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| Employment and Training Administration Advisory System U.S. Department of Labor Washington, D.C. 20210 | CLASSIFICATION UI |
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ADVISORY: ET HANDBOOK NO. 301, 5th Edition

TO: STATE WORKFORCE AGENCIES

FROM: CHERYL ATKINSON s/s
 Administrator
 Office of Workforce Security

SUBJECT: UI Performs: Benefits Timeliness and Quality Nonmonetary Determinations Quality Review

1. Purpose. To update the instructions for the Benefits Timeliness and Quality (BTQ) Nonmonetary Determinations Quality Review.
2. References. Handbook 301 - UI PERFORMS: Benefits Timeliness & Quality Nonmonetary Determinations Quality Review, revised January 1998; Unemployment Insurance Program Letter (UIPL) 14-05, "Changes to UI Performs"; and UIPL 29-04, "Study of the Measure of Nonmonetary Determination Quality."
3. Background. As part of the UI Performs five-year review, the Employment and Training Administration convened a federal/state team to study and recommend changes to the BTQ Nonmonetary Determinations Quality Review. The work included a review of the data collection instrument (DCI) and instructions used in the quality review of nonmonetary determinations, operational guidance that ETA gives the states regarding claim determination requirements, and other matters concerning the adjudication process. Recommendations by the workgroup were issued for comment in UIPL 29-04, dated July 20, 2004.
4. Overview of Handbook Changes. Changes to the handbook resulting from the workgroup's recommendations and subsequent comments by states include both policy and technical changes as well as clarifications to current requirements. Specific changes incorporated into the handbook are addressed in Attachment A. The rationale for each change was discussed in UIPL 29-04. All workgroup recommendations except the two listed below were adopted.

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| RESCISSIONS ET Handbook 301, revised January 1998 | EXPIRATION DATE Continuing |
|---|--------------------------------------|

- Because the Department is examining the potential for maintaining the issue detection date as the point from which to measure nonmonetary determination timeliness, the “issue detection date” element was not removed from the DCI.
- Based on comments received in response to UIPL 29-04, the recommendation to “fail” cases for which case materials are missing was not adopted. Instead, states must sample and review additional cases in subsequent quarters to make up for those cases.

The recommendation to establish error codes to aid in the analyses of state performance has been deferred due to workload constraints.

States are required to enter and lock several fields, called skeleton fields, from each case sampled before beginning the review. The number of these skeleton fields has been reduced. States should carefully review each change noted in Attachment A to determine if state specific programming changes are needed. Several changes may require state computer programming; for example, the requirement noted above to make up for cases where the case materials were not found, and the reduction in the number of skeleton fields.

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 11/30/2007.

7. Action. Administrators are requested to distribute this handbook to appropriate nonmonetary determination BTQ staff.

8. Handbook Maintenance. Replace ET Handbook 301, UI Performs: Benefits Timeliness and Quality Nonmonetary Determinations Quality Review, revised January 1998 with ET Handbook 301, revised July 2005.

9. Inquiries. Address all inquiries to the appropriate regional office.

10. Attachment. Attachment A: HANDBOOK 301 CHANGES
Attachment B: ET Handbook 301, UI Performs: Benefits Timeliness and Quality Nonmonetary Quality Review, revised July 2005.

HANDBOOK 301 CHANGES

Chapter I: Introduction.

This section has been revised to clarify that an individual case must receive a score of 95 or 100 to meet the quality standard. (The quality scores themselves are unchanged.) The measure for quality remains at 75 percent of all sampled cases.

Chapter II: Information about issue codes and the number of data elements on the Data Collection Instrument (DCI) have been updated.

Chapter III: Sample Size.

Case Materials Not Found. The basic minimum sample size is unchanged (100 cases per quarter for large states and 60 per quarter for small states); however, the sample size must be increased for any quarter by the number of cases not reviewed in the previous quarterly review because the case materials were missing. The DCI contains one fewer skeleton field: “Week Claimed” has been eliminated.

Chapter IV: Conducting the Review.

