EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210

CLASSIFICATION
Unemployment Insurance
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October 21, 2022

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 16-20,

Change 7

TO: STATE WORKFORCE AGENCIES

FROM: BRENT PARTON /s/

Acting Assistant Secretary

SUBJECT: Supplemental Budget Request (SBR) Opportunity for Additional Administrative

Costs under the Pandemic Unemployment Assistance (PUA) Program

1. <u>Purpose</u>. To announce the opportunity for states to receive up to \$61 million for PUA administrative costs in addition to those described in Section 4.b.i. of UIPL No. 28-20, Change 4.

- 2. <u>Action Requested.</u> Submissions for the funding opportunity under this UIPL are due by no later than January 6, 2023. The U.S. Department of Labor's (Department's) Employment and Training Administration (ETA) requests that State Workforce Agency Administrators:
 - Review the funding opportunity described in this UIPL to determine if the state will apply for these funds.
 - Coordinate with appropriate state staff to develop an SBR Application, SF-424 (OMB Approval No. 4040-0004), and SF-424A (OMB Approval No. 4040-0006). Submit these forms via www.grants.gov.

3. Summary and Background.

a. <u>Summary</u> – The Department is providing a SBR opportunity for states to receive up to an additional \$61 million in administrative funding specific to activities under the PUA program which does not generate typical workload based administrative funding. Such funding is provided in accordance with the "Agreement Implementing the Relief for Workers Affected by Coronavirus Act" (Agreement) that all states signed with the Secretary of Labor (Secretary) in March 2020 to administer the PUA programs. States must administer this program in accordance with the CARES Act, as amended, and guidance and operating instructions provided by the Department. This includes the requirement that states provide required reports and properly allocate costs across UC programs.

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Administration of the PUA program presented a unique challenge to states in its temporary coverage of individuals who traditionally were not eligible for regular UC, as well as substantial changes to eligibility requirements that were provided for with the enactment of subsequent federal legislation. As part of an SBR application under this funding opportunity, the state must provide justification for the need for funds by demonstrating how the previous administrative funding opportunities were insufficient, and, if applicable, provide an explanation as to why the state did not pursue such opportunities (either at all or for less than the amount available) to fund incurred costs of administering the PUA program.

- Attachment I to this UIPL provides the maximum amount of funding for which each state may apply.
- Attachment II to this UIPL includes the SBR Application.
- Attachment III to this UIPL provides information on completing the SF-424 and SF-424A.
- b. <u>Background</u> The CARES Act (Public Law (Pub. L.) 116-136) was enacted on March 27, 2020, and created new temporary UC programs, including PUA, Federal Pandemic Unemployment Compensation (FPUC), and Pandemic Emergency Unemployment Compensation (PEUC). *See* UIPL No. 14-20. The Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act) (Pub. L. 116-260) was enacted on December 27, 2020, and amended and extended the CARES Act UC programs, plus created the Mixed Earners Unemployment Compensation (MEUC) program. *See* UIPL No. 09-21. The American Rescue Plan Act of 2021 (ARPA) (Pub. L. 117-2) was enacted on March 11, 2021, and further amended and extended the CARES Act UC programs. *See* UIPL No. 14-21. ARPA also provided a \$2 billion appropriation to the Department for purposes of strengthening the national UI system.¹

All states signed an Agreement with the Secretary to administer the PUA program.² The Agreement incorporates amendments to the CARES Act made by the Continued Assistance Act and ARPA. The PUA program expired on September 6, 2021, though some states chose to end participation earlier. States must process and pay benefits to eligible individuals under the PUA program for all weeks of unemployment ending on or before the date of the Agreement termination or program expiration (whichever was

2

¹ With this appropriation under ARPA, the Department has offered additional funding opportunities to states to be used towards all UC programs in the support of: (1) fraud detection and prevention, including identity verification and overpayment recovery activities; and (2) promoting equitable access, including eliminating administrative barriers to benefit applications, reducing state workload backlogs, improving the timeliness of UC payments to eligible individuals, and ensuring equity in fraud prevention, detection, and recovery activities. *See* UIPL Nos. 22-21 and 23-21, respectively. States are also invited to participate in a consultative assessment towards achieving the goals of strengthening fraud detection and prevention, promoting equitable access, and improving the timeliness of UC payments and to receive funding to support the implementation of resulting recommendations, as described in UIPL No. 02-22.

