



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF UNEMPLOYMENT ASSISTANCE

September 29, 2009

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Gay Gilbert
Administrator
Office of Workforce Security
200 Constitution Ave. NW
Room S-2431
Washington, D.C. 20210

RE: U.I. Modernization Incentive Payments

Dear Ms. Gilbert:

The Commonwealth of Massachusetts (Commonwealth) submits the following information in support of its application for the two-thirds incentive payment pursuant to section 2003 (a) of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). The Commonwealth states that it qualifies for the incentive payment as its unemployment insurance law meets two of the provisions for receipt of the incentive payment as more fully specified below.

Section 2003 (f) (3)(c) of the American Recovery and Reinvestment Act (ARRA) requires state unemployment insurance law to contain provisions by which an additional 26 weeks of unemployment compensation is paid to exhaustees who are enrolled in and making satisfactory progress in certain training programs. The approved training programs must prepare individuals who have been separated from a declining occupation, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation.

Sections 1-3 of Chapter 30 of the Acts of 2009 amended M.G.L. c. 151A, § 30 (c) (training extension provisions). These amendments increased from 18 to 26 the number of weeks in which an individual may receive unemployment compensation while attending an approved training program. In addition, these amendments broadened the circumstances in which the Director of the Division of Unemployment Assistance (DUA) may, by regulation, toll the 15-week application period.

In response to the amendments to M.G.L. c. 151A, § 30(c) and as directed by the Massachusetts legislature, DUA amended the training extension regulations codified at 430 CMR 9.00. In particular, 430 CMR 9.06 (3)(g) was added to the regulations and provides that the application period shall be extended to the end of the benefit year where a claimant has been separated from a declining occupation or has been involuntarily and

indefinitely separated from employment as a result of a permanent reduction of operations and is training in a high-demand occupation. Also, the regulations now specify that the application period shall be extended to the end of the benefit year where the Commonwealth is paying either emergency unemployment benefits or extended benefits (430 CMR 9.06 (3)(d)).

The changes to M.G.L. c. 151A, § 30(c) are currently in effect. The revisions to 430 CMR 9.00 become effective as of October 2, 2009. The changes are permanent and not subject to discontinuation under any circumstances other than repeal by the legislature. I have attached copies of M.G.L. c. 151A, § 30(c), as amended, and 430 CMR 9.00, as amended, to this letter.

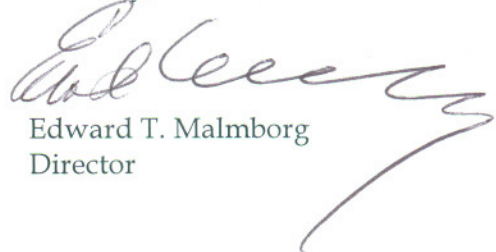
Section 2003 (f)(3)(d), ARRA requires state unemployment insurance law to provide for the payment of dependents' allowance of at least \$15 per dependent per week. M.G.L. c. 151A, § 29(c) provides for the payment of \$25.00 per dependent per week to qualified individuals. This provision is a permanent codification to the Massachusetts unemployment insurance law and is not subject to discontinuation under any circumstance other than repeal by the legislature. I have attached a copy of M.G.L. c. 151A, § 29(c) to this letter.

The above shows that the Commonwealth meets the requirements for the incentive payment. The Commonwealth intends to use such payment for the payment of unemployment benefits.

I hereby certify that this application is submitted in good faith with the intention of providing benefits to unemployed workers who meet the eligibility provisions on which the application is based.

Please contact me or Chief Counsel Robert K. Ganong (617-626-5613) with any questions about this application.

Sincerely,



Edward T. Malmborg
Director

cc: Gerald Hildebrand, USDOL
John Murphy, USDOL
Suzanne Bump, Secretary
Michael Taylor, Director
Gerald McDonough, Esq.
Robert K. Ganong, Esq.

M.G.L.A. 151A § 30

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

^ Title XXI. Labor and Industries (Ch. 149-154)

^ Chapter 151A. Unemployment Insurance (Refs & Annos)

⇒ § 30. Total benefits for year; industrial or vocational retraining; solvency account charge; trade readjustment allowance

(a) Except as provided in subsection (b), the total benefits which an unemployed individual may receive during his benefit year shall be an amount equal to thirty-six percent of his wages in the base period, or an amount equal to thirty times his benefit rate, whichever is less, plus dependency benefits payable under section 29; provided, however, that if in any month the average local unemployment for the last 12 months, as determined by the United States Department of Labor is equal to or below 5.1 per cent in each of the 10 metropolitan statistical areas of the commonwealth, the total benefits which an unemployed individual who then files a claim may receive during his benefit year shall be an amount equal to 36 per cent of his wages in the base period or an amount equal to 26 times his benefit rate, whichever is less, plus dependency benefits payable under said section 29; provided further that no such reduction in benefit rate from 30 times to 26 times the benefit rate due to the operation of this section shall occur to an individual's total benefit amount if, in any month during the individual's benefit year, the requirements of this section have not been met. If such amount includes a fractional part of a dollar, it shall be rounded to the next lower full dollar amount.

(b) Notwithstanding the provisions of subsection (a), an individual's rights to receive regular benefits under this chapter for any week in excess of twenty-six times the individual's weekly benefit amount, plus dependency benefits payable under section twenty-nine, shall cease for the remainder of the benefit year if such week of unemployment falls in an extended benefit period as defined in paragraph (a) of subsection (1) of section thirty A, or as defined in the Emergency Unemployment Compensation Act of 1991, or any other federal extended unemployment compensation act, as applicable.

<[First paragraph of subsection (c) effective until July 2, 2009. For text effective July 2, 2009, see below.]>

(c) If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further industrial or vocational training to realize appropriate employment, the total benefits which such individual may receive shall be extended by up to eighteen times the individual's benefit rate, if such individual is attending an industrial or vocational retraining course approved by the commissioner; provided, that such additional benefits shall be paid to the individual only when attending such course and only if such individual has exhausted all rights to regular and extended benefits under this chapter and has no rights to benefits or compensation under this chapter or any other state unemployment compensation law or under any federal law; provided, further, that such extension shall be available only to individuals who have applied to the commissioner for training no later than the fifteenth week of a new or continued claim but the commissioner shall specify by regulation the circumstances in which the 15 week application period shall be tolled because of the individual's need to address the physical, psychological and legal effects of domestic violence; provided that the claimant shall begin training in the first available program which is a reasonable distance from the claimant's residence, as determined by the commissioner; provided, further, that the commissioner, in his discretion, may extend the period once for not more than two weeks for any applicant whose initial application is denied; and provided, further, that any benefits paid to an individual under the provisions of this paragraph which would not be chargeable to the account of any particular employer under the provisions of section fourteen shall be charged to the solvency account. An individual eligible to receive a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive additional benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to

receive emergency unemployment compensation, so-called, under any federal law, shall not be eligible to receive additional benefits under this section for each week the individual receives such compensation.

<[First paragraph of subsection (c) as amended by 2009, 30, Secs. 1 and 2 effective July 2, 2009. For text effective until July 2, 2009, see above.]>

(c) If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further industrial or vocational training to realize appropriate employment, the total benefits which such individual may receive shall be extended by up to 26 times the individual's benefit rate, if such individual is attending an industrial or vocational retraining course approved by the commissioner; provided, that such additional benefits shall be paid to the individual only when attending such course and only if such individual has exhausted all rights to regular and extended benefits under this chapter and has no rights to benefits or compensation under this chapter or any other state unemployment compensation law or under any federal law; provided, further, that such extension shall be available only to individuals who have applied to the commissioner for training no later than the fifteenth week of a new or continued claim but the commissioner shall specify by regulation the circumstances in which the 15 week application period shall be tolled; provided, however, that such circumstances shall include an individual's need to address the physical, psychological and legal effects of domestic violence, as well as any period in which economic circumstances permit the provision of extended benefits or any other emergency benefits funded in whole or in part by the federal government; provided, further, that the claimant shall begin training in the first available program which is a reasonable distance from the claimant's residence, as determined by the commissioner; provided, further, that the commissioner, in his discretion, may extend the period once for not more than two weeks for any applicant whose initial application is denied; and provided, further, that any benefits paid to an individual under the provisions of this paragraph which would not be chargeable to the account of any particular employer under the provisions of section fourteen shall be charged to the solvency account. An individual eligible to receive a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive additional benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so-called, under any federal law, shall not be eligible to receive additional benefits under this section for each week the individual receives such compensation.

<[Second paragraph of subsection (c) effective until July 2, 2009. For text effective July 2, 2009, see below.]>

The department shall provide each claimant with written information regarding eligibility for benefits under this section, and notify claimants that any application for benefits under this section must be submitted no later than the fifteenth week of a new or continued claim.

<[Second paragraph of subsection (c) as amended by 2009, 30, Sec. 3 effective July 2, 2009. For text effective until July 2, 2009, see above.]>

The department shall provide each claimant with written information regarding eligibility for benefits under this section, and notify claimants that any application for benefits under this section must be submitted no later than the fifteenth week of a new or continued claim unless the period is tolled by regulation.