Tripartite Quality Review. To assure consistency in the BTQ review process, each state must participate in at least one cross-regional review annually.

Chapter V: The Data Collection Elements

Minimum Criteria to Satisfy “Reasonable Attempts” Requirements. The minimum amount of time allowed for receipt of information before a determination is issued based on available evidence has changed from 48 hours to close-of-business (COB) the next business day.

Adjudicators are no longer required to document that telephone messages left for claimants, employers, or third parties include information about the consequences of their not responding. This requirement has been removed from the Handbook.

Guidelines for determining quality of a fully automated determination. Clarification is provided to assess the quality of “automated nonmonetary determinations.” We define automated nonmonetary determinations as those that are issued by an automated system on the basis of claimants’ responses to questions about their eligibility without adjudicator intervention. Issues concerning a claimant’s availability for work, or search for work, are often adjudicated in this manner in states that have automated determinations.

Streamlining the DCI

- The number of elements on the DCI was reduced from 27 to 24.
- **Element #5: (element number changed to 8 on the revised DCI)**
 Separations: Code 29 - Separation "Other" was deleted
 Non-separations:
 +Code 71 was deleted. Failure to Apply/Accept Referral was combined with Suitable Work under code 60.

+Code 72 was deleted. Approved training was combined with code 30, Able and Available.

+Code 89 was deleted. Reporting requirements is now code 31; misrepresentation is now code 86, Fraud Administrative Penalty. The "Other" category has been eliminated.

- **Element #11 – Week Claimed** was deleted because the data are obsolete.
- **Element #21 – Rebuttal Opportunity Provided** – Rebuttal opportunity is a subset of factfinding and should be a part of other scored items on the DCI.
- **Element #24 – Appeal Information Provided** – Appeal information was combined with the “written determination element.” The adequacy of the appeal information should be evaluated as part of the written determination. According to Part V of the Employment Security Manual, "... (appeal) information must be included either in the notice of determination or in separate informational material referred to in the notice...."
- **Element #25 – Date on Determination**
In the new numbering of the DCI, old element #25 is now new element #4. Element #5 was changed to "Correct Date on Determination? (Y/N)." Element #6 was changed to "Corrected Date on Determination."
- **Elements #26 and 27 – Determination Fully Implemented**
These data elements have been deleted. Implementation of the determination has not proven to be a problem.

The following table summarizes and explains the outcome of changes to the DCI:

ETA 9056 Nonmonetary Determination Quality Review: The Data Collection Instrument (DCI)

| NEW DCI# | New DCI Element | Change from Old DCI |
|----------|---|--|
| 1 | Identification Number (5-digit Sample Sequence) | No change |
| 2 | Issue Code (2-digit code) | No change |
| 3 | Case Material Found? (Y/N) | No change |
| 4 | Date on Determination (mmddyyyy) | Change in element number only; formerly #25 |
| 5 | Correct Date on Determination? (Y/N) | New element for data validation, determined by review of case materials. |
| 6 | Corrected Date on Determination | New element for data validation, used if #5 is N. |
| 7 | Correct Issue Code? (Y/N) | Change in element number; formerly #4. If #7 = Y, then #8 must be blank. |
| 8 | If Item #7 = N, enter the correct code from the list below. If no issue existed, enter "00," if a nonmonetary redetermination or out of scope of review, enter "01." | Change in element number; formerly #5. |
| 8 | Issue Codes: Separation | 10 Quit. No change. |
| | | 20 Discharge (Misconduct). No change. |
| | | 29 Deleted code "Other" created confusion and contributed to misreporting. |
| 8 | Issue Codes: Nonseparation | 30 Able/Available. No change. |
| | | 31 Reporting Requirements. New code # |
| | | 40 Work search. No change. |
| | | 50 Disqualifying/Deductible Income. No change. |
| | | 60 Refusal of Work; Failure to Apply/Accept Referral. Combined element (#71 eliminated) |
| | | 70 Job Service Registration. No change. |
| | | 71 Deleted code (Combined into #60) |
| | | 72 Deleted code ("Training" is combined into #30, "Able and Available.") |

