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**Bureau of Workforce Programs/Transformation (BWP/BWT)**  
**Policy Issuance (PI): 06-31, Change 2**

**Date:** October 23, 2008

**To:** All 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  
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, Change 1 Criteria for Obtaining a Waiver of UI Eligibility Requirements

**Rescissions:** Employment Service Agency PI 03-11 and PI 03-11, Change 1

**Background:** 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 training may have those requirements waived if the 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

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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. **An 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 classroom/vocational training or retraining.

Waivers of eligibility requirements pertain only to those claimants collecting regular UI benefits that are not available for and seeking work due to training. UI eligibility requirement waivers are required for those individuals attending Trade Adjustment Assistance (TAA) approved training who are collecting regular UI benefits. UI eligibility requirement waivers are not required for those individuals who are in approved training and have exhausted UI benefits and are collecting Trade Readjustment Allowances.

This policy establishes a method to track a UI claimant's continued participation in vocational training following the initial verification. The Unemployment Insurance Agency (UIA) requires UI claimants that have approved UI Eligibility waivers to submit documentation of class registration(s) for **each** subsequent semester. The required forms have been revised to document current semester class registration beginning and ending dates.

**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 WFT 334 (revised 10/2008) – 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 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.

## **REQUIRED FORMS**

UI claimants should obtain form DLEG-BWT 311-S (Revised 10/2008) – *Request for Approval of Vocational Training Course for Waiver of UI Eligibility Requirements* from the MWA, complete Section A and return the form to the MWA.

In Section B of form DLEG-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 vocational training, the MWA must verify the approval by completing the form DLEG-BWT 311-(Revised 10/2008) – *Verification of Vocational 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.

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 requirements. Form 311-S (revised 10/2008) must be completed and submitted each semester with proof of class registration(s).

## **PRECAUTIONS**

There is no set time limit on the eligibility requirement waivers. The waiver of requirements is in effect while the claimant is eligible to receive UI benefits, meets UIA requirements, and continues to participate in vocational training.

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 are **not** TAA or WIA waivers. For information about TAA and WIA training waivers, please see ([http://web.michworks.org/OWD/index\\_owd.htm](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 requirements, forms DLEG-BWT 311-S and DLEG-BWT 311 (Revised 10/2008) must be completed and faxed or mailed by the MWA, 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.

For each **semester** of class registration(s), MWA must complete and submit Form DLEG-BWT 311-S (Revised (10/2008) to the Grand Rapids center.

MWAs should provide claimants with a copy of WFT 335 (revised 10/2008), the Claimant Checklist for Supporting Documentation – Attachment B, that accompanies this policy issuance and schedule appointments to meet with them after they obtain the support documents cited on the checklist.

**Inquiries:** Questions regarding this policy issuance should be directed to your Employment Services state coordinator at (517) 335-5858.

The MWA or UI claimants 1(866) 500-0017 for the status of paperwork submitted or an UI eligibility waiver approval.

For other related UIA concerns, MWAs may call the UI Benefit Procedures Unit at (313) 456-2780.

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:EP:be  
Attachments

Attachment A: Staff Checklist for Supporting Documentation

WFT 334 (revised 09/2008)

Staff Checklist for Supporting Documentation For Unemployment Insurance Eligibility Waiver			
ITEM	YES	NO	COMMENT
<b>1. Does the claimant have an active Michigan Talent Bank resume?</b>			
<b>2. Has the claimant supplied Labor Market Information from the Michigan Labor Market Information website at <a href="http://www.milmi.org">http://www.milmi.org</a> as it relates to demand for the claimant's occupational course of study?</b>			
<b>3. Is the vocational training course approved by the local Workforce Board?</b>			
<b>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.</b>			
<b>5. Is the training course listed on the Career Education Consumer Reports website?</b>			
<b>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.</b>			
<b>7. Has the claimant provided proof of class registration for the current semester? List semester beginning and ending dates in Comments Section</b>			

Attachment B: Claimant Checklist for Supporting Documentation

WFT 335 (Revised 09/2008)

<b>Claimant Checklist for Supporting Documentation For Unemployment Insurance Eligibility Waiver</b>	
ITEMS NEEDED	NOTES
<b>1. Copy of Michigan Talent Bank resume</b>	
<b>2. Copy of transcript for any previously completed courses, or test results completed as part of the admission process to the training facility</b>	
<b>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.</b>	
<b>4. Proof of current semester class registration(s) Beginning Date _____, Ending Date _____</b>	
<b>5. Schedule an appointment with Michigan Works! Agency staff.</b>	
<b>Who to Call:</b>	
<b>Michigan Works! Agency:</b>	
<b>Phone Number:</b>	

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

(In accordance with the MES 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 Unemployment Insurance. Persons wishing to obtain a waiver of UI eligibility requirements in order to attend training must complete this form. After completing this form, give it to the appropriate Michigan Works! Agency staff person for vocational/educational training evaluation.

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

- Offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers 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.

SECTION A -- To be completed by **claimant**:

Claimant name: \_\_\_\_\_

Claimant Social Security Number: \_\_\_\_\_

Michigan Works! Agency (MWA): \_\_\_\_\_

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

Occupational Goal: \_\_\_\_\_

Type of Training Program:

Certificate                       License                       Associate's Degree                       Bachelors Degree

Other  
(Specify) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Training Facility: \_\_\_\_\_

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

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

Current semester beginning date \_\_\_\_\_ and ending date \_\_\_\_\_

I certify that I am enrolled or will be enrolled in the above training. (Proof of enrollment may be required.)

Claimant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

Training approved:        Yes                     No

If No, state reason(s):

\_\_\_\_\_  
\_\_\_\_\_

**(Approval of training for a waiver does not mean that training is approved for funding.)**

Training Funding Source(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michigan Works! Agency Name

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Telephone

Please enter any additional notes or comments here.

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*Verification of Vocational 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 DLEG-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.

An individual with an unexpired benefit year may obtain a waiver of eligibility to pursue **vocational** training or retraining only if **all** of the conditions below are met. The term vocational training (also referred to as career and technical education) means organized educational activities that:

- Offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers 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.

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 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 course has been approved by the local Workforce Development Board.
- The claimant has the required qualifications and aptitudes to complete the course successfully.
- 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.

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.

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Print Name and Title

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Signature

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Michigan Works! Agency Name

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Date

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Telephone Number

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

Please enter any additional notes or comments here.