² The Pacific territories are included in the PUA program pursuant to Section 2102(a)(5) of the CARES Act. Under Section 2102(d), the weekly benefit amount for PUA includes the amount of FPUC payable.

first). The state must also comply with all responsibilities with respect to claims filed under these programs for those weeks, including, without limitation, the requirements under the Agreement and in guidance. *See* UIPL No. 14-21, Change 1.

On August 31, 2020, the Department issued UIPL No. 28-20, which provided states with \$100 million in funding to assist with efforts to prevent and detect fraud and identity theft and recover fraud overpayments in the PUA and PEUC programs. On January 15, 2021, the Department issued UIPL No. 28-20, Change 1, to provide states with an additional \$100 million in funding to support identity verification or validation of PUA claimants and to assist with efforts to prevent and detect fraud and identity theft, as well as to recover overpayments in the PUA and PEUC programs. On August 11, 2021, the Department issued UIPL No. 28-20, Change 2, to provide states with a third round of \$100 million in funding to strengthen fraud detection and prevention efforts and the recovery of overpayments in the PUA and PEUC programs. On July 22, 2022, the Department issued UIPL No. 28-20, Change 4, to describe the existing administrative funding for ongoing PUA workload and provide an additional \$225 million in funding to resolve outstanding items from the PUA, PEUC, and FPUC programs, including reporting and the detection and recovery of overpayments. These four funding opportunities are referred to as the "UIPL No. 28-20 series."

4. Additional Supplemental Budget Request (SBR) Opportunity for Other Administrative Costs under the PUA Program. In addition to the initial implementation costs provided for the PUA program (see UIPL No. 16-20), there were several changes throughout the program's tenure that required substantial effort for the states to implement. This included the enactment of the Continued Assistance Act (see UIPL Nos. 09-21 and 16-20, Change 4), expansion of the applicable COVID-19 related reasons for self-certification of eligibility (see UIPL No. 16-20, Change 5), and enactment of ARPA (see Section 4.c.i. of UIPL No. 14-21). The announcements for each of these changes included an opportunity for states to request additional administrative funding.

Recognizing that, specific to the PUA program, not all administrative workload activities are represented in the activities described under Sections 4.b.i. of UIPL No. 28-20, Change 4, and that states may have incurred costs in addition to the amounts provided for in previous guidance, the Department is providing the opportunity for states to request additional administrative funding for the PUA program. Ongoing administrative costs are federally funded.

These grants are subject to the requirements of 2 C.F.R. Parts 200 and 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

a. **Amount Available to States.** The Department is making available up to an additional \$61 million in administrative funding to states to assist with resolving any outstanding matters related to the PUA program. Attachment I of this UIPL provides the maximum amount of funding available for each state for this purpose.

- i. *Methodology for distribution*. This funding is provided based on an expectation of additional administrative costs that may not be tied to defined workload counts for PUA. As such, a standard distribution of funding based solely on state size was used to determine each states' share of the funding. Additional funding may be available to states based on a demonstrated need per Section 4.e. of this UIPL. The methodology for state funding levels is based on the size of UI covered employment in the state. For purposes of this methodology, states are assigned to three groups (small, medium, and large) based on the 12-month average of UI covered employment³ for the four quarters in calendar year 2020 reported on the ES 202 (Employment, Wages and Contributions). States are assigned to the size groups as follows:
 - Small: covered employment under 1 million employees;
 - Medium: covered employment between 1 million and 2 million employees; or
 - Large: covered employment greater than 2 million employees.

Funding levels for the Pacific Territories have been set at a flat rate of \$200,000 to support ongoing administrative efforts. Additional funding may be available to states based on a demonstrated need per Section 4.e. of this UIPL.