ETA 9056 Nonmonetary Determination Quality Review: The Data Collection Instrument (DCI)

| NEW DCI# | New DCI Element | Change from Old DCI |
|----------|---|--|
| | | 73 Profiling. No change. |
| | | 80 School Employee. No change. |
| | | 81 Alien. No change. |
| | | 82 Athlete. No change. |
| | | 83 Unemployment Status. No change. |
| | | 84 Seasonality. No change. |
| | | 85 Removal of Disqualification. No change. |
| | | 86 Fraud Administrative Penalty New code # |
| | | 89 Deleted code "Other" now #31 or #86 |
| | | 90 Multi-claimant: Labor Dispute. No change. |
| | | 99 Multi-claimant: Other. No change. |
| 9 | Intrastate Claim? (Y/N) | Change in DCI element number only; formerly #6. |
| 10 | Program Type: UI, UCFE, UCX | Change in DCI element number only; formerly #7. |
| 11 | Nonmonetary Determination Outcome: <u>ALLOWED</u> ; <u>DENIED</u> | Change in DCI element number only; formerly #8. Former #11; "Week Claimed?" is Deleted. |
| 12 | Outcome reported correctly? (Y/N) | Change in DCI element number only; formerly #9. |
| 13 | SWA use only | Change in DCI element number only; formerly #10. |
| 14 | Week-ending Date of First Week Affected by Determination | Change in DCI element number only; formerly #12. |
| 15 | Correct Week-ending Date? | Change in DCI element number only; formerly #13. |
| 16 | Corrected Week-ending Date | Change in DCI element number only; formerly #14. |
| 17 | Issue Detection Date | Change in DCI element number only; formally #15. |
| 18 | Correct Issue Detection Date? | Change in DCI element number only; formally #16. |
| 19 | Corrected Issue Detection Date | Change in DCI element number only; formerly #17. |

ETA 9056 Nonmonetary Determination Quality Review: The Data Collection Instrument (DCI)

| NEW DCI# | New DCI Element | Change from Old DCI |
|----------|---------------------------------|--|
| 20 | Claimant Information | <ul style="list-style-type: none"> • Adequate = 15 • Inadequate = 10 • Not Obtained = 0 <p>Change in DCI element number; formerly #18.</p> <p>Note: Rebuttal has been deleted as an element. Points formerly allotted to Rebuttal Opportunity Provided Element #21 are now factored into Elements #20, #21, and #22, because rebuttal is a subset of factfinding in each scored element.</p> |
| 21 | Employer Information | <ul style="list-style-type: none"> • Adequate = 15 • Inadequate = 10 • Not Obtained = 0 • X Not Applicable = 15 <p>Change in DCI element number; formerly #19.</p> |
| 22 | Information (facts) from others | <ul style="list-style-type: none"> • Adequate = 15 • Inadequate = 10 • Not Obtained = 0 • X Not Applicable = 15 <p>Change in DCI element number; formerly #20.</p> |
| 23 | Law / Policy | <ul style="list-style-type: none"> • Meets = 45 • Questionable = 30 • W Does Not Meet = 0 <p>Change in DCI element number; formerly #22. Use “W” for “Does Not Meet,” rather than “X.”</p> |
| 24 | Written Determination | <ul style="list-style-type: none"> • Adequate = 10 • Inadequate = 5 • Wrong = 0 |

ETA 9056 Nonmonetary Determination Quality Review: The Data Collection Instrument (DCI)

| NEW DCI# | New DCI Element | Change from Old DCI |
|----------|-----------------|---|
| | | Change in DCI element number; formerly #23. Use “W” for “Wrong,” rather than “X.” |
| | | Former #24, “Appeal Information” is deleted. Adequacy of appeal information should be evaluated as part of the written determination. |
| | | Former #26 and #27 “Determination Fully Implemented” are deleted. These data elements were rarely used. |

Chapter VI

Changes to the guide sheets are addressed below. Several guide sheets have been renumbered.

