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Bureau of Workforce Transformation (BWT)
Policy Issuance (PI): 06-31, Change 4

Date: May 27, 2010

To: Michigan Works! Agency (MWA) Directors

From: Liza Estlund Olson, Director, Bureau of Workforce Transformation
SIGNED

Subject: Criteria for Obtaining a Waiver of Unemployment Insurance (UI) Eligibility Requirements

Programs Affected: All Wagner-Peyser (7a) Funded Programs

References: Michigan Employment Security Act, September 2005,
Section 421.28 (2) a, b, c, d, e, and (3)

U.S. Department of Labor Employment and Training Administration,
Training and Employment Guidance Letter No. 2-09, August 26, 2009

The Wagner-Peyser Act, as amended by the Workforce Investment Act
(WIA) of 1998 (Public Law 105-220)

The WIA of 1998

Rescissions: None

Background: In order for a UI claimant to continue to collect unemployment benefits while attending training or school, the claimant must be available for and seeking full-time work. A claimant who is not available and seeking work due to enrollment in training may have those requirements waived if the training meets the criteria outlined in this policy issuance. Waivers of eligibility requirements exempt claimants from the requirement that they be available and seeking full-time work each week.

DELEG is an equal opportunity employer/program.
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The purpose of this policy change is to add language to BWT forms 311 and 311-S to further ensure that UI claimants are informed that final approval for a waiver is determined by the Unemployment Insurance Agency (UIA).

Policy:

In order for a UI claimant to continue to collect unemployment benefits while attending training, a waiver of the UI “available and seeking work” eligibility requirements must be obtained. The training must meet the criteria stipulated further in this policy.

Eligibility waivers cannot be approved by the UIA unless the criteria stated in this policy are met. A claimant will not be granted a waiver by the UIA if the training does not meet the criteria.

A waiver of eligibility requirements is not contingent upon the funding source for the training. A UI claimant does not have to be enrolled in training funded by an MWA in order to qualify for a waiver of UI eligibility requirements.

Waivers of eligibility requirements pertain to all claimants collecting regular UI benefits or extensions that are not available for and seeking work due to enrollment in training. UI eligibility waivers are also required for those individuals attending Trade Adjustment Assistance (TAA) approved training.

Waivers of eligibility are evaluated on a case-by-case basis. An individual may obtain a waiver of eligibility requirements to pursue training if **all** of the following conditions are met:

- Reasonable opportunities for employment in occupations for which the individual is suited by training and experience do not exist in the locality in which the individual is claiming benefits;
- The training course either:
 - 1) Relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities; **or,**
 - 2) Provides general or broad education that will increase the likelihood of the claimant’s reemployment.
- The training has been approved by the local Workforce Development Board;
- The individual has the required qualifications and aptitudes to complete the course successfully;

- If the training is in-state, the training course has been approved by the State Board of Education and is maintained by a public or private school or by the state of Michigan; **or**,

If the training is out-of-state, verification of the training institution's approval to operate in the respective state must be obtained. Please see the "Out-of-State Training" section in this policy for guidance on approving training providers outside of the state of Michigan.

Approvable Types of Training

Types of training that may be approved for UI waivers of eligibility are as follows:

Vocational Training

The term vocational training (also referred to as career and technical education) means organized educational activities that:

- Offer a sequence of courses that provide an individual with the academic and technical knowledge and skills the individual needs to prepare for a career in current or emerging employment sectors; and
- Include one or more of the following: competency-based applied learning that contributes to academic knowledge, higher-order reasoning and problem solving skills, work attitudes, general employability skills, and occupation-specific skills.

Vocational means the acquiring of academic, technical, or occupational skills that provide industry-recognized credentials that prepare an individual for employability.

Examples of vocational training include:

- A nursing program that can result in employability as a registered nurse or in the nursing field.
- A certification/licensing program in the health occupations, such as ultrasound technician, x-ray technician, or respiratory therapist.
- A teaching certification that allows the individual to seek employment in the education field.
- An associate's degree that prepares an individual for a career.
- Completion of a degree that prepares an individual for employability.

- A certification, credential, or licensing program that provides occupational skills, such as a trade program, information technology certifications, financial planning, commercial driving, or cosmetology school.

Remedial Education

Courses that improve the claimant's understanding of the fundamentals of English or mathematics, provide adult basic education, or prepare a student for attainment of a General Equivalency Diploma (GED) are approvable types of training.