CREDIT(S)

Added by St.1941, c. 685, § 1. Amended by St.1945, c. 484, § 3; St.1949, c. 559; St.1953, c. 410, § 1; St.1956, c. 719, § 6; St.1958, c. 437, § 2; St.1959, c. 588; St.1976, c. 473, § 11; St.1983, c. 451, § 7; St.1985, c. 4, § 19; St.1990, c. 154, § 23; St.1990, c. 177, § 285; St.1991, c. 9, § 2; St.1992, c. 26, § 24; St.1992, c. 118, § 9; St.2001, c. 69, § 6; St.2003, c. 142, § 10, eff. Jan. 1, 2004; St.2009, c. 30, §§1 to 3, eff. July 2, 2009.

HISTORICAL AND STATUTORY NOTES

CODE OF MASSACHUSETTS REGULATIONS
TITLE 430: DEPARTMENT OF EMPLOYMENT AND TRAINING
CHAPTER 9.00: TRAINING BENEFITS UNDER M.G.L. C. 151A, § 30(C)

9.01: Purpose

M.G.L 151A, § 30(c) allows claimants to receive Unemployment Insurance (UI) benefits while enrolled in approved training. The purpose of 430 CMR 9.00 is to establish procedures and interpret the standards for approval of training programs (courses) and the eligibility of claimants to participate in such programs. In addition, 430 CMR 9.00 describes the conditions under which a claimant may be eligible to receive an extension of benefits up to 26 times his or her benefit rate if the training extends beyond his or her maximum monetary entitlement. The 26 week training extension is available only to those claimants who have applied to the Director for training no later than the 15th compensable week of the claim, unless that period is tolled pursuant to 430 CMR 9.06.

The general goal of M.G.L. c. 151A, § 30(c) is to allow claimants to acquire the new skills necessary to obtain employment. M.G.L. c. 151A, §§ 24 and 25(c) pertaining to worksearch, availability for work, and acceptance of suitable work, are waived if a claimant is otherwise eligible for UI and is enrolled in approved training.

9.02: Scope and Applicability

430 CMR 9.00 applies to any person who has an eligible claim for unemployment compensation benefits and is seeking benefits while enrolled in training under M.G.L. c. 151A, § 30(c).

9.03: Definitions

The following words and phrases shall have the following meanings, unless otherwise clearly indicated by the context of 430 CMR 9.00:

A.B.E. (Adult Basic Education): academic training in basic literacy and numeracy skills. Such training may be geared at the primary or secondary school level, and may include preparation for a high school equivalency diploma or G.E.D.

Americans with Disabilities Act (ADA): a law passed by Congress in 1990, as amended by the ADA Amendments Act of 2008 (ADAAA), which establishes certain rights for qualified individuals with disabilities (as defined below).

Applied to: a claimant has submitted the required application for training as set forth in 430 CMR 9.06(1).

Basic Skills: courses offering A.B.E., E.S.O.L., or G.E.D. preparation, either individually or in combination.

Certificate Program: a vocational program generally offered at the post-secondary level, but not necessarily by a post-secondary educational institution, that is designed to give an individual the skills necessary to become employed in the occupation of study, and offers a certificate of accomplishment upon completion, but does not confer a degree.

Claimant: any individual who has filed a claim for unemployment benefits pursuant to M.G.L. c. 151A.

Classroom Training: supervised training of the type normally conducted in an institutional setting, including vocational and industrial education, which may be provided to individuals who meet the conditions for approval of training.

Demand Occupation: an occupation for which work opportunities are presently available, or future growth is anticipated, as determined by the Department.

Department: the Department of Workforce Development (DWD) within the Executive Office of Labor and Workforce Development.

Director: the Director of the Department of Workforce Development, as defined in M.G.L. c. 23H, §§ 1 and 8.

Disability: a physical or mental impairment that substantially limits a major life activity (including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, the operations of major bodily functions and working) of such individual; a record of such an impairment; or being regarded as having such an impairment because of an actual or perceived physical or mental impairment. This determination is made without regard to the use of mitigating measures such as medications, prosthetics, medical supplies, equipment, and low-vision devices.

DUA: The Division of Unemployment Assistance within the Department of Workforce Development.

E.S.O.L. (English for Speakers of Other Languages): a course given to teach basic English literacy skills to non-English speaking persons.

15 week period: The 15 week period coincides with the 15 compensable weeks of a regular benefit claim after receipt of the notice required by 430 CMR 9.07(3). However, if any determination denying regular benefits under M.G.L. c. 151A, §§ 39, 41, or 42 is reversed, the 15 week period shall begin with the week following the week notice of such determination or decision was mailed to the claimant, provided the benefit year has not expired and the tolling provisions of 430 CMR 9.06 do not apply.

G.E.D. (General Equivalency Diploma): a program designed to provide an individual with a high school equivalency diploma.

L.M.A. (Labor Market Area): an economically integrated geographic unit consisting of a central city or cities and surrounding territories within reasonable traveling distance for job seeking and commuting.

Pilot or Demonstration Project: a project sponsored or funded by the federal or state government which provides basic or work skills training and is designed to test new methods of training or skills development.

Qualified individual with a disability: under the ADA, "an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity." 28 CFR 35.104.

Suitable Employment: employment which is determined by the Director to be suitable taking into consideration whether the employment is detrimental to the health, safety or morals of an employee, is one for which he or she is reasonably fitted by training and experience, including employment not subject to M.G.L. c. 151A, is one which is located within reasonable distance of his or her residence or place of last employment, and is one which does not involve travel expenses substantially greater than that required in his or her former work. No work shall be deemed suitable under the provisions of M.G.L. c. 151A, § 25(c) if the position offered is vacant due directly to a strike, lockout or other labor dispute; if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or if the acceptance of such work would require the individual to join a company union or would abridge or limit his or her right to join or retain membership in any bona fide labor organization or association of working people.

Toll: to suspend or stop temporarily the running of a time period.

Training Program: a program that offers students, participants, or trainees, guided by an instructor or teacher, a structured and detailed course of study

consisting of one or more sequential or simultaneous, classes or subjects in a specified course that is coordinated to provide a specified skill, ability, certificate or degree. A program may include in certain circumstances a combination of basic skills, for example, ESOL, GED or ABE preparation followed by a vocational training component. The curriculum may be academic, technical, trade, or other preparation for gainful employment in a recognized occupation.

Training Related Employment: employment in the field for which the training was intended.

Workforce Investment Act of 1998 (WIA): a law passed by Congress, as amended, to establish a national workforce preparation and employment system to meet the needs of businesses, job seekers, including dislocated workers, and those who want to further their careers.

9.04: Eligibility of Claimants and Special Conditions for Training Extension Benefits

(1) Claimants may be eligible for approved training if it is determined that they are permanently separated from work, unlikely to obtain suitable employment based on their most recently utilized skills, and in need of training to become re-employed; or if it is determined that they have been separated from a declining occupation, or they have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations and they are training for a high-demand occupation. In addition, claimants must possess sufficient aptitude and skills to successfully complete and benefit from the approved training, provided that individuals with disabilities are not denied eligibility due to their disability and without the consideration of reasonable accommodation to facilitate their participation including but not limited to reasonable modifications of attendance policies, and provided further that individuals who do not speak English or require remedial education are offered E.S.O.L., A.B.E. or other Basic Skills courses to facilitate their participation in further training and reemployment. Enrollment, regular attendance, and satisfactory progress in the selected training program are required for continued eligibility in the training program.

(a) A claimant will be considered permanently separated from work if he or she is unemployed with no recall date or with an indefinite date of recall, or if he or she leaves partial unemployment from other than the most recent base period employer to enter training pursuant to M.G.L. c. 151A, § 25(e).

(b) A claimant will be deemed to be unlikely to obtain suitable employment and in need of training to become re-employed, if any of the following apply:

1. The claimant is participating in a course or training program authorized by WIA.

2. The claimant requires training to become re-employed in his or her current occupation, because his or her present skills in that occupation are insufficient or are technologically out of date; provided, however, that a claimant possessing sufficient skills in his or her current occupation to obtain suitable employment in that occupation shall not be determined to be in need of training unless the claimant has separated from a declining occupation or as a result of a permanent reduction of operations and the claimant is training for a high-demand occupation.

3. The claimant requires training to realize suitable employment in a new occupation, because the claimant's existing skills are obsolete due to technological change or because there is currently no demand for his or her skills in his or her L.M.A., or because a disability has made the claimant unable to perform the essential functions of jobs in the claimant's previous occupation.

(c) A claimant shall be eligible, subject to 430 CMR 9.04(1)(a) and (b) during the pendency of any dispute regarding eligibility for leaving work under M.G.L. c. 151A, § 25(e), provided the claimant is receiving benefits pursuant to a determination made under M.G.L. c. 151A, §§ 39-42.

(d) No claimant participating in an approved training program shall be considered ineligible for benefits because of absence from training if such absence is due to an illness or disability. However, this exception shall apply to not more than three weeks within a benefit year, including weeks in the benefit year for which benefits were paid prior to entry into the training program.

(e) A claimant participating in an approved training program who is absent for three or more days in a week and who does not meet the provisions of 430 CMR 9.04(1)(d) shall be ineligible for benefits for that week.

(f) A claimant participating in an approved training program who is absent for less than three days in a week shall be charged with lost time if:

1. the claimant is absent due to an illness or disability and such absence exceeds the three week exception under M.G.L. c. 151A, § 24 and 430 CMR 9.04(1)(d), or

2. the claimant is participating in a training program beyond his or her benefit year, or

3. the claimant is absent for reasons other than illness or disability.