- ii. *Application of Sequestration*. As noted in Section 4.c. of UIPL No. 05-22, the final amounts provided to states will be subject to sequestration, so the amounts awarded to states will be reduced by the FY 2022 sequestration rate of 5.7 percent.
- b. **Allowable Use of Funds.** Section 2102(f) for the CARES Act, as amended, provides for the payment of any additional administrative expenses, as determined by the Secretary, incurred by the states to continue to operate the PUA program pursuant to the Agreement. States are permitted to use this funding for a broad array of ongoing administrative costs associated with continuing program operations. These include, but are not limited to, the following examples:
 - PUA reporting functions, such as implementing programming changes to address PUA reporting shortfalls and correcting previously submitted reports;
 - Ongoing PUA benefit payment control activities;
 - Additional costs associated with ongoing workload efforts which may exceed the formula-based funding received;
 - Addressing outstanding findings resulting from Regional Monitoring Reviews.
- c. **Application Instructions.** States are required to submit an application that includes: (1) Budget Narrative; (2) SBR Application as provided in Attachment II to this UIPL; (3)

4

³ Since the Pacific territories have relatively small populations and do not operate regular UI programs (and therefore lack data on employment), their funding is provided at a flat \$200,000 for each territory.

SF-424; and (4) SF-424A. The SBR application must include justification for the need for funds by demonstrating how the previous administrative funding opportunities were insufficient, and, if applicable, provide an explanation as to why the state did not pursue such opportunities (either at all or for less than the amount available), to fund incurred costs of administering the PUA program. The estimated cost basis for all items to be covered by these additional funds must be included in the SBR application.

Calculations for costs of state staff and contractors must be shown in accordance with the SBR instructions in ET Handbook No. 336. SBR funds may only be used for costs incurred no earlier than the beginning of the calendar quarter preceding the calendar quarter during which the SBR is awarded. For application submission instructions refer to Attachments II and III of this UIPL.

ETA encourages states to submit these forms as soon as possible, but no later than **January 6, 2023**, via www.grants.gov.

- d. **Reporting Requirements.** States must provide a narrative Quarterly Progress Report (ETA 9178-F) and Quarterly Financial Report (ETA 9130) containing updates on the progress and implementation of each project. ETA will use the ETA 9178-F to track each state's progress on activities and ensure that a state's use of funds is consistent with the permissible activities outlined in this UIPL. Refer to Attachment III to UIPL No. 28-20 for instructions for completion and the timeline of submission for the ETA 9178-F. In the Summary under Section A, states must provide, to the extent available, an assessment of the issue they are addressing, an explanation of how the proposed use of funds would address the issue, and a plan to measure the outcomes and effectiveness of the strategies, tools, and/or actions associated with the use of these funds. States may need to consider updates and changes to their existing computer systems to capture new data elements needed to demonstrate the effectiveness of these action(s). The Department expects to award these funds prior to December 31, 2022, and so the first ETA 9178-F report under this UIPL will be due February 14, 2023.
- e. **Requesting amounts in addition to that provided through this UIPL.** States that need funding in addition to the amount allocated under the \$61 million offered under this UIPL must submit a **second** Supplemental Budget Request (SBR) detailing such costs. The basis for these additional estimated costs must be included in a second SBR application, and the amounts included in the same SF-424, SF-424A, and Budget Narrative that accompanies the application in response to this UIPL under Section 4.c.

Calculations for costs for state staff and contractors should be shown in accordance with the SBR instructions in ET Handbook No. 336, 18th Edition, Change 4, Unemployment Insurance State Quality Service Plan Planning and Reporting Guidelines.

To receive this additional funding, states must provide thorough documentation and support for the additional funding need above and beyond these existing funding opportunities. The Department will review each additional funding request on a case-by-case basis and make a determination based on the supporting materials supplied. Failure

to fully support any additional funding request will result in the denial of additional funding and the state will need to submit a new/updated SF-424, SF-424A, and Budget Narrative that is approved by the Department in order to receive its allocation of the \$61 million offered under this UIPL.

5. <u>Inquiries</u>. States should direct inquiries to the appropriate ETA Regional Office. Submissions for the funding opportunity under this UIPL are due by the close of business on January 6, 2023.