Post-Secondary Education

Education following high school education/GED attainment is an approvable type of training. Examples of such education include courses leading to a bachelor's degree, master's degree, doctoral degree (e.g., PhD, Doctor of Medicine, Juris Doctorate), or other courses leading to an advanced degree or certification.

Distance Learning

Courses taken via formal online programs, or virtual classrooms, are approvable types of training.

Part-Time Training

UI claimants attending approved training need not be enrolled full-time to obtain a waiver of UI eligibility. Part-time training (i.e., part-time training for claimants who are working a reduced work-week, or training that occurs during normal work hours) may be approved.

Out-of-State Training

Training taken outside of the state of Michigan may be approved. Claimants collecting UI benefits from the state of Michigan who are attending school out-of-state are equally eligible to receive waivers of UI eligibility requirements as claimants attending training within the state of Michigan.

To approve a training provider that is outside the state of Michigan, verification of the training institution's approval to operate in the respective state must be obtained. Such verification may be obtained through methods such as online searches of other states' WIA eligible provider lists, or through verification of information through Web sites such as the following:

- The U.S. Department of Education Database of Accredited Post-secondary Institutions and Programs: <http://ope.ed.gov/accreditation>.
- The Department of Education's National Center for Education Statistics' College Navigator, a tool with information on nearly 7,000 post-secondary institutions in the United States: <http://nces.ed.gov/collegenavigator>.
- A Web site maintained by The Department of Veterans Affairs, containing a list of approved education and training programs as well as a list of approved institutions: http://www.gibill.va.gov/GI_Bill_Info/Search_Programs.htm.
- The Council for Higher Education Accreditation maintains a database of institutions and programs accredited by recognized United States accrediting organizations at: <http://www.chea.org/search/default.asp>.
- The Career Education Consumer Report, Michigan's WIA eligible provider list, which includes various out-of-state training organizations: <http://www.mycareereducation.org/>.

If the training institution's approval to operate in the respective state cannot be located via such online information, verification of the training institution's approval to operate in the respective state must be obtained from the training institution directly.

UI claimants receiving UI benefits from the state of Michigan while residing in another state who wish to request a UI eligibility waiver must request the UI waiver through the MWA with which the claimant was associated. Criteria in DELEG-BWT Form 311 regarding the occupational opportunities in the area in which the claimant resides must be verified by the MWA with the respective out-of-state local workforce agency/employment services provider, or via labor market information specific to the out-of-state area in which the claimant resides.

REQUIRED FORMS

A staff checklist of the types of supporting documentation that are needed to process UI eligibility waiver requests is provided with this policy issuance as form WFT 334 (Rev. 2/2010) – Attachment A. This checklist must be completed and retained by the MWA along with copies of the listed documents.

MWAs are to enter the MWA contact information on form WFT 335 (Rev. 2/2010), the Claimant Checklist for Supporting Documentation For UI

Eligibility Waiver – Attachment B, and provide claimants a copy of the form.

UI claimants must also be provided form DELEG-BWT 311-S (Rev. 2/2010) – *Request for Approval of Training Course for Waiver of UI Eligibility Requirements*, complete Section A and return the form to the MWA.

In Section B of form DELEG-BWT 311-S, the MWA staff must approve, or deny, the claimant's information in Section A by selecting the appropriate check box; then complete the form.

If the MWA approves of the training, the MWA must verify the approval by completing the form DELEG-BWT 311 (Rev. 2/2010) *Verification of Training Criteria*.

These forms have replaced forms DLEG-BWP 310, the Request for Approval of Training Course for Claimants, and DLEG-BWP 310-S, the Training Enrollment Certification. MWAs should ensure that they use the updated forms when processing waiver requests.

The UIA requires UI claimants who have approved UI eligibility waivers to submit documentation of class registration(s) and resubmit form DELEG-BWT 311-S for **each** subsequent semester.

If a UI claimant who has an approved UI eligibility waiver changes his/her course of study, both forms DELEG-BWT 311-S and DELEG-BWT 311 must be resubmitted, along with proof of registration in the new course of study.

MWA submission of these forms to the UIA is verification that the criteria have been met and therefore the MWA is recommending the waiver of eligibility.