(g) Lost time shall be computed at four percent of the claimant's weekly benefit rate for each hour lost. When the claimant is absent for less than a day, lost time shall be determined on a pro rata basis, using as a basis for such determination an eight hour day and a five day week.

(2) A claimant who applies to the Director for training shall have his or her total benefits extended up to 26 times his or her benefit rate after exhaustion of all Extended Benefits, Extended Unemployment Compensation, or other Federal extended unemployment benefits. Such benefits shall be paid only during the period the individual is attending the training course approved by the Director under 430 CMR 9.06 and if:

(a) the claimant meets the eligibility criteria of 430 CMR 9.04(1);

(b) the claimant, including a claimant eligible pursuant to 430 CMR 9.04(1)(b)1, applies to the Director for enrollment in training within the 15 week period, or within the tolled or extended period allowed in 430 CMR 9.06;

(c) the claimant applies for enrollment in a training program that has been approved or is approvable under the standards set forth in 430 CMR 9.05(2) or (3), provided that, if a claimant has been approved to attend a Basic Skills training program coupled with vocational training, such individual does not have to reapply for approval upon completion of the Basic Skills program, and;

(d) the claimant begins training in the first available appropriate program, which is affordable for the claimant or for which funding is available, for which he or she has been approved which is located within a reasonable distance from the claimant's residence. In no case may the claimant commence training after the expiration of a claimant's benefit year.

9.05: Approval of Training Programs (Courses)

(1) Training must prepare the claimant for marketable skills in a demand occupation, in the claimant's L.M.A. or any other L.M.A to which the claimant wishes to relocate or commute.

(2) Training programs must meet certain measurable standards as set forth in 430 CMR 9.05(2)(a) through (e):

(a) Have achieved or, if a new program, show reasonable expectation of achieving an average placement rate in full time or part time (20 hours per week or more) training related employment of 70% during the most recent 12 month period for which such data is available, except that if the state-wide total unemployment rate is greater than 7.0% at the time of application, the placement rate shall be no less than 60% during the most recent 12 month period for which such data is available. If the unemployment rate is greater than 8.0%, the Director shall determine a lower, appropriate placement rate. Other evidence that successful completion of the program is likely to lead to reemployment may also be provided and shall be considered.

(b) Be a full-time course, providing a minimum of at least 20 hours of supervised classroom training per week; provided, however, that:

1. if the program is offered by a community college, college, or university, this requirement shall be met if the program provides a minimum of 12 credits each semester or the equivalent; and provided further that:

2. if the program is offered as part practicum or internship and part classroom hours, the program will be approved only for the time needed to complete state or federal certification or licensing requirements, or the time deemed necessary by the Director to allow the claimant to become employable in the occupation for which the training has been provided; and provided further that:

3. if the program is an E.S.O.L. program that is less than 20 hours, and no program of 20 or more hours is available within a reasonable distance from the claimant's residence, the Director may waive the 20 hour limitation.

(c) Be completed within two years, or within three years if the program combines Basic Skills with vocational or industrial training. No E.S.O.L. program shall be denied approval solely because it is not combined with another program.

(d) Be offered by a training institution which has paid all contributions, payments in lieu of contributions, and interest or penalty charges due under M.G.L. c. 151A.

(e) Any training program approved under WIA shall be deemed an approved training program under 430 CMR 9.00.

(3) The Director may, within his or her discretion waive the applicability of 430 CMR 9.05(2)(c) for a training course or program sponsored by a Pilot or Demonstration Project if he or she determines that:

(a) The proposed course or program supports the goals of the Section 30(c) program as stated in 430 CMR 9.05(1);

(b) The proposed course or program meets the eligibility criteria of 430 CMR 9.05(2) except for 430 CMR 9.05(2)(c);

(c) An application for waiver is submitted in writing which demonstrates to the Director's satisfaction that the proposed course or program:

1. supports the goals of the Section 30(c) program;

2. meets the criteria of 430 CMR 9.05(2) except for 430 CMR 9.05(2)(c); and

3. meets the criteria of the pilot or demonstration project.

9.06: Application Procedure

(1) Application for approval under M.G.L. c. 151A, § 30(c), shall be made in writing, on a form provided by DUA. The date a claimant submits the completed form to DUA shall be deemed to be the date of application. Submission of additional documents shall not be required for making the application, but may be required before a determination is made.

(2) DUA shall make every reasonable effort to approve or deny the claimant's application no later than five working days after submission of the application.

(a) If the application is approved prior to the commencement of the program in question, such approval shall be preliminary, and shall become final upon the claimant's being in attendance at the program and being otherwise eligible for benefits.

(b) A claimant who begins a training program prior to final approval of an application shall not be eligible for waiver under 430 CMR 9.07(2) of the requirements for work search or availability for suitable work from the first date of such attendance until the date claimant's application is approved.

(c) The application will be deemed complete:

1. on the date the completed application form provided by DUA is received by DUA if the training program has already been approved under 430 CMR 9.05 or WIA;
 2. on the date all documentation and information regarding the training program which has been required by DUA is received by DUA if the program has not previously been approved, provided that all such information and documentation must be received no later than five working days prior to the commencement of the program.
- (3) The 15-week application period shall be tolled or extended, except that in no event shall the 15 week period be tolled or extended beyond the claimant's benefit year, if any of the following conditions occur:
- (a) If the training program for which a claimant has applied cannot or refuses to reasonably accommodate an individual who is a qualified individual with a disability pursuant to the Americans with Disabilities Act (ADA), then the 15 week period shall be tolled from the date the claimant applied to DUA until the date of the denial by DUA of the training program.
 - (b) If DUA denies a claimant's application after the period provided in 430 CMR 9.06(3) because the training program applied for does not meet the requirements of 430 CMR 9.05 and the claimant's opportunity for reapplying for training during the 15 week period is thereby decreased by two weeks or more, then the 15 week period shall be tolled from the date the claimant first applied for training until the date of DUA's denial.
 - (c) If DUA fails to comply with the provision of 430 CMR 9.07(3), or if DWD, DUA, or their agents have given the claimant misinformation that causes the claimant to miss the 15-week deadline, the 15 week period shall be tolled until the date the claimant learns of the eligibility requirements, including application deadlines, for training benefits provided in M.G.L. c. 151A, §30(c).
 - (d) If economic circumstances permit the provision of extended benefits or any other emergency unemployment benefits funded in whole or in part by the federal government, the 15 week application period shall be extended until the end of the claimant's benefit year.
 - (e) If a claimant who is not permanently separated at the time of the initial claim becomes permanently separated during the course of his or her

benefit year, the 15 week period shall commence on the date the claimant becomes permanently separated.

- (f) If a claimant is unable to seek, apply for or attend training because of the need to address the physical, psychological or legal effects of domestic violence as defined in M.G.L. c. 151A, §1(g½), the 15 week period shall commence or resume on the date the claimant becomes able to seek, apply for and attend training.
- (g) if a claimant has been separated from a declining occupation, or if the claimant has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations and the claimant is training for a high-demand occupation, the 15 week application period shall be extended until the end of the claimant's benefit year.

(4) Claimants may participate in only one training program in a benefit year. A Basic Skills training program coupled with vocational or industrial training approved under 430 CMR 9.04(2)(b), or a Certificate Program shall constitute one training program.

(5) A notice of denial of application shall include a statement of the reason(s) for the denial, the specific facts upon which the denial is based, citation of the statute or regulation(s) upon which the denial is based, and an explanation of the claimant's right to appeal, right to be represented, and the manner and time limits for filing an appeal under M.G.L. c. 151A, § 39.

9.07: Rights and Obligations of Program Participants

(1) Benefits provided under M.G.L. c. 151A, § 30(c) are payable only while the claimant is in attendance at the training course. If the claimant finishes training or ceases to attend training, the claimant will be entitled to the remaining regular unemployment insurance benefit credit if otherwise eligible. In order to qualify for benefits under M.G.L. c. 151A, § 30(c), a claimant must begin training prior to the expiration of the benefit year. However, in order to be eligible for up to 26 weeks of additional training benefits, a claimant must apply to the Director for training no later than the 15th compensable week of a claim, subject to the tolling provisions of the 430 CMR 9.06. If a claimant is approved to collect benefits under M.G.L. c. 151A, § 30(c) and the benefit year then expires while the claimant is still attending training and the claimant is not eligible to file a new benefit year claim, the claimant may continue to collect benefits under M.G.L. c. 151A, § 30(c) beyond the benefit year expiration date. If the claimant is eligible to file for a new benefit year claim, the new benefit year claim must be filed and the facts will be investigated and another

determination of entitlement to training benefits under M.G.L. c. 151A, § 30(c) will be made on the new claim.

(2) Participants approved under M.G.L. c. 151A, § 30(c) shall not be required to engage in work search activities, and shall be deemed available for suitable work during any week in which the participant is in attendance at the approved training program, or during an approved break in training pursuant to 430 CMR 9.08.

(3) DUA shall provide each claimant with written information regarding eligibility for training benefits, including notification that application for such training benefits must be made no later than the first 15 compensable weeks after receipt of such written information, or within an extended filing period under 430 CMR 9.06 in order to be eligible for the benefit extension of up to 26 times their benefit rate under 430 CMR 9.04(2). Such notification shall inform the claimant that the application for training benefits must be filed by the end of the benefit year where the filing period is extended by reason of the application of 430 CMR 9.06(3)(d) or 430 CMR 9.06(3)(g).

