <p>! One felt that intra- and interstate payments should be benchmarked separately.</p>	
25	Sanctions	<p>! Two of the four comments received on sanctions, asked that <u>real</u> (effective) sanctions be defined and employed.</p> <p>! One said that <u>continuous improvement</u> should preclude the imposition of sanctions.</p> <p>! One said the threat of sanctions based on actions which the agency cannot control is hardly a desired result.</p>	! The topic of sanctions is currently under review by DOL.