PRECAUTIONS

There is a set time limit on the eligibility waivers. The waiver is in effect for the period of the approved training (i.e., each semester or individual course) while the claimant is eligible to receive UI benefits, meets UIA requirements, and continues to participate in training. The claimant must submit through the MWA a new request for an eligibility waiver **each semester** by resubmitting form DELEG-BWT 311-S and proof of class registration. If the claimant changes his/her course of study, both forms DELEG-BWT 311 and DELEG-BWT 311-S must be resubmitted, along with proof of registration in the new course of study. The MWA must inform the UIA in writing if the claimant withdraws from the training so that UIA can terminate the eligibility waiver.

The MWA must inform the claimant that the UIA will issue a written determination to the claimant stating that the waiver of the availability and seeking work requirements has been granted and for what period, or that it has been denied and why.

Please note that the eligibility waivers are **not** TAA or WIA waivers. For information about TAA and WIA training waivers, please see (http://web.michworks.org/OWD/index_owd.htm) for applicable policy issuances.

Staff time required to process UI eligibility waivers should be charged against Wagner-Peyser 7(a) funds.

Action: In order to request a waiver of UI eligibility, forms DELEG-BWT 311 (Rev. 4/2010) and DELEG-BWT 311-S (Rev. 4/2010) must be completed and sent by the MWA, along with any supporting documentation, to: UIA, P.O. Box 169, Grand Rapids, Michigan 49501-0169, or faxed to (517) 636-0427. Please do not fax and mail.

For each **semester** of class registration(s), the MWA must complete and submit form DELEG-BWT 311-S and proof of class registration to the Grand Rapids center.

If a claimant changes his/her course of study, both forms DELEG-BWT 311 and DELEG-BWT 311-S must be resubmitted, along with proof of registration in the new course of study.

Inquiries: Questions regarding this policy issuance should be directed to your Wagner-Peyser/Welfare Reform state coordinator at (517) 335-5858.

MWAs or UI claimants seeking the status of a UI eligibility waiver may call 1-866-500-0017 and press option 3 for a customer service representative.

The information contained in this policy issuance will be made available in alternative format (large type, audio tape, etc.) upon special request to this office.

**Expiration
Date:** None

LEO:MD:kf
Attachments

Attachment A: Staff Checklist for Supporting Documentation

Staff Checklist for Supporting Documentation For Unemployment Insurance Eligibility Waiver			
ITEM	YES	NO	COMMENT
1. Is the claimant a registered Wagner-Peyser participant on the OSMIS?			
2. Is Labor Market Information from the Michigan Labor Market Information Web site at http://www.milmi.org available confirming that there are, or are expected to be in the immediate future, reasonable employment opportunities related to the course of study? Or , if occupational data specifically related to the claimant's course of study is not available/applicable, does the course of study provide general or broad education that will increase the likelihood of the claimant's reemployment?			
3. Is the training course approved by the local Workforce Development Board?			
4. Has the claimant provided copies of transcripts for any previously completed courses, or test results completed as part of the admission process to the training facility? This is required to support that the customer has the qualifications and aptitude to complete the course of study.			
5. If the training is in-state , has the training course been approved by the State Board of Education and is it maintained by a public or private school or by the state of Michigan? Or , if the training is out-of-state , has verification of the training institution's approval to operate in the respective state been obtained? Please see "Out-of-State Training" section in this policy for guidance on approving training providers outside of the state of Michigan.			

Attachment A: Staff Checklist for Supporting Documentation

<p>6. Has the claimant provided a description of the curriculum outline of required classes or program of study/degree requirements? A copy from the school's catalogue is sufficient.</p>			
<p>7. Has the claimant provided proof of class registration for the current semester? List semester beginning and ending dates in Comments Section.</p>			

Attachment B: Claimant Checklist for Supporting Documentation

Claimant Checklist for Supporting Documentation For Unemployment Insurance Eligibility Waiver	
ITEMS NEEDED	NOTES
1. Copy of transcript for any previously completed courses, or test results completed as part of the admission process to the training facility.	
2. A description of the curriculum outline of required classes or program of study/degree requirements. A copy from the school's catalogue is sufficient.	
3. Proof of current semester class registration(s) Beginning Date _____ Ending Date _____	
4. Provide form DELEG-BWT 311-S and all supporting documentation to the Michigan Works! Agency contact person.	
<p><i>This portion to be completed by Michigan Works! Agency staff prior to distributing form to claimant.</i></p> <p>Michigan Works! Agency:</p> <p>Michigan Works! Agency Contact Person:</p> <p>Michigan Works! Agency Phone Number:</p> <p>Michigan Works! Agency Fax Number:</p> <p>Michigan Works! Agency Mailing Address:</p>	

Department of Energy, Labor & Economic Growth
BUREAU OF WORKFORCE TRANSFORMATION

***Request for Approval of Training Course for Waiver of
Unemployment Insurance (UI) Eligibility Requirements***

(In accordance with the Michigan Employment Security Act, Section 421.28 [2] and [3].)