9.08: Training Breaks

Claimants may be paid benefits during the following breaks if they were attending training immediately prior to the break and will be in attendance immediately after the break:

(1) Pre-scheduled breaks within a semester, for holidays or other purposes.

(2) Semester or other similar breaks that do not exceed three weeks.

9.09: Qualified Individuals With A Disability

Nothing in 430 CMR 9.01 through 9.08 shall be deemed to exclude a qualified individual with a disability from training benefits under M.G.L. c. 151A, § 30(c).

REGULATORY AUTHORITY

430 CMR 9.00: M.G.L. c. 151A, § 30(c); c. 23, § 9J.

M.G.L.A. 151A § 29

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

* Title XXI. Labor and Industries (Ch. 149-154)* Chapter 151A. Unemployment Insurance (Refs & Annos)**⇒ § 29. Weekly benefit rates; partial unemployment; dependency benefits for children; retirement benefit recipients**

(a) Any individual in total unemployment and otherwise eligible for benefits whose average weekly wage in his base period is sixty-six dollars or less shall be paid for each week of unemployment an amount based on the highest quarterly wage of his base period, as provided in the following table:


<u>Total Wages Paid in Highest Quarter</u>	<u>Weekly Benefit Rate</u>
\$300.00--303.99	\$14.00
304.00--325.99	15.00
326.00--346.99	16.00
347.00--368.99	17.00
369.00--390.99	18.00
391.00--411.99	19.00
412.00--433.99	20.00
434.00--455.99	21.00
456.00--476.99	22.00
477.00--498.99	23.00
499.00--520.99	24.00
521.00--541.99	25.00
542.00--573.99	26.00
574.00--615.99	27.00
616.00--657.99	28.00
658.00--699.99	29.00
700.00--741.99	30.00
742.00--783.99	31.00
784.00--825.99	32.00
826.00--858.00	33.00

858.01 and over

34.00

An individual in total unemployment and otherwise eligible for benefits whose average weekly wage in his base period exceeds sixty-six dollars shall be paid for each week of unemployment an amount equal to fifty percent of his average weekly wage in the base period, rounded to the next lower full dollar amount, but not more than fifty-seven and one-half per cent of the average weekly wage of all employees covered by this chapter. On or before the first day of October of each year, the total wages reported on contribution reports for the twelve months ending March the thirty-first of such year shall be divided by the average monthly number of insured employees (determined by dividing the total insured employees reported on contribution reports for the twelve months ending March the thirty-first by twelve). The average annual wage thus obtained shall be divided by fifty-two and the average weekly wage thus determined, rounded to the nearest cent. Fifty-seven and one-half per cent of this amount, rounded to the next lower full dollar amount shown shall establish the maximum weekly benefit rate paid any individual whose benefit year commences on or after the first Sunday of October of each year and prior to the first Sunday of October the following year.

(b) An individual in partial unemployment and otherwise eligible for benefits shall be paid the difference between his aggregate remuneration with respect to each week of partial unemployment and the weekly benefit rate to which he would have been entitled if totally unemployed; provided, however, that earnings up to one-third of his weekly benefit rate shall be disregarded. In no case shall the amount of earnings so disregarded plus the weekly benefit rate equal or exceed the individual's average weekly wage. Such partial benefit amount shall be rounded to the next lower full dollar amount if it includes a fractional part of a dollar.

 (c) An individual in total or partial unemployment and otherwise eligible for benefits shall be paid for each week of such unemployment, in addition to the amount payable under subsections (a), (b) or (d) as the case may be, the sum of twenty-five dollars for each unemancipated child of such individual who is in fact dependent upon and is being wholly or mainly supported by such individual, and who is under the age of eighteen, or who is eighteen years of age or over and incapable of earning wages because of mental or physical incapacity, or who is under the age of twenty-four and is a full-time student at an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, or who is in his custody pending the adjudication of a petition filed by such individual for the adoption of such child in a court of competent jurisdiction, and for each such child for whom he is under a decree or order from a court of competent jurisdiction to contribute to such child's support and for whom no other person is receiving allowances hereunder; provided, that such child is domiciled within the United States or the territories or possessions thereof. In no instance shall the dependency benefits as provided in this subsection be more than fifty per cent of the individual's weekly benefit rate except that if such amount of dependency benefits includes a fractional part of a dollar, it shall be rounded to the next lower full dollar amount. The amount of dependency benefits determined as of the beginning of an individual's benefit year shall not be reduced for the duration of such benefit year; provided, however, that this provision shall not prevent the transfer thereof from one spouse to another in accordance with this section. If both the husband and wife receive benefits with respect to a week of unemployment, only one of them shall be entitled to a dependency allowance with respect to any child. The commissioner shall prescribe standards as to who may receive a dependency allowance when both the husband and wife are eligible to receive unemployment compensation benefits. No dependency benefits shall be paid unless the individual submits documentation satisfactory to the commissioner establishing the existence of the claimed dependent. If the above provisions are satisfied, an otherwise eligible individual who has been appointed guardian of such child by a court of competent jurisdiction shall be paid such dependency benefits.

(d) An individual in unemployment and otherwise eligible for benefits, who is receiving, has received, or will receive payments in the form of retirement benefits, any part of which was financed by a base period employer, shall be paid for each week of unemployment an amount computed as follows:

(1) Fifty per cent of such retirement benefit shall be deducted from the weekly benefit to which the

individual may be entitled under subsection (a) of this section; provided, however, that the total benefits to which the individual may be entitled under sections thirty and thirty A shall be reduced by the weekly amount which, but for the operation of this subsection, would be payable under subsection (a).

(2) An individual for whom weekly benefits have been determined under this subsection, and who is in partial unemployment, shall have his weekly benefit payment reduced in accordance with the provisions of subsection (b) of this section.

(3) The amount of any dependency benefits payable under subsection (c) of this section shall be computed on the weekly benefit amount which, but for the operation of this subsection, would be payable under subsection (a) of this section.

(4) As used in this subsection, the term "retirement benefit" means a benefit or pension of any type, not including severance pay or Social Security benefits, which is provided under a union contract or other retirement plan. For the purpose of determining the amount to be deducted under paragraph (1), the individual's gross monthly retirement benefits shall be divided by 4.3, disregarding any fractional part of a dollar. In any case where the retirement benefits are paid other than on a monthly basis, the commissioner may use any method of computation which is reasonable to obtain an average weekly retirement benefit amount. The weekly retirement benefit amount as determined by this paragraph shall not be increased for the duration of the benefit year notwithstanding any increase in the amount of retirement benefits.

(5) An unemployed individual who during the base period, performed services as a teacher as defined in section one of chapter thirty-two and who is receiving, has received, or will receive payments in the form of retirement benefits under the provisions of said chapter thirty-two, shall have his weekly benefit rate reduced in accordance with the provisions of this subsection notwithstanding the fact that such payments are not financed in any part by a base period employer.

(6) Notwithstanding any of the foregoing provisions of this subsection, the amount of benefits otherwise payable to an individual for any week which begins in a period with respect to which such individual is receiving governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment which is based on the previous work of such individual, shall be reduced by an amount equal to the amount of such pension, retirement or retired pay, annuity or other payment, which is reasonably attributable to such week; provided, however, that such reduction shall apply only if then required by section 3304(a)(15) of the Internal Revenue Code of 1954; [FN1] and provided, further, that any amendment of section 3304(a)(15) of the Internal Revenue Code of 1954 shall become part of this subsection on the effective date of such amendment; and provided, further, that if then allowed by section 3304(a)(15) of the Internal Revenue Code of 1954, such reduction shall apply only if a base period employer contributed to or maintained such pension, retirement or retired pay, annuity, or other payment plan, and in the case of a payment not made under the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, services of the individual for such employer during the base period affected eligibility for or increased the amount of such pension, retirement or retired pay, annuity, or other similar plan; and provided further, that if the individual contributed to such plan, the amount of benefits otherwise payable to such individual shall be reduced by fifty per cent of the amount of such pension, retirement or retired pay, annuity, or other payment, notwithstanding the amount contributed by the individual to such plan. Payments received under the Social Security Act shall not be subject to this paragraph.

CREDIT(S)

Added by St.1941, c. 685, § 1. Amended by St.1943, c. 534, § 5; St.1945, c. 484, § 1; St.1946, c. 170, § 1; St.1946, c. 611; St.1949, c. 501; St.1951, c. 763, § 12; St.1954, c. 635; St.1954, c. 673; St.1956, c. 719, § 5; St.1957, c. 542; St.1958, c. 385; St.1959, c. 587, § 2; St.1959, c. 589; St.1960, c. 603; St.1962, c. 476; St.1963, c. 438, § 1; St.1965, c. 649, § 1; St.1967, c. 480, §§ 4, 5; St.1969, c. 614, §§ 3 to 5; St.1970, c. 657, § 1; St.1971, c. 940, §§ 16, 17; St.1971, c. 1083, §§ 1, 2; St.1973, c. 558, § 1; St.1973, c. 899, §§ 3, 3A, 4; St.1973, c. 906; St.1974, c. 464, §§ 1A, 2; St.1974, c. 755, § 1; St.1976, c. 228, § 3; St.1976, c. 473, §§ 9, 10; St.1977, c. 720, § 30; St.1980,



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF UNEMPLOYMENT ASSISTANCE

DEVAL L. PATRICK
GOVERNOR

October 9, 2009

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DIRECTOR

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Employment and Training Administration
200 Constitution Ave., NW, Room C4518
Washington, DC 20210

RE: U.I. Modernization Incentive Payments

Dear Pam:

As requested in your email to Director Malmborg dated October 7, 2009, I am forwarding to you the following documents:

1. A certified copy of the amended training benefits regulations, codified at 430 CMR 9.00 et seq.
2. A revised "A Guide to Benefits and Employment Services". The introductory page and page 5, paragraph 7, contains information about the new application period. This document is posted on the website of the Division of Unemployment Assistance, www.mass.gov/dua and beginning Tuesday, October 13, 2009, will be mailed to individuals who file initial claims for benefits.