6. References.

- American Rescue Plan Act of 2021 (ARPA), including Title IX, Subtitle A, Crisis Support for Unemployed Workers (Pub. L. 117-2);
- Consolidated Appropriations Act, 2021, including Division N, Title II, Subtitle A, the Continued Assistance for Unemployed Workers Act of 2020 (Pub. L. 116-260);
- Coronavirus Aid, Relief, and Economic Security (CARES) Act, Title II, Subtitle A Relief for Workers Affected by Coronavirus Act (Pub. L. 116-136);
- Section 303 of the Social Security Act (42 U.S.C. §503);
- 2 C.F.R. Parts 200 and 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- UIPL No. 05-22, Implementation of Sequestration under the Budget Control Act of 2011 (BCA) for Mandatory Unemployment Insurance Programs for Fiscal Year (FY) 2022, issued December 20, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?docn=9859;
- UIPL No. 02-22, Change 1, Extension of Time for States to Express Interest in the Grant Opportunity Announced in Unemployment Insurance Program Letter (UIPL) No. 2-22 to Support States Following a Consultative Assessment for Fraud Detection and Prevention, Promoting Equitable Access, and Ensuring the Timely Payment of Benefits, including Backlog Reduction, for all Unemployment Compensation (UC) Programs, issued February 16, 2022, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8539;
- UIPL No. 02-22, Grant Opportunity to Support States Following a Consultative Assessment for Fraud Detection and Prevention, Promoting Equitable Access, and Ensuring the Timely Payment of Benefits, including Backlog Reduction, for all Unemployment Compensation (UC) Programs, issued November 2, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6683;
- UIPL No. 23-21, Grant Opportunity for Promoting Equitable Access to Unemployment Compensation (UC) Programs, issued August 17, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7400;
- UIPL No. 22-21, Grant Opportunity to Support States with Fraud Detection and Prevention, Including Identity Verification and Overpayment Recovery Activities, in All Unemployment Compensation (UC) Programs, issued August 11, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4240;
- UIPL No. 20-21, Change 1, Additional State Instructions for Processing Waivers of Recovery of Overpayments under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, as Amended, issued February 7, 2022, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8527;

- UIPL No. 20-21, State Instructions for Assessing Fraud Penalties and Processing Overpayment Waivers under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, as Amended, issued May 5, 2021, https://wdr.doleta.gov/directives/corr doc.cfm?DOCN=6830;
- UIPL No. 19-21, Benefits Held by Banks and Financial Institutions as a Result of Suspicious and/or Potentially Fraudulent Activity and the Proportional Distribution Methodology Required for Recovering/Returning Federally Funded Unemployment Compensation (UC) Program Funds, issued May 4, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9571;
- UIPL No. 16-21, *Identity Verification for Unemployment Insurance (UI) Claims*, issued April 13, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9141;
- UIPL No. 14-21, Change 1, State Responsibilities After the Temporary Unemployment Benefit Programs under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, as amended, End Due to State Termination of Administration or When the Programs Expire, issued July 12, 2021, https://wdr.doleta.gov/directives/corr doc.cfm?docn=9502;
- UIPL No. 14-21, American Rescue Plan Act of 2021 (ARPA) Key Unemployment Insurance (UI) Provisions, issued March 15, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5669;
- UIPL No. 09-21, Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act) Summary of Key Unemployment Insurance (UI) Provisions, issued December 30, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3831;
- UIPL No. 28-20, Change 4, Support for States to Resolve Outstanding Items from the Expired Coronavirus Aid, Relief, and Economic Security (CARES) Act Unemployment Compensation (UC) Programs, Including Additional Funding to Assist States with Reporting and Detection and Recovery of Overpayments, issued July 22, 2022, https://www.dol.gov/agencies/eta/advisories/uipl-no-28-20-change-4;
- UIPL No. 28-20, Change 3, Extension of Time to Submit Request for Funding under Grant Opportunity Announced in Unemployment Insurance Program Letter (UIPL) No. 28-20, Change 2, issued September 17, 2021, https://wdr.doleta.gov/directives/corr doc.cfm?DOCN=3558;
- UIPL No. 28-20, Change 2, Additional Funding to Assist with Strengthening Fraud Detection and Prevention Efforts and the Recovery of Overpayments in the Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC) Programs, as well as Guidance on Processes for Combatting Identity Fraud, issued August 11, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7207;
- UIPL No. 28-20, Change 1, Additional Funding for Identity Verification or Verification of Pandemic Unemployment Assistance (PUA) Claimants and Funding to Assist with Efforts to Prevent and Detect Fraud and Identity Theft as well as recover Fraud Overpayments in the PUA and Pandemic Emergency Unemployment Compensation (PEUC) Programs, issued January 15, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9897;
- UIPL No. 28-20, Addressing Fraud in the Unemployment Insurance (UI) System and Providing States with Funding to Assist with Efforts to Prevent and Detect Fraud and Identity Theft and Recover Fraud Overpayments in the Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC)