Purpose: Completion of this form is required to qualify for a waiver of the availability and seeking work requirements while continuing to receive UI. Persons wishing to obtain a waiver of UI eligibility in order to attend training must complete this form. After completing this form, it must be given to the appropriate Michigan Works! Agency staff person for training evaluation.

PLEASE NOTE:

MWA approval of training does not indicate that a waiver has been granted. Final approval for a waiver comes from the Unemployment Insurance Agency (UIA). The claimant will receive a written response from the UIA by mail (UIA form 1678).

SECTION A – To be completed by claimant:

Claimant name:

Claimant Social Security Number:

Michigan Works! Agency:

I request approval of the following training program. This approval is necessary to waive the availability and seeking work requirements for unemployment benefits.

Occupational Goal:

Type of Training Program (check all that apply):

Certificate License Basic Education/Remedial Training GED Preparation

Associate's Degree Bachelor's Degree Master's Degree

Doctoral Degree (e.g. PhD, Doctor of Medicine, Juris Doctorate) Other Graduate Degree

Distance/Online Learning

Other (Specify _____)

Training Facility: _____

Starting Date of Training: _____
(Month, date and year)

Ending Date of Training: _____
(Month, date and year)

Current semester/course beginning date _____ and ending date _____

I certify that I am enrolled or will be enrolled in the above training. Proof of registration is required to accompany this form.

Claimant Signature: _____

Date: _____

SECTION B – To be completed by Michigan Works! Agency Staff:

Training approved by MWA staff and recommended for a waiver: Yes No

If No, state reason(s):

Recommendation for waiver does not mean that training has been approved for funding.

Training Funding Source(s):

I have verified Claimant's form DELEG-BWT 311 and to the best of my knowledge all information on that form and this form (DELEG-BWT 311-S) is true.

Print Name and Title

Signature

Date

Michigan Works! Agency Name

Telephone

Please enter any additional notes or comments here.

Department of Energy, Labor & Economic Growth
BUREAU OF WORKFORCE TRANSFORMATION

Verification of Training Criteria

This certification provides information required by the Michigan Employment Security Act, Section 421.28, to qualify for a waiver of the availability and seeking work requirements while continuing to receive Unemployment Insurance. This form must be completed and faxed with DELEG-BWT 311-S and any supporting documentation, to (517) 636-0427, *or* the originals may be mailed to UIA, P.O. Box 169, Grand Rapids, MI 49501-0169.

PLEASE NOTE:

MWA approval of training does not indicate that a waiver has been granted. Final approval for a waiver comes from the Unemployment Insurance Agency (UIA). The claimant will receive a written response from the UIA by mail (UIA form 1678).

An individual may obtain a waiver of eligibility to pursue training only if **all** of the conditions below are met.

I certify the following criteria for Claimant: _____

Claimant Social Security Number: _____

- Reasonable opportunities for employment in occupations for which the claimant is suited by training and experience do not exist in the locality in which the individual is residing.
- The training course **either**:
 - 1) Relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities; **or**,
 - 2) Provides general or broad education that will increase the likelihood of the claimant's reemployment.
- The training has been approved by the Michigan Works! Agency's Workforce Development Board.
- The claimant has the required qualifications and aptitudes to complete the course successfully.

If the training is located in-state, the training has been approved by the State Board of Education and is maintained by a public or private school or by the state of Michigan.

Or, if the training provider is located outside of the state of Michigan, verification of the training institution's approval to operate in the respective state has been obtained.

My signature indicates that I have verified that all five conditions have been met. Checked box indicates that condition has been met.

My signature indicates that all five conditions have **NOT** been met.

Print Name and Title

Signature

Michigan Works! Agency Name

Date

Telephone Number

Recommendation for waiver does not mean that training has been approved for funding.

Please enter any additional notes or comments here.