Please let me know if you have any questions about these documents.

Very truly yours,


Robert K. Ganong
Chief Counsel
(617) 626-5613

cc: John Murphy, USDOL
Gerald McDonough
Edward Malmborg



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth**Regulation Filing** *To be completed by filing agency*CHAPTER NUMBER: 430 CMR 9.00CHAPTER TITLE: Training Benefits Under M.G.L. c. 151A, Sec. 30(c)AGENCY: Division of Unemployment AssistanceSUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

Establishes policies, procedures and rules for the administration of the Training Benefits Program which provides claimants with the opportunity to attend approved training while receiving unemployment benefits, and, if eligible, to receive additional weeks of unemployment benefits while in training.

REGULATORY AUTHORITY: M.G.L. c. 23, Sec. 1AGENCY CONTACT: Robert Ganong, Esq. PHONE: 617 626-5600ADDRESS: Legal Department, 1st Floor, 19 Staniford Street, Boston, MA 02114**Compliance with M.G.L. c. 30A**EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

NA

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Approval from A&F under EO 485 received July 23, 2009; Notice to Local Government Advisory Commission provided July 24, 2009. Notice in Massachusetts Register August 7, 2009. Notice mailed to interested parties August 7, 2009. Notice published in newspapers on or before August 10, 2009.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*Date of public hearing or comment period: August 31, 2009

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: Minimal
For the first five years: Minimal
No fiscal effect: NA

SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Minimal effect on small business

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:
unemployment benefits
training benefits

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

430 CMR 9.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: Robert K. Hannay DATE: 9.17.09

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1140 DATE: 10/2/09

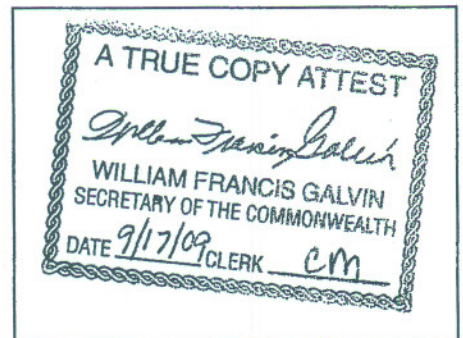
EFFECTIVE DATE: 10/2/09

CODE OF MASSACHUSETTS REGULATIONS

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430 CMR 9.00: TRAINING BENEFITS UNDER M.G.L. C. 151A, § 30(c)

Section

- 9.01: Purpose
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- 9.03: Definitions
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- 9.05: Approval of Training Programs (Courses)
- 9.06: Application Procedure
- 9.07: Rights and Obligations of Program Participants
- 9.08: Training Breaks
- 9.09: Qualified Individuals with a Disability

9.01: Purpose

M.G.L 151A, § 30(c) allows claimants to receive Unemployment Insurance (UI) benefits while enrolled in approved training. The purpose of 430 CMR 9.00 is to establish procedures and interpret the standards for approval of training programs (courses) and the eligibility of claimants to participate in such programs. In addition, 430 CMR 9.00 describes the conditions under which a claimant may be eligible to receive an extension of benefits up to 26 times his or her benefit rate if the training extends beyond his or her maximum monetary entitlement. The 26 week training extension is available only to those claimants who have applied to the Director for training no later than the 15th compensable week of the claim, unless that period is tolled pursuant to 430 CMR 9.06.

The general goal of M.G.L. c. 151A, § 30(c) is to allow claimants to acquire the new skills necessary to obtain employment. M.G.L. c. 151A, §§ 24 and 25(c) pertaining to worksearch, availability for work, and acceptance of suitable work, are waived if a claimant is otherwise eligible for UI and is enrolled in approved training.

9.02: Scope and Applicability

430 CMR 9.00 applies to any person who has an eligible claim for unemployment compensation benefits and is seeking benefits while enrolled in training under M.G.L. c. 151A, § 30(c).

9.03: Definitions

The following words and phrases shall have the following meanings, unless otherwise clearly indicated by the context of 430 CMR 9.00:

A.B.E. (Adult Basic Education): academic training in basic literacy and numeracy skills. Such training may be geared at the primary or secondary school level, and may include preparation for a high school equivalency diploma or G.E.D.

Americans with Disabilities Act (ADA): a law passed by Congress in 1990, as amended by the ADA Amendments Act of 2008 (ADAAA), which establishes certain rights for qualified individuals with disabilities.

Applied To: a claimant has submitted the required application for training as set forth in 430 CMR 9.06(1).

Basic Skills: courses offering A.B.E., E.S.O.L., or G.E.D. preparation, either individually or in combination.

Certificate Program: a vocational program generally offered at the post-secondary level, but not necessarily by a post-secondary educational institution, that is designed to give an individual the skills necessary to become employed in the occupation of study, and offers a certificate of accomplishment upon completion, but does not confer a degree.

Claimant: any individual who has filed a claim for unemployment benefits pursuant to M.G.L. c. 151A.

9.03: continued

Classroom Training: supervised training of the type normally conducted in an institutional setting, including vocational and industrial education, which may be provided to individuals who meet the conditions for approval of training.

Demand Occupation: an occupation for which work opportunities are presently available, or future growth is anticipated, as determined by the Department.

Department: the Department of Workforce Development (DWD) within the Executive Office of Labor and Workforce Development.

Director: the Director of the Department of Workforce Development, as defined in M.G.L. c. 23H, §§ 1 and 8.

Disability: a physical or mental impairment that substantially limits a major life activity (including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, the operations of major bodily functions and working) of such individual; a record of such an impairment; or being regarded as having such an impairment because of an actual or perceived physical or mental impairment. This determination is made without regard to the use of mitigating measures such as medications, prosthetics, medical supplies, equipment, and low-vision devices.

DUA: The Division of Unemployment Assistance within the Department of Workforce Development.

E.S.O.L. (English for Speakers of Other Languages): a course given to teach basic English literacy skills to non-English speaking persons.

15 Week Period: The 15 week period coincides with the 15 compensable weeks of a regular benefit claim after receipt of the notice required by 430 CMR 9.07(3). However, if any determination denying regular benefits under M.G.L. c. 151A, §§ 39, 41, or 42 is reversed, the 15 week period shall begin with the week following the week notice of such determination or decision was mailed to the claimant, provided the benefit year has not expired and the tolling provisions of 430 CMR 9.06 do not apply.

G.E.D. (General Equivalency Diploma): a program designed to provide an individual with a high school equivalency diploma.

L.M.A. (Labor Market Area): an economically integrated geographic unit consisting of a central city or cities and surrounding territories within reasonable traveling distance for job seeking and commuting.

Pilot or Demonstration Project: a project sponsored or funded by the federal or state government which provides basic or work skills training and is designed to test new methods of training or skills development.

Qualified Individual with a Disability: under the ADA, "an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity." 28 CFR 35.104.

9.03: continued

Suitable Employment: employment which is determined by the Director to be suitable taking into consideration whether the employment is detrimental to the health, safety or morals of an employee, is one for which he or she is reasonably fitted by training and experience, including employment not subject to M.G.L. c. 151A, is one which is located within reasonable distance of his or her residence or place of last employment, and is one which does not involve travel expenses substantially greater than that required in his or her former work. No work shall be deemed suitable under the provisions of M.G.L. c. 151A, § 25(c) if the position offered is vacant due directly to a strike, lockout or other labor dispute; if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or if the acceptance of such work would require the individual to join a company union or would abridge or limit his or her right to join or retain membership in any *bona fide* labor organization or association of working people.

Toll: to suspend or stop temporarily the running of a time period.

Training Program: a program that offers students, participants, or trainees, guided by an instructor or teacher, a structured and detailed course of study consisting of one or more sequential or simultaneous, classes or subjects in a specified course that is coordinated to provide a specified skill, ability, certificate or degree. A program may include in certain circumstances a combination of basic skills, for example, ESOL, GED or ABE preparation followed by a vocational training component. The curriculum may be academic, technical, trade, or other preparation for gainful employment in a recognized occupation.

Training Related Employment: employment in the field for which the training was intended.

Workforce Investment Act of 1998 (WIA): a law passed by Congress to establish a national workforce preparation and employment system to meet the needs of businesses, job seekers, including dislocated workers, and those who want to further their careers.

9.04: Eligibility of Claimants and Special Conditions for Training Extension Benefits

(1) Claimants may be eligible for approved training if it is determined that they are permanently separated from work, unlikely to obtain suitable employment based on their most recently utilized skills, and in need of training to become re-employed; or if it is determined that they have been separated from a declining occupation, or they have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations and they are training for a high-demand occupation. In addition, claimants must possess sufficient aptitude and skills to successfully complete and benefit from the approved training, provided that individuals with disabilities are not denied eligibility due to their disability and without the consideration of reasonable accommodation to facilitate their participation including but not limited to reasonable modifications of attendance policies, and provided further that individuals who do not speak English or require remedial education are offered E.S.O.L., A.B.E. or other Basic Skills courses to facilitate their participation in further training and reemployment. Enrollment, regular attendance, and satisfactory progress in the selected training program are required for continued eligibility in the training program.

