

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION UI
	CORRESPONDENCE SYMBOL OUI/DPM
	DATE October 1, 2012

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 1-13

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Revised Employment and Training (ET) Handbook No. 301, UI Performs: Benefits Timeliness and Quality (BTQ) Nonmonetary Determinations Quality Review

1. **Purpose.** To transmit the sixth edition of ET Handbook No. 301, BTQ Nonmonetary Determinations Quality Review.
2. **References.**
 - Middle Class Tax Relief and Job Creation Act of 2012, (Public Law (Pub. L.) 112-96);
 - ET Handbook No. 301, 5th edition, *UI Performs: Benefits Timeliness and Quality Nonmonetary Determinations Quality Review*, and ET Handbook No. 301, 5th edition, Change 1;
 - Unemployment Insurance Program Letter (UIPL) No. 15-01, *Obtaining Information Necessary to Determine Eligibility for Unemployment Compensation*; and
 - UIPL No. 14-05, *Changes to UI Performs*, and UIPL No. 14-05, Changes 1, 2, and 3.
3. **Background.** The BTQ Nonmonetary Determination Quality Review evaluates the accuracy of determinations that are completed by Unemployment Insurance (UI) agencies. These determinations are rendered to determine a claimant's nonmonetary eligibility for UI benefits.

The new edition of ET Handbook No. 301 includes changes to various instructions and guidance on the BTQ review process and Guide Sheets.

The new "reasonable attempts" guidance, which addresses attempts to obtain information, and other significant changes to the Handbook, are described below in the Handbook Modification Summary (Section 4).

4. **Handbook Modification Summary.**
 - Chapter II: This chapter provides the scope of the quality review. Modifications have been made on pages 4-5, incorporating language from the 4th edition of ET Handbook No. 401 which addresses how to identify nonmonetary issues.

RESCISSIONS ET Handbook 301, revised July 2005	EXPIRATION DATE Continuing
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- Chapter III: This chapter provides guidance on how states should prepare the quality review. Modifications add language to describe when states are classified as a large or a small state, and identify the performance year (between April 1 – March 31) as the duration period for the large or small state classification. The modifications clarify existing quality review preparation requirements and identify specific steps on how states should prepare for the review.
- Chapter IV: This chapter explains how the quality review is to be conducted. Language has been added to clarify that the quality review cycle is based on the performance year, and the state and regional quality review requirements to be completed during the performance year. Additionally, language has been added to promote consistency during the quality review process. The mathematical formulas in this chapter have been revised to reflect the proper notation.
- Chapter V: This chapter provides the data collection elements. Elements 14, 15, and 16, relating to the “week ending date of the first week affected by the determination,” have been eliminated, as these elements pertain to the ETA 9053 report, which is no longer in use. This requires renumbering subsequent elements on the Data Collection Instrument.

Minimum criteria to satisfy the reasonable attempts requirements have been revised. Under certain circumstances a state’s notice of initial claim (notice) may now be considered a reasonable attempt to obtain information. Language has been added to the Handbook to explain that if a party has not responded and additional information to properly adjudicate the claim is needed, the state must make an additional attempt to obtain this information. Additionally, new guidance regarding the state’s responsibility to include corresponding documents in the case file for automated nonmonetary determinations has been incorporated.

Language has also been included to clarify that there must be a monetary determination before a count can be taken for a nonmonetary determination.

Scoring of the written determination has been changed to reflect consistent scoring if the written determination is not issued to the employer when required. Language has also been added to clarify proper scoring if the written determination contains errors, and if the written determination does not contain a citation of law or the appropriate section of law pertaining to the issue adjudicated.

- Chapter VI: This chapter provides the Guide Sheets. Guide Sheets 1 and 2 have been modified to address work separations involving leave of absence and suspension. Other Guide Sheets have new information that clarifies certain minor current BTQ policies adopted since the previous edition.

Guide Sheet 3 has been modified with a table to clarify how or whether to count “able and available” issues. It also addresses changes to able, available, and work search requirements as a result of Pub. L. 112-96, which added new conformity requirements in Section 303(a)(12) of the Social Security Act.

Guide Sheet 12 has new language that a “worker profiling” issue relates only to situations where a claimant actually refuses to participate in reemployment services; if the claimant fails to report for a reemployment service, the case should be completed using existing state policies on “reporting requirements.”

Guide Sheet 13 contains new language to clarify when an unemployment status case can be properly counted, and clarifies what constitutes a “disagreement” on facts of the case or application of law.

- Appendix A: This Appendix explains sample selection procedures. The mathematical formulas in this Appendix have been revised to reflect the proper notation. In addition, the sample selection process has new language and flow charts.

5. **Effective Date.** All changes are in effect.
6. **OMB Approval.** Collection of the BTQ review data (ETA Forms 9056 and 9056t) was approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995, OMB Approval No. 1205-0359, expiration date March, 28, 2014.
7. **Action Requested.** Administrators are requested to distribute this Handbook to appropriate staff.
8. **Handbook Maintenance.** Replace ET Handbook No. 301, 5th edition, UI Performs: Benefits Timeliness and Quality Nonmonetary Determinations Quality Review, revised July 2005, with ET Handbook No. 301, revised March 2012.
9. **Inquiries.** All questions should be directed to the appropriate Regional Office.
10. **Attachment.** ET Handbook 301, 6th edition, UI Performs: Benefits Timeliness and Quality Nonmonetary Determinations Quality Review, revised March 2012