Guide Sheet 1 – Voluntary Quit

Clarifies that if complete fact finding with a claimant on a voluntary quit issue establishes a quit without good cause, employer information is not required if the disqualification penalty for voluntary quit and discharge is the same. If there is a more severe penalty for misconduct, employer information is required. Also, any time a decision to pay is made, employer information is required.

Guide Sheet 2 – Discharge

Clarifies that during the disciplinary process the consequences of repeating an act can be implied in warnings from the employer and it is not necessary for the employer to tell the claimant the consequences of the repeated act.

Guide Sheet 3 – Able and Available

“Approved training” has been added as an issue under “Able and Available.” There is no longer an “approved training” guide sheet.

Guide Sheet 4 – Refusal of Work

Language has been added to clarify two points:

- If the state would never penalize a claimant for refusing work because of illness or other personal circumstances not related to the suitability of the work and the claimant made every effort to remove the restriction(s), then the adjudicator need not examine the suitability of the work.
- If it is determined that there was no bona fide offer of work, it is not necessary to conduct further factfinding; no issue exists.

Guide Sheet 5 – Disqualifying/Other Deductible Income

- Holiday Pay - When state law dictates the week to which holiday pay must be allocated, no verification from the employer or claimant is needed.
- Cost Of Living Adjustments (COLAs) to Government Pensions. States are no longer required to conduct claimant factfinding prior to issuing a determination resulting from a COLA to a government pension if the initial determination that reduced the benefits as a result of the government pension informed the claimant of the potential for future reductions based on COLAs.

Guide Sheet 6 –Reporting Requirements

For states with “good cause” provisions for claimants failing to report as scheduled, claimant information will be considered adequate when evaluating the quality of the determination if the claimant has been informed: of the reporting requirement and the consequences of a failure to report; about how to contact the agency to explain his/her

reasons for failure to report and reschedule; and that the agency will consider good cause for reporting failures.

The guide sheet was also updated to reflect applicable technology/automation advancements (example e-mail).

Guide Sheet 7 – Alien Status

The Immigration and Naturalization Service (INS) was abolished and all alien verifications were transferred to the United States Citizenship and Immigration Services (USCIS). The method of secondary verification has been automated and is called the Automated Status Verification System (ASVS).

Guide Sheet 8 – Educational Employees Between or Within Terms

No change in policy, but clarifications have been added.

Guide Sheet 9 – Professional Athletes Between Seasons

No changes in policy. A flowchart has been added for clarification.

Guide Sheet 10 – Fraud Administrative Penalty

This is a new guide sheet that explains the administrative penalties that are assessed due to fraud or willful misrepresentation. It identifies the type of nonmonetary determination that should be reported on the ETA 207, and explains the basic factors that are examined during the review.

Guide Sheet 13 – Unemployment Status

This is a new guide sheet that explains that a determination resulting in ineligibility may be necessary if there is a controversy about whether a claimant's activities or the claimant's status constitutes 'service' or 'employment', or if a claimant received wages or remuneration for services. It explains the basic factors that are examined during the review.

Guide Sheet 14 – Seasonality

This is a new guide sheet that explains when a seasonal worker should be denied use of wages earned during a specified period of time. It explains the basic factors that are examined during the review.

Guide Sheet 15 – Removal of Disqualification

This is a new guide sheet that explains that a determination may be necessary if there is “disagreement” or controversy concerning whether specific requalifying requirements have been met.