(a) A claimant will be considered permanently separated from work if he or she is unemployed with no recall date or with an indefinite date of recall, or if he or she leaves partial unemployment from other than the most recent base period employer to enter training pursuant to M.G.L. c. 151A, § 25(e).

(b) A claimant will be deemed to be unlikely to obtain suitable employment and in need of training to become re-employed, if any of the following apply:

1. The claimant is participating in a course or training program authorized by WIA.
2. The claimant requires training to become re-employed in his or her current occupation, because his or her present skills in that occupation are insufficient or are technologically out of date; provided, however, that a claimant possessing sufficient skills in his or her current occupation to obtain suitable employment in that occupation shall not be determined to be in need of training, unless the claimant has separated from a declining occupation or as a result of a permanent reduction of operations and the claimant is training for a high-demand occupation.

9.04: continued

3. The claimant requires training to realize suitable employment in a new occupation, because the claimant's existing skills are obsolete due to technological change or because there is currently no demand for his or her skills in his or her L.M.A., or because a disability has made the claimant unable to perform the essential functions of jobs in the claimant's previous occupation.

(c) A claimant shall be eligible, subject to 430 CMR 9.04(1)(a) and (b) during the pendency of any dispute regarding eligibility for leaving work under M.G.L. c. 151A, § 25(e), provided the claimant is receiving benefits pursuant to a determination made under M.G.L. c. 151A, §§ 39 through 42.

(d) No claimant participating in an approved training program shall be considered ineligible for benefits because of absence from training if such absence is due to an illness or disability. However, this exception shall apply to not more than three weeks within a benefit year, including weeks in the benefit year for which benefits were paid prior to entry into the training program.

(e) A claimant participating in an approved training program who is absent for three or more days in a week and who does not meet the provisions of 430 CMR 9.04(1)(d) shall be ineligible for benefits for that week.

(f) A claimant participating in an approved training program who is absent for less than three days in a week shall be charged with lost time if:

1. the claimant is absent due to an illness or disability and such absence exceeds the three week exception under M.G.L. c. 151A, § 24 and 430 CMR 9.04(1)(d); or
2. the claimant is participating in a training program beyond his or her benefit year; or
3. the claimant is absent for reasons other than illness or disability.

(g) Lost time shall be computed at 4% of the claimant's weekly benefit rate for each hour lost. When the claimant is absent for less than a day, lost time shall be determined on a *pro rata* basis, using as a basis for such determination an eight hour day and a five day week.

(2) A claimant who applies to the Director for training shall have his or her total benefits extended up to 26 times his or her benefit rate after exhaustion of all Extended Benefits, Extended Unemployment Compensation, or other Federal extended unemployment benefits. Such benefits shall be paid only during the period the individual is attending the training course approved by the Director under 430 CMR 9.06 and if:

- (a) the claimant meets the eligibility criteria of 430 CMR 9.04(1);
- (b) the claimant, including a claimant eligible pursuant to 430 CMR 9.04(1)(b)1., applies to the Director for enrollment in training within the 15 week period, or within the tolled or extended period allowed in 430 CMR 9.06;
- (c) the claimant applies for enrollment in a training program that has been approved or is approvable under the standards set forth in 430 CMR 9.05(2) or (3), provided that, if a claimant has been approved to attend a Basic Skills training program coupled with vocational training, such individual does not have to reapply for approval upon completion of the Basic Skills program; and
- (d) the claimant begins training in the first available appropriate program, which is affordable for the claimant or for which funding is available, for which he or she has been approved which is located within a reasonable distance from the claimant's residence. In no case may the claimant commence training after the expiration of a claimant's benefit year.

9.05: Approval of Training Programs (Courses)

(1) Training must prepare the claimant for marketable skills in a demand occupation, in the claimant's L.M.A. or any other L.M.A. to which the claimant wishes to relocate or commute.

(2) Training programs must meet certain measurable standards as set forth in 430 CMR 9.05(2)(a) through (e):

- (a) Have achieved or, if a new program, show reasonable expectation of achieving an average placement rate in full time or part time (20 hours per week or more) training related employment of 70% during the most recent 12 month period for which such data is available, except that if the state-wide total unemployment rate is greater than 7.0% at the time of application, the placement rate shall be no less than 60% during the most recent 12 month period for which such data is available. If the unemployment rate is greater than 8.0%, the

9.05: continued

Director shall determine a lower, appropriate placement rate. Other evidence that successful completion of the program is likely to lead to reemployment may also be provided and shall be considered.

(b) Be a full-time course, providing a minimum of at least 20 hours of supervised classroom training per week; provided, however, that:

1. if the program is offered by a community college, college, or university, this requirement shall be met if the program provides a minimum of 12 credits each semester or the equivalent; and provided further that:

2. if the program is offered as part practicum or internship and part classroom hours, the program will be approved only for the time needed to complete state or federal certification or licensing requirements, or the time deemed necessary by the Director to allow the claimant to become employable in the occupation for which the training has been provided; and provided further that:

3. if the program is an E.S.O.L. program that is less than 20 hours, and no program of 20 or more hours is available within a reasonable distance from the claimant's residence, the Director may waive the 20 hour limitation.

(c) Be completed within two years, or within three years if the program combines Basic Skills with vocational or industrial training. No E.S.O.L. program shall be denied approval solely because it is not combined with another program.

(d) Be offered by a training institution which has paid all contributions, payments in lieu of contributions, and interest or penalty charges due under M.G.L. c. 151A.

(e) Any training program approved under WIA shall be deemed an approved training program under 430 CMR 9.00.

(3) The Director may, within his or her discretion waive the applicability of 430 CMR 9.05(2)(c) for a training course or program sponsored by a Pilot or Demonstration Project if he or she determines that:

(a) The proposed course or program supports the goals of the M.G.L. c. 151A, c. 30(c) program as stated in 430 CMR 9.05(1);

(b) The proposed course or program meets the eligibility criteria of 430 CMR 9.05(2) except for 430 CMR 9.05(2)(c);

(c) An application for waiver is submitted in writing which demonstrates to the Director's satisfaction that the proposed course or program:

1. supports the goals of the M.G.L. c. 151A, c. 30(c) program;

2. meets the criteria of 430 CMR 9.05(2) except for 430 CMR 9.05(2)(c); and

3. meets the criteria of the pilot or demonstration project.

9.06: Application Procedure

(1) Application for approval under M.G.L. c. 151A, § 30(c), shall be made in writing, on a form provided by DUA. The date a claimant submits the completed form to DUA shall be deemed to be the date of application for training for the purpose of 430 CMR 9.00. Submission of additional documents shall not be required for making the application, but may be required before a determination is made.

(2) DUA shall make every reasonable effort to approve or deny the claimant's application no later than five working days after submission of the application.

(a) If the application is approved prior to the commencement of the program in question, such approval shall be preliminary, and shall become final upon the claimant's being in attendance at the program and being otherwise eligible for benefits.

(b) A claimant who begins a training program prior to final approval of an application shall not be eligible for waiver under 430 CMR 9.07(2) of the requirements for work search or availability for suitable work from the first date of such attendance until the date claimant's application is approved.

(c) The application will be deemed complete:

1. on the date the completed application form provided by DUA is received by DUA if the training program has already been approved under 430 CMR 9.05 or WIA;

9.06: continued

2. on the date all documentation and information regarding the training program which has been required by DUA is received by DUA if the program has not previously been approved, provided that all such information and documentation must be received no later than five working days prior to the commencement of the program.
- (3) The 15-week application period shall be tolled or extended, except that in no event shall the 15 week period be tolled or extended beyond the claimant's benefit year, if any of the following conditions occur:
- (a) If the training program for which a claimant has applied cannot or refuses to reasonably accommodate an individual who is a qualified individual with a disability pursuant to the Americans with Disabilities Act (ADA), then the 15 week period shall be tolled from the date the claimant applied to DUA until the date of the denial by DUA of the training program.
 - (b) If DUA denies a claimant's application after the period provided in 430 CMR 9.06(3) because the training program applied for does not meet the requirements of 430 CMR 9.05 and the claimant's opportunity for reapplying for training during the 15 week period is thereby decreased by two weeks or more, then the 15 week period shall be tolled from the date the claimant first applied for training until the date of DUA's denial.
 - (c) If DUA fails to comply with the provision of 430 CMR 9.07(3), or if DWD, DUA, or their agents have given the claimant misinformation that causes the claimant to miss the 15-week deadline, the 15 week period shall be tolled until the date the claimant learns of the eligibility requirements, including application deadlines, for training benefits provided in M.G.L. c. 151A, § 30(c).
 - (d) If economic circumstances permit the provision of extended benefits or any other emergency unemployment benefits funded in whole or in part by the federal government, the 15 week application period shall be extended until the end of the claimant's benefit year.
 - (e) If a claimant who is not permanently separated at the time of the initial claim becomes permanently separated during the course of his or her benefit year, the 15 week period shall commence on the date the claimant becomes permanently separated.
 - (f) If a claimant is unable to seek, apply for or attend training because of the need to address the physical, psychological or legal effects of domestic violence as defined in M.G.L. c. 151A, §1(g½), the 15 week period shall commence or resume on the date the claimant becomes able to seek, apply for and attend training.
 - (g) if a claimant has been separated from a declining occupation, or if the claimant has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations and the claimant is training for a high-demand occupation, the 15 week application period shall be extended until the end of the claimant's benefit year.
- (4) Claimants may participate in only one training program in a benefit year. A Basic Skills training program coupled with vocational or industrial training approved under 430 CMR 9.04(2)(b), or a Certificate Program shall constitute one training program.
- (5) A notice of denial of application shall include a statement of the reason(s) for the denial, the specific facts upon which the denial is based, citation of the statute or regulation(s) upon which the denial is based, and an explanation of the claimant's right to appeal, right to be represented, and the manner and time limits for filing an appeal under M.G.L. c. 151A, § 39.