- *Programs*, issued August 31, 2020, https://wdr.doleta.gov/directives/corr doc.cfm?DOCN=8044;
- UIPL No. 23-20, Program Integrity for the Unemployment Insurance (UI) Program and the UI Programs Authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Federal Pandemic Unemployment Compensation (FPUC), Pandemic Unemployment Assistance (PUA), and Pandemic Emergency Unemployment Compensation (PEUC) Programs, issued May 11, 2020, https://wdr.doleta.gov/directives/corr doc.cfm?DOCN=4621;
- UIPL No. 16-20, Change 6, Pandemic Unemployment Assistance (PUA) Program: Updated Operating Instructions and Reporting Changes, issued September 3, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4801;
- UIPL No. 16-20, Change 5, Expanded Eligibility Provisions for the Pandemic Unemployment Assistance (PUA) Program, issued February 25, 2021, https://wdr.doleta.gov/directives/corr doc.cfm?DOCN=3202;
- UIPL No. 16-20, Change 4, Continued Assistance to Unemployed Workers Act of 2020— Pandemic Unemployment Assistance (PUA) Program: New Operating Instructions and Reporting Changes, issued January 8, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6973;
- UIPL No. 16-20, Change 3, Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Eligibility of Individuals who are Caregivers for Pandemic Unemployment Assistance (PUA) in the Context of School Systems Reopening, issued August 27, 2020, https://wdr.doleta.gov/directives/corr doc.cfm?DOCN=3849;
- UIPL No. 16-20, Change 2, Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Pandemic Unemployment Assistance (PUA) Additional Questions and Answers, issued July 21, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5479;
- UIPL No. 16-20, Change 1, Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Pandemic Unemployment Assistance (PUA) Program Reporting Instructions and Questions and Answers, issued April 27, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5899;
- UIPL No. 16-20, Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions, issued April 5, 2020, https://wdr.doleta.gov/directives/corr doc.cfm?DOCN=4628;
- UIPL No. 14-20, Change 1, Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Questions and Answers, issued August 12, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3791;
- UIPL No. 14-20, Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Summary of Key Unemployment Insurance (UI) Provisions and Guidance Regarding Temporary Emergency State Staffing Flexibility, issued April 2, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3390;
- UIPL No. 04-17, Change 1, Requirement for States to Refer Allegations of Unemployment Compensation (UC) Fraud, Waste, Abuse, Mismanagement, or Misconduct to the Department of Labor's (Department) Office of Inspector General's (DOL-OIG) and to Disclose Information Related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act to DOL-OIG for Purposes of UC Fraud Investigation

- and Audits, issued August 3, 2021, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5817;
- UIPL No. 02-16, Change 1, State Responsibilities for Ensuring Access to Unemployment Insurance Benefits, Services, and Information, issued May 11, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5491;
- UIPL No. 02-16, State Responsibilities for Ensuring Access to Unemployment Insurance Benefits, issued October 01, 2015, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4233;
- UIPL No. 01-16, Change 1, Federal Requirements to Protect Claimant Rights in State Unemployment Compensation Overpayment Prevention and Recovery Procedures Questions and Answers, issued January 13, 2017, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7706;
- UIPL No. 01-16, Federal Requirements to Protect Individual Rights in State Unemployment Compensation Overpayment Prevention and Recovery Procedures, issued October 1, 2015, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5763.

7. Attachment(s).

- Attachment I: State Size Classifications and Funding Allocation for Additional SBR Opportunity for Other PUA Administrative Costs.
- Attachment II: SBR Application for Other PUA Administrative Costs.
- Attachment III: Instructions for Completing the SF-424 and SF-424A for Other PUA Administrative Costs.