TABLE OF CONTENTS

| | | |
|------|---|---------|
| I. | INTRODUCTION | I - 1 |
| II. | SCOPE OF THE QUALITY REVIEW | II - 1 |
| | A. UI Programs Included in the Quality Review | II - 1 |
| | B. Types of Determinations Sampled | II - 2 |
| | C. Identifying Nonmonetary Issues | II - 3 |
| | D. Elements to be Reviewed | II - 5 |
| III. | PREPARING FOR THE REVIEW | III - 1 |
| | A. Sampling Frequency | III - 1 |
| | B. Sample Frames | III - 1 |
| | C. Sample Sizes | III - 1 |
| | D. Sample Size Flexibility | III - 2 |
| | E. Selecting and Identifying the Sampled Determinations | III - 2 |
| | F. Validating the Sample | III - 2 |
| | G. Assembling the Case Review File | III - 3 |
| IV. | CONDUCTING THE REVIEW | IV - 1 |
| | A. Tripartite Quality Review System | IV - 1 |
| | 1. Identifying Review Teams | IV - 1 |
| | 2. Assigning Cases | IV - 2 |
| | 3. Reviewing and Scoring Cases | IV - 2 |
| | 4. Reconciling Scores | IV - 2 |
| | 5. Automatic Calculation of Score | IV - 3 |
| | 6. Retain all Case Reviews | IV - 3 |
| | 7. Use of Sample Data | IV - 3 |
| | B. Completing the Data Collection Instrument | IV - 4 |
| V. | THE DATA COLLECTION ELEMENTS | V - 1 |
| | 1 – Identification # | V - 1 |
| | 2 – Issue Code | V - 1 |
| | 3 – Case Material Found? | V - 1 |
| | 4 – Date on the Determination | V - 2 |
| | 5 – Correct Date on the Determination? | V - 2 |
| | 6 – Corrected Date on the Determination | V - 3 |
| | 7 – Correct Issue Code? | V - 3 |
| | 8 – Corrected Issue Code | V - 3 |

TABLE OF CONTENTS

| | | |
|-------------|---|----------------|
| V. | THE DATA COLLECTION ELEMENTS (continued) | |
| | 09 – Intrastate Claim | V - 4 |
| | 10 – Program Type | V - 5 |
| | 11 – Nonmonetary Determination Outcome | V - 5 |
| | 12 – Outcome Reported Correctly? | V - 5 |
| | 13 – Reserved for SWA Use Only | V - 6 |
| | 14 – Week ending Date of First Week Affected | V - 7 |
| | 15 – Correct Week Ending Date? | V - 7 |
| | 16 – Corrected Week Ending Date | V - 7 |
| | 17 – Issue Detection Date | V - 8 |
| | 18 – Correct Issue Detection Date? | V - 8 |
| | 19 – Corrected Issue Detection Date | V - 8 |
| | 20 Through 24 – Nonmonetary Determination Quality Scoring | V - 9 |
| | Minimum Criteria to Satisfy Reasonable Attempts Requirements | V - 10 |
| | 20 – Claimant Information | V - 12 |
| | 21 – Employer Information | V - 13 |
| | 22 – Information (Facts) From Others | V - 14 |
| | 23 – Law and Policy Correctly Applied | V - 15 |
| | 24 – The Written Determination | V - 16 |
| | The Comments Section | V - 19 |
| VI. | GUIDE SHEETS | |
| | 01. Voluntary Leaving | VI - 1 |
| | 02. Discharge | VI - 4 |
| | 03. Able and Available | VI - 7 |
| | 04. Refusal of Work | VI - 10 |
| | 05. Disqualifying/Other Deductible Income | VI - 14 |
| | 06. Reporting Requirements | VI - 18 |
| | 07. Alien Status | VI - 21 |
| | 08. Educational Employees Between/Within Terms | VI - 26 |
| | 09. Professional Athletes Between Seasons | VI - 31 |
| | 10. Fraud Administrative Penalty | VI - 35 |
| | 11. Labor Disputes | VI - 37 |
| | 12. Worker Profiling and Reemployment Services | VI - 41 |
| | 13. Unemployment Status | VI - 44 |
| | 14. Seasonality | VI - 46 |
| | 15. Removal of Disqualification | VI - 47 |
| VII. | GLOSSARY | VII - 1 |

TABLE OF CONTENTS

APPENDIX A: SAMPLE SELECTION App A - 1

APPENDIX B: Part 5, ESM, Section 6013 App B - 1

NONMONETARY DETERMINATIONS QUALITY DATA COLLECTION
INSTRUMENT

NONMONETARY DETERMINATIONS QUALITY DATA COLLECTION
INSTRUMENT (with handbook page references)