9.07: Rights and Obligations of Program Participants

- (1) Benefits provided under M.G.L. c. 151A, § 30(c) are payable only while the claimant is in attendance at the training course. If the claimant finishes training or ceases to attend training, the claimant will be entitled to the remaining regular unemployment insurance benefit credit if otherwise eligible. In order to qualify for benefits under M.G.L. c. 151A, § 30(c), a claimant must begin training prior to the expiration of the benefit year. However, in order to be eligible for up to 26 weeks of additional training benefits, a claimant must apply to the Director for training no later than the 15th compensable week of a claim, subject to the tolling provisions of the 430 CMR 9.06. If a claimant is approved to collect benefits under M.G.L. c. 151A, § 30(c) and the benefit year then expires while the claimant is still attending training and the claimant is not eligible to file a new benefit year claim, the claimant may continue to collect benefits

430 CMR: DIVISION OF UNEMPLOYMENT ASSISTANCE

9.07: continued

under M.G.L. c. 151A, § 30(c) beyond the benefit year expiration date. If the claimant is eligible to file for a new benefit year claim, the new benefit year claim must be filed and the facts will be investigated and another determination of entitlement to training benefits under M.G.L. c. 151A, § 30(c) will be made on the new claim.

(2) Participants approved under M.G.L. c. 151A, § 30(c) shall not be required to engage in work search activities, and shall be deemed available for suitable work during any week in which the participant is in attendance at the approved training program, or during an approved break in training pursuant to 430 CMR 9.08.

(3) DUA shall provide each claimant with written information regarding eligibility for training benefits, including notification that application for such training benefits must be made no later than the first 15 compensable weeks after receipt of such written information, or within an extended filing period under 430 CMR 9.06 in order to be eligible for the benefit extension of up to 26 times their benefit rate under 430 CMR 9.04(2). Such notification shall inform the claimant that the application for training benefits must be filed by the end of the benefit year where the filing period is extended by reason of the application of 430 CMR 9.06(3)(d) or 430 CMR 9.06(3)(g).

9.08: Training Breaks

Claimants may be paid benefits during the following breaks if they were attending training immediately prior to the break and will be in attendance immediately after the break:

- (1) Pre-scheduled breaks within a semester, for holidays or other purposes.
- (2) Semester or other similar breaks that do not exceed three weeks.

9.09: Qualified Individuals with a Disability

Nothing in 430 CMR 9.01 through 9.08 shall be deemed to exclude a qualified individual with a disability from training benefits under M.G.L. c. 151A, § 30(c).

REGULATORY AUTHORITY

430 CMR 9.00: M.G.L. c. 151A, § 30(c) and c. 23, § 9J.

NON-TEXT PAGE

Unemployment Insurance

A Guide To Benefits and Employment Services



**Read This Book
To Learn:**

**How Unemployment
Insurance works**

**How to get help
with your job search**

**About retraining
opportunities**

Sign up for Direct Deposit of your
benefit payments.

www.mass.gov/dua



Commonwealth
of Massachusetts

About this booklet

As a new Unemployment Insurance (UI) claimant, you should review this booklet to understand your eligibility and responsibility for collecting UI benefits, the process for filing weekly UI benefits, and where to get help for job search and problem resolution. This booklet is intended to provide general information about collecting Unemployment Insurance. For more complete Unemployment Insurance information, including a list of frequently asked questions and answers, please go to www.mass.gov/dua.

Throughout this booklet, Unemployment Insurance may be referred to as UI and the Division of Unemployment Assistance as DUA.

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Important:

Weekly Certification: You must claim weekly benefits by phone or web. If you do not claim benefits for even one week, your claim will be closed. You may reactivate it by calling TeleClaims. Refer to page 3.

Tax Withholding: Your unemployment insurance benefits are taxable. You can elect to withhold your federal and/or state taxes. Refer to page 15.

Direct Deposit: Your benefit payment can be electronically deposited into your checking or statement savings account. Refer to page 16.

Approved Training: If you need training to help you find new employment, you may be eligible for up to an additional 26 weeks of UI benefits. You must apply to DUA before the end of your claim benefit year (within 52 weeks of the date of your effective claim). Refer to page 5 section 7.

Overview of the Benefits and Services Provided by DUA

The Massachusetts Division of Unemployment Assistance (DUA) provides unemployment insurance (UI) benefits and transitional services to help Massachusetts citizens get back on the road to re-employment. Unemployment Insurance is a temporary income protection program for workers who have lost their jobs but are able to work, available for work and looking for work.

1. **UI Benefits:** Claimants receive a weekly benefit of approximately 50 percent of their weekly wage, up to a maximum of \$629 per week. The maximum number of weeks a claimant can collect full benefits is 30 (capped at 26 weeks during periods of extended benefits). If you are eligible for UI benefits in Massachusetts, you will receive a weekly payment for the prior week's benefit. If you have children, you may be eligible to receive an additional \$25 per child per week up to a maximum of 1/2 of your weekly benefit amount.
2. **Health Insurance Coverage:** If you are eligible for Unemployment Insurance benefits in Massachusetts and you are a resident of MA, and meet certain income eligibility guidelines, you and your family may also qualify for health insurance coverage under the Medical Security Program (MSP). You will receive additional information about the MSP along with an application form in a separate mailing within 10 days of the date when you filed your claim for UI benefits. If you do not receive the MSP package, or if you would like more information about the MSP, go to www.mass.gov/dua/msp or please call 1-800-908-8801.

3. Customer Service: DUA provides three (3) ways for claimants to interact with the agency:
- a) By telephone, you can file new claims and reopen claims for benefits, get help for resolving problems, and obtain information on your claim and on the Unemployment Insurance program. (1-617-626-6800 or toll free 1-877-626-6800 from area codes 351, 413, 508, 774, 978)
To ensure that everyone can reach an agent without experiencing long wait times or busy signals, please adhere to the schedule below.

If the last digit of your Social Security number is:	Assigned Day to Call Teleclaims is:
0, 1 or 2	Monday
3, 4 or 5	Tuesday
6 or 7	Wednesday
8 or 9	Thursday
Any last digit	Friday and Saturday

- b) Meeting with DUA staff in UI Walk-In sites located at One-Stop Career Centers. You can get assistance with filing a new claim for UI, reopen an existing claim, or resolve problems with your claim. You can also attend seminars at these Career Centers. These seminars include information on your rights and responsibilities while collecting Unemployment Insurance and services available to you, including re-employment assistance, and are open to all claimants, whether you file your claim in person or by phone.
 - c) Through interactive voice response system (IVR) and online via the web.
4. Electronic Weekly Claims Filing: DUA provides two secure electronic methods to claim weekly UI benefits - using WebCert on the Internet and TeleCert via the phone. You can use either WebCert or TeleCert interchangeably. WebCert is available in English while TeleCert is available in both English and Spanish. With WebCert, you can also get an update on your UI claim and check status, change your income tax withholding and review your 1099-G statement. Refer to Section "How to Claim Your Weekly UI Benefits" on page 3 for instructions.

How to Claim Your Weekly UI Benefits

For WebCert: Go to www.mass.gov/dua/webcert and login to WebCert using your username and password.

For TeleCert: Call 1-617-626-6338 and access TeleCert using your Social Security Number and 4-digit DUA Personal Identification Number (PIN). You may choose English or Spanish.

During this time period:

Sunday to Friday, 7:00 am – 7:00 pm. Sunday hours have been extended to 10:00 pm. Sunday is the first day of the week you can file a claim for benefits for the prior week. WebCert and TeleCert are not available on Saturdays and legal holidays.

Answer three questions:

During the week claimed,

1. Did you look for work?
2. Were you able to work and available for work?
3. Did you work? If "yes", please indicate the amount of your gross earnings, including holiday pay, in dollars and cents for that week.

Wait for confirmation:

For WebCert users, you will receive a confirmation on your PC screen that your filing is complete, which you can print. For TeleCert users, you will hear a confirmation message that your filing is complete. Be sure to wait until you get the confirmation before exiting WebCert or TeleCert.

Important Note:

- WebCert and TeleCert are used to claim benefits only for the week that just ended. If you want to claim benefits for any week other than the prior week, you must contact the DUA TeleClaim Center.
- If you do not claim benefits for even one week - because you returned to work, or for other reasons - your claim will be closed. You may reactivate it by calling the DUA TeleClaim Center.
- Creating or changing your PIN - When you filed your initial claim, you were asked to create your PIN. If you do not remember your PIN, or need to change your PIN, call the PIN Service Line at 1-617-626-6943 from 7:00 am to 7:00 pm Sunday through Friday. You will need a touch-tone phone - simply follow the step-by-step instructions to create/change your 4-digit PIN.

