

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> UI
	<b>CORRESPONDENCE SYMBOL</b> OUI/DPM
	<b>DATE</b> June 15, 2020

**ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 15-20  
Change 2**

**TO:** STATE WORKFORCE AGENCIES

**FROM:** JOHN PALLASCH /s/  
Assistant Secretary

**SUBJECT:** Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020—New Data Collection Instrument and Revised Reporting Instructions for Federal Pandemic Unemployment Compensation (FPUC)

1. **Purpose.** The purpose of this Unemployment Insurance Program Letter (UIPL) is to provide states with the new ETA 227–Overpayment Detection and Recovery Activities FPUC report (referred to as the “ETA 227 FPUC report” in this UIPL) and to provide states with revised reporting instructions for the FPUC program. Section 2104 of the CARES Act, Public Law (Pub. L.) 116-136, authorizes the FPUC program.
2. **Action Requested.** The U.S. Department of Labor’s (Department) Employment and Training Administration (ETA) requests that State Workforce Administrators provide the information in this UIPL and all attachments to appropriate program and other staff in state workforce systems. In administering FPUC, states are required to: 1) record and submit FPUC overpayment activities on the new ETA 227 FPUC report attached to this UIPL through the State SUN system; and 2) replace the reporting instructions previously provided under UIPL No. 15-20, Attachment I, Section H. 4, with the new ETA 227 FPUC reporting instructions attached to this UIPL.
3. **Summary and Background.**
  - a. Summary – The FPUC program was authorized on March 27, 2020, and on April 4, 2020, ETA issued UIPL No. 15-20 to provide FPUC program implementation instructions to states. On May 9, 2020, ETA issued Change 1 to UIPL No. 15-20, to provide states with ongoing technical assistance in the administration of the FPUC program. This Change 2 of UIPL No. 15-20 provides guidance on implementation of the new quarterly ETA 227 FPUC report, and replaces the ETA 227 report and prior instructions in UIPL No. 15-20, Attachment I, Section H.4., concerning FPUC overpayment activities.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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- b. Background – On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which includes the Relief for Workers Affected by Coronavirus Act set out in Title II, Subtitle A. The CARES Act was designed to mitigate the economic effects of the Coronavirus Disease 2019 (COVID-19) pandemic in a variety of ways. UIPL No. 14-20 summarizes the various unemployment insurance related provisions within the CARES Act.

Section 2104 of the CARES Act provides for a temporary emergency increase in unemployment compensation benefits, referred to as FPUC, and includes funding to states for the administration of the program.

The FPUC program provisions operate in tandem with the fundamental eligibility requirements of the federal-state UI program, which remain in place. States must ensure that individuals only receive benefits in accordance with the statutory provisions and ETA's guidance. Section 2104(f) of the CARES Act requires state agencies to recover any FPUC overpayments.

Benefit Payment Control (BPC) units or designated staff in states are responsible for promoting and maintaining the integrity of the UI program through prevention, detection, investigations, establishment, and recovery of overpayments, as well as preparing overpayment cases for prosecution. Activities regarding these essential BPC functions are reported on the quarterly ETA 227 Overpayment Detection and Recovery Activities report (OMB 1205-0187). States are required to report overpayment activities for the following claim types: regular UC, Unemployment Compensation for Federal Employees (UCFE), Unemployment Compensation for Ex-Servicemembers (UCX), and Extended Benefits (EB). UIPL No. 23-20 provides that states must implement similar BPC functions for the CARES Act programs, including FPUC. This guidance provides updated reporting instructions for FPUC overpayments and recoveries.

#### **4. FPUC Overpayment Reporting.**

##### **a. New ETA 227 FPUC Report and Revised Reporting Instructions.**

The FPUC program provides a temporary emergency increase in unemployment compensation by providing an additional \$600 per week to eligible individuals' benefit payments, made under designated UI programs, such as regular UC, UCFE, UCX, etc. If the individual is eligible to receive at least one dollar (\$1) of underlying benefits for the claimed week, the claimant will receive the full \$600 FPUC amount. If the state creates an overpayment on the entire amount of underlying benefits, the full amount of FPUC will also be considered overpaid.

The state is instructed to pay the FPUC amount both at the same time and in the same manner as any regular UC otherwise payable for the week involved or, at the option of the state, by payments which are made separately from, but on the same weekly/biweekly basis as, any regular UC otherwise payable. *See* UIPL No. 15-20 for additional FPUC program specifications. Regardless of the state's election on method of payment, the FPUC amount is considered a separate and distinct payment from the underlying benefit. The existing

ETA 227 report does not provide for states to report on overpayment activities specific to FPUC. To address this, the Department has developed a new data collection instrument, the ETA 227 FPUC report, which the Department is transmitting to states via this UIPL.

The ETA 227 FPUC report allows states to report all FPUC overpayments, regardless of the underlying benefit program that qualifies the individual to receive FPUC, in one place. The new ETA 227 FPUC report and reporting instructions are contained in Attachment I of this UIPL. In implementing reporting on the ETA 227 FPUC, states must:

- Report FPUC overpayment information **only** on the ETA 227 FPUC report;
- Follow the ETA 227 FPUC reporting instructions, attached to this UIPL;
- Begin submission of ETA 227 FPUC reports for the quarter ending June 30, 2020, which are due by August 1, 2020; and
- Continue to report overpayment information on the ETA 227 FPUC report until there is no longer any FPUC-related overpayment activity.

Information on overpayments for the underlying benefit program must be provided on a separate report (*e.g.*, regular UC, UCFE, UCX, and EB on the regular ETA 227 report, PEUC on the new PEUC ETA 227 report, and PUA on the ETA 902p report).

The new ETA 227 FPUC report will be available on the State SUN system late June, 2020 for quarterly submission of this report to ETA.

**b. Office of Management and Budget (OMB) Approval.**

Division A, Title II, Section 2116(a) of the CARES Act states that “Chapter 35 of Title 44, United States Code, (commonly referred to as the ‘Paperwork Reduction Act of 1995’), shall not apply to the provisions of, and the amendments made by, this subtitle.” As the OMB approval process is waived for these reporting instructions, these instructions are considered final and states are required to provide the information requested in this form.

5. **Inquiries.** States should direct inquiries to the email account [covid-19@dol.gov](mailto:covid-19@dol.gov) and copy the appropriate ETA Regional Office.

6. **References.**

- Sections 2104 and 2116 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, 2020, Pub. L. 116-136, including Title II Subtitle A Relief for Workers Affected by Coronavirus Act;
- UIPL No. 15-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC) Program Operating, Financial, and Reporting Instructions*, issued April 4, 2020, [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=9297](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9297);
- UIPL No. 15-20, Change 1, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC) Program Reporting Instructions and Questions and Answers*, issued May 9, 2020, [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3946](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3946);

- 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](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3390);
- UIPL No. 13-20, *Families First Coronavirus Response Act, Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020*, issued March 22, 2020, [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=8634](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8634); and
- UIPL No. 10-20, *Unemployment Compensation (UC) for Individuals Affected by the Coronavirus Disease 2019 (COVID-19)*, issued March 12, 2020, [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=8893](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8893).

**7. Attachment(s).**

Attachment I - ETA 227 Overpayment Detection and Recovery Activities (FPUC):  
Facsimile of Form and General Reporting Instructions