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DEPARTMENT OF LABOR & ECONOMIC GROWTH
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emailed to MWAs 8/23/07 (pv)

Bureau of Workforce Programs (BWP)
Policy Issuance (PI): 06-31, Change 1

OFFICIAL

Date: August 23, 2007

To: All Michigan Works! Agency (MWA) Directors

From: Janet Howard, Interim Director, Bureau of Workforce Programs
Liza Estlund Olsen, Acting Director, Unemployment Insurance Agency

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

Programs

Affected: All Wagner-Peyser (7a) Funded Programs
Workforce Investment Act (WIA) of 1998

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

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

The WIA of 1998

PI 06-31, Criteria for Obtaining a Waiver of UI Eligibility Requirements

Rescissions: PI 06-31 is continuing Employment Service Agency (ESA) PI 03-11 issued December 29, 2003, and ESA PI 03-11, Change 1, issued January 7, 2004.

Background: Waivers of eligibility requirements pertain only to those claimants collecting regular UI benefits, who are not available for and seeking work due to training. UI eligibility requirement waivers do not apply to claimants who are receiving Trade Adjustment Assistance (TAA). In general, 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 because of vocational training may have those requirements waived if the vocational training meets certain criteria. The MES Act provides for granting waivers

of eligibility requirements to UI claimants who are unable to find a job for which they are suited by training and/or experience within the locality in which they are claiming benefits. Waivers of eligibility requirements exempt claimants from the requirement that they be available and seeking full-time work each week. A waiver of eligibility requirements is not contingent upon the funding source for the training. **In other words, a UI claimant does not have to be enrolled in training being paid for by an MWA in order to qualify for a waiver of UI eligibility requirements.** The training must be vocational training or retraining.

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. Waivers of eligibility requirements are evaluated on a case-by-case basis. An individual with an unexpired benefit year may obtain a waiver of eligibility requirements to pursue vocational training or retraining only 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 vocational training course relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities;
- The vocational training has been approved by the local Workforce Development Board;
- The individual has the required qualifications and aptitudes to complete the course successfully; and
- The vocational 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.

A staff checklist of the types of supporting documentation that are needed to process UI eligibility waiver requests is provided with this PI as form WFP 334 – Attachment A. This checklist must be completed and retained by the MWA along with copies of the listed documents.

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 this are:

- 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; or
- 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.

Eligibility waivers cannot be approved by the Unemployment Insurance Agency (UIA) unless the criteria stated in this policy are met. A claimant will be held ineligible for benefits by the UIA if the training does not meet the criteria, unless he/she is available for and seeking full-time work. Under the terms of the MES Act, UI claimants attending approved training need not be enrolled full-time to obtain a waiver of UI eligibility requirements. When all of the requirements are met, the UI claimant should obtain from the MWA and complete the following forms:

- DLEG-BWP 311 – Verification of Vocational Training Criteria, and
- DLEG-BWP 311-S – Request for Approval of Vocational Training Course for Waiver of UI Eligibility Requirements

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.

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 requirements.

IMPORTANT: There is no set time limit on the eligibility requirement waivers referred to in PI 03-11. The waiver of requirements is in effect while the claimant is eligible to receive UI benefits and meets UIA requirements.

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 or that it has been denied and why.

Please note that the eligibility waivers referred to in PI 03-11 are **not** TAA or WIA waivers. For information about TAA and WIA training waivers, please see http://web.michworks.org/OWD/index_owd.htm.

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 requirements, forms DLEG-BWP 311 and DLEG-BWP 311-S must be completed and faxed or mailed, along with any supporting documentation, to: (517) 636-0427, **or** to: UIA, P.O. Box 169, Grand Rapids, Michigan 49501-0169. Please do not fax and mail.

MWAs should provide claimants with a copy of WFP 335, the Claimant Checklist for Supporting Documentation – Attachment B, that accompanies this PI and schedule appointments to meet with them after they obtain the support documents cited on the checklist.

Inquiries:

Any questions or concerns regarding this policy should be directed to:

Ms. Dell Alston, Director
Workforce Training & Development Division
Bureau of Workforce Programs
Michigan Department of Labor & Economic Growth (DLEG)
Victor Office Center
201 North Washington Square, 5th Floor
Lansing, Michigan 48913

E-mail: alstond@michigan.gov
Telephone: (517) 335-5858.

If you wish to speak to someone in UIA, you may call the UI Benefit Procedures Unit at (313) 456-2780.

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

Expiration

Date: None

JH:EP:pv
Attachments

Attachment A: Staff Checklist for Supporting Documentation

WFP 334

Staff Checklist for Supporting Documentation For UI Eligibility Waiver			
ITEM	YES	NO	COMMENT
1. Does the claimant have an active Michigan Talent Bank resume?			
2. Has the claimant supplied Labor Market Information from the Michigan Labor Market Information website at http://www.milmi.org as it relates to demand for the claimant's occupational course of study?			
3. Is the vocational training course approved by the local Workforce 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. Is the training course listed on the Career Education Consumer Reports website?			
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.			
7. Has the claimant provided proof of class registration?			

Attachment B: Claimant Checklist for Supporting Documentation

WFP 335

Claimant Checklist for Supporting Documentation For UI Eligibility Waiver	
ITEMS NEEDED	NOTES
1. Copy of Michigan Talent Bank resume	
2. Copy of transcript for any previously completed courses, or test results completed as part of the admission process to the training facility	
3. A description of the curriculum outline of required classes or program of study/degree requirements. A copy from the school's catalogue is sufficient.	
4. Proof of class registration	
5. Schedule an appointment with Michigan Works! Agency staff.	
Call: Michigan Works! Agency: Phone Number:	