Overview of your rights and responsibilities

It is your responsibility to file weekly claims for UI benefits and to keep us informed about your employment status. Failure to report employment and wages while collecting UI benefits may result in penalties and/or prosecution.

1. **File Initial Claim:** You must contact our TeleClaim Center in order to file your initial claim or reactivate an existing claim. The telephone number to call is 1-617-626-6800 or toll free 1-877-626-6800 from area codes 351, 413, 508, 774, 978. The TTY/TDD number is 1-617-626-5666. The expanded hours are Monday to Friday, 8:30 am - 6:30 pm, Saturday, 8:00 am - 1:30 pm.
2. **Filing Weekly Claims:** You must file weekly claims for UI benefits. It is important that you answer the questions on WebCert or TeleCert completely and accurately. Errors can cause a delay in your benefit payment.
3. **Work Search Requirement:** Federal regulations require that UI claimants conduct an active work search while collecting UI benefits. As a condition of eligibility, the Massachusetts Division of Unemployment Assistance requires that you do the following each week:
 - a) Make a minimum of three work search contacts in each week for which benefits are claimed
 - b) Keep a written log of those work search contacts
 - c) Provide a work search log to DUA upon request

A copy of the Work Search Activity Log can be downloaded from www.mass.gov/dua/worksearch.
4. **Tax Responsibility:** Your UI benefits are taxable and you are responsible for paying federal and state taxes on your UI benefits. You may request to have federal and/or state taxes automatically withheld from your weekly benefit checks and forwarded by DUA to the federal IRS and state DOR by completing the Income Tax Withholding Request Form on page 15. You may also print a copy of this form from our website or submit income tax withholding online at www.mass.gov/dua/webcert.

5. **Change in Employment Status or Wages:** Once you return to full-time work, your eligibility ends. You do not have to call us – simply stop claiming weekly benefits. If you get a part-time job while collecting UI benefits, report your earnings on your weekly claim filing. You are allowed to earn a portion of your benefit rate before deductions are made from your check. You may be eligible for partial benefits during your benefit period. You must inform DUA (1-617-626-6800 or toll free 1-877-626-6800 from area codes 351, 413, 508, 774, 978) if you are sick, injured, attending school or are unable to work during any week for which you claim benefits.
6. **Updating Personal Information:** If you move, make sure you call TeleClaim with your new mailing address (1-617-626-6800 or toll free 1-877-626-6800 from area codes 351, 413, 508, 774, 978). Your UI check cannot be forwarded.
7. **Approved Training:** Under Section 30 of the Unemployment Insurance Law, you can apply for approved training if you think you need training to help you find new employment. It is important to apply for your training program before the end of your claim benefit year if you want to be eligible for an extension of your benefits up to 26 weeks. Please note that DUA does not fund your training costs. For more information on applying for approved training while collecting UI benefits, go to www.mass.gov/dua/training or contact your One-Stop Career Center.
8. **Fraud Prevention:** To prevent fraud, DUA matches records with those of other state and federal agencies including the Social Security Administration, the State Department of Corrections, and others.

The Cross-Match program compares wage records compiled in Massachusetts and nationally. DUA also compares state and national new hire reports to UI records to ensure that claimants who have returned to work full-time are no longer collecting benefits and claimants who are working part-time are reporting accurate earnings.

Protecting the integrity of the UI Trust Fund, which pays employees' benefits, is a responsibility DUA takes very seriously. The DUA Fraud Hotline at 1-800-354-9927 is available for concerned citizens to report instances of fraud and abuse.

Help Finding a Job

One-Stop Career Center Services

If you are unemployed or looking for a better job, the state's network of One-Stop Career Centers can help. Conveniently located across the state, the One-Stop Career Centers offer employment services that allow you to work on your job search in an environment that is comfortable for you. Career Center staff members are committed to helping you land the right job by providing you with one-on-one counseling, workshops, written handouts, or all of the above – whatever best suits your employment search needs.

Hours of operations vary from center to center. To find a Career Center near you, call 1-877-US 2 JOBS or go to www.mass.gov/careercenters.

Re-Employment Services

If you are collecting Unemployment Insurance benefits and are unlikely to return to your former job, the Re-Employment Services program can introduce you to job search services that can help you get back to work. This mandatory program is sponsored by the Division of Career Services, the Division of Unemployment Assistance and the Massachusetts One-Stop Career Centers with funding support from the U.S. Department of Labor.

If you have been permanently laid-off, within a week or two of collecting your first payment, you may receive a letter asking you to attend a Career Center Seminar, which will give you information on the services available to you. These seminars are held at all Career Centers and you may select the center most convenient to you.

Once you receive a letter, you will be instructed to call the Automated Career Center Seminar Scheduling System to schedule your seminar attendance.

The primary goal of the seminar is to connect people who are looking for a job to the many job search resources available at Massachusetts One-Stop Career Centers. This 60-90 minute seminar is designed to help you plan your job search, identify the areas where you might need assistance and learn how to find the help you need.

If you are unable to schedule and attend a Career Center Seminar by the date assigned, it is important that you reschedule by calling or visiting your local One-Stop Career Center. Rescheduling is acceptable for "good cause" reasons only, which may include scheduling conflicts with other job search activities and/or other factors that are beyond your control.

Failure to attend the Re-Employment Services Seminar will cause a delay in payment or loss of your weekly Unemployment Insurance benefits.

UI Benefits for "On-Call" and Temporary Workers

On-Call Workers

"On-call" work means:

- that you work for an employer whenever that employer needs you, and
- you have no set schedule of hours.

How This May Affect Your Unemployment Insurance Claim

In certain instances, if you have been determined to be an "On-Call Worker," it means that you may not qualify for Unemployment Insurance benefits for any week that you work, or that work is available to you from your on-call employer.

This determination is based on information from you and the employer. The DUA service representative who makes this determination on your claim will explain the law as it applies to you.

Temporary Employment

If you are registered with a temporary agency and have completed a temporary assignment for a client company, you must contact the temporary agency before filing for Unemployment Insurance benefits. If additional work is not available, you may file an Unemployment Insurance claim. Refusal of additional assignments or failure to contact the temporary agency may result in denial of UI benefits.

Ongoing requirements include being able to work, being available for work and conducting an active search for new employment. Your eligibility for weekly benefits may be affected if:

- You refuse, quit or are fired from a job
- You are receiving any kind of pension
- The amount of your pension changes
- You are attending school, college or training full-time without obtaining DUA approval
- You received vacation pay
- You are receiving Workers' Compensation
- You apply for or receive UI benefits from any other state or federal program
- You become self-employed
- You have a previous overpayment
- You requested that your claim be predated

Your benefits may be interrupted for any of these reasons and a service representative will contact you and complete the necessary fact-finding and make a determination on your eligibility. If you are disqualified, you have the right to appeal the decision and to have a hearing.

Your Right To Appeal

If you are disqualified, you will receive a written Notice of Disqualification and information on how to file an appeal. You may appeal the disqualification by requesting a hearing. To request a hearing, just complete the bottom of your disqualification notice, indicating you want to appeal the decision. Appeals may be filed by mail, fax, or in person at a DUA Walk-in site. Your request must be in writing and filed within 10 calendar days of the mailing date of the Notice of Disqualification.

It is very important to continue filing weekly benefits if you decide to appeal and are waiting for your hearing. Continue to claim benefits using TeleCert or WebCert. Should you win your appeal, you will then receive your benefits for those weeks that you have signed. Remember to also keep a log of your work search activities.

Requalifying Wages

If you are disqualified on a separation issue and your disqualification is not overturned on appeal, you may be able to requalify for Unemployment Insurance benefits if you have returned to work for at least eight weeks and have had gross earnings equal to or greater than your weekly benefit rate during each of those eight weeks.

After these eight or more weeks of employment, your separation from your employer must be an approvable separation, such as lack of work or another approvable issue.

Overpayment

An overpayment occurs when you receive benefits (monies) to which you were not entitled. Repayment is required.

If the overpayment occurred because you failed to provide required information, or you provided erroneous information, you are considered to be "at fault". If you fail to repay an "at fault" overpayment, an interest penalty, at the rate of 1% per month, will be assessed against the outstanding overpayment balance. You may also be required to serve penalty weeks in addition to repayment of the debt.

Even if the overpayment was not your fault, you are still required to repay the amount to which you were not entitled. You may request a waiver and, under specific conditions, your non-fault overpayment may be waived.

A "Request for Waiver of Overpayment" application, requires completing information on your income, financial assets and property. To request an application call 617-626-6300.

If You Have Moved From Massachusetts

If you worked in Massachusetts and moved to another state, your claim will still be subject to Massachusetts law and to the same requirements as if you were still living in the Commonwealth. Claims filed by Massachusetts workers who move to another state are known as "Interstate" claims.

When you move out-of-state, you must contact the nearest unemployment insurance office in that state to file a claim against Massachusetts.

Once you have established your Interstate claim, if you have any questions, you may contact the Massachusetts DUA Interstate Department at (617) 626-6140.

If you have a question about your check status, you may call 617-626-6563. For more information, please refer to our website at www.mass.gov/dua.

Understanding Unemployment Insurance

Overview of the Unemployