

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION EUC08 / FAC / EB
	CORRESPONDENCE SYMBOL OUI /DUI O
	DATE April 16, 2010

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 04-10, Change 2

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Extension of Temporary Provisions - Emergency Unemployment Compensation, 2008, Federal Additional Compensation, and Extended Benefits

1. Purpose. To advise states of the extension of Emergency Unemployment Compensation, 2008 (EUC08) and the Federal Additional Compensation (FAC) programs, and the extension of the temporary provisions for the Federal-State Extended Benefits (EB) program.
2. References. The Continuing Extension Act of 2010, House of Representatives (H.R.) 4851¹, enacted April 15, 2010, the Temporary Extension Act of 2010, Public Law (P.L.) No. 111-144; Section 2005 of Division B, Title II, the Assistance for Unemployed Workers and Struggling Families Act, P.L. No. 111-5; and Unemployment Insurance Program Letter (UIPL) Nos. 23-08 and 23-08, Changes 1, 2, 3, 4, 5, and 6; 07-09; 11-09; 12-09 and 12-09, Change 1; and 04-10 and 04-10, Change 1.
3. Summary of EUC08, FAC, and EB Extensions. H.R. 4851 extends the phase-out period and expiration dates of EUC08 and FAC, and the temporary EB provisions.

The changes to the phase-out periods and expiration dates outlined in H.R. 4851 are as follows:

a. EUC08 Program.

- The end of the period during which an individual may initially establish eligibility for the First Tier of EUC08 is extended to weeks of unemployment ending on or before June 2, 2010.
- The end of the period during which an EUC08 account may be augmented is extended. Individuals must exhaust First, Second, or Third Tier EUC08 on or before June 2, 2010, to qualify for the next higher EUC08 tier.
- The expiration date of the EUC08 program (the end of the “phase-out” period) is extended. Under the new expiration date, no EUC08 First, Second, Third, or Fourth-Tier payments may be made for any week of unemployment beginning after November 6, 2010.

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b. FAC Program.

- The period during which an individual may initially establish eligibility for FAC is extended to weeks of unemployment ending on or before June 2, 2010.
- The expiration date of the FAC program (the end of the “phase-out” period) is extended. FAC is not payable for any week beginning after December 7, 2010.

c. EB Program - 100 Percent Federal Funding and EB Eligibility Period.

- The Federal government will continue to pay 100 percent of the benefit costs of EB and sharable regular compensation for weeks of unemployment beginning before June 2, 2010.
- The phase out for states to receive 100 percent reimbursement for individuals who have established EB eligibility is extended. If an individual received EB with respect to one or more weeks of unemployment beginning after February 17, 2009, and before June 2, 2010, the Federal government will continue to pay 100 percent of these eligible EB benefit costs for weeks of unemployment ending before November 6, 2010.
- The provision permitting certain individuals to qualify for EB following exhaustion of EUC08 (even if there is no overlap between the individual’s benefit year and the EB period) has also been extended. Thus, states may continue to permit these individuals to qualify for EB after they have exhausted EUC08 during an EB period that began on or before the date the individual exhausted EUC08, even if the individual’s benefit year ended. (See UIPL No. 12-09, Q&A 6.) This option remains available to states for weeks of unemployment beginning after February 17, 2009 and before June 2, 2010.

d. EB Program – Sharing for First Week.

- The suspension of the prohibition on Federal sharing for the first week of EB if state law permits individuals to be compensated for the first week of regular state benefit eligibility at any time or under any circumstances is extended through weeks of unemployment ending on or before November 6, 2010.

4. Program Continuation. Although the extension of the EUC08 and FAC programs and the extension of the temporary provisions relating to EB were not signed into law until April 15, 2010, they are effective “as if included in [the UI amendments made by] the enactment of the Temporary Extension Act of 2010 (P.L. No. 111-144).” (Section 2(c) of H.R. 4851.) The Department interprets this to mean that implementation of the amendments is retroactive for both administrative and benefit costs. Therefore, there is no gap between the expiration of the provisions as described in UIPL No. 04-10, Change 1, and the extension of such provisions by the Temporary Extension Act of 2010 as described in this UIPL.

Changes in the EUC and EB status for individual states are published weekly on the U.S. Department of Labor website at: http://oui.doleta.gov/unemploy/claims_arch.asp, and will be included in a weekly email transmitting the trigger notices. Note: Given that the amendments made by H.R. 4851 expire soon, those states that have linked the expiration of their EB Total Unemployment Rate (TUR) trigger to the termination of 100 percent Federal

1 The Public Law (P.L.) number for this act has not been assigned as of the date of issuance of this UIPL.

sharing for EB will, absent another Federal extension, soon have their TUR triggers end and may cease to be in an EB period.

5. Interpretation. The information in this document is issued to the states and cooperating state agencies as guidance provided by the Department in its role as the principal in the EUC08 program. As agents of the Federal government, the states and cooperating state agencies may not deviate from this guidance without the prior approval of the Department. To the extent that the prior guidance (as outlined in #2, *References* above) is inconsistent with this UIPL, this UIPL supersedes that guidance.
6. Action Requested. Administrators are to provide this information and instructions to the appropriate staff.
7. Inquiries. Questions should be directed to the appropriate Regional Office.
8. Attachment. Key Dates for Temporary Federal UI Provisions Following Enactment of the Continuing Extension Act of 2010, H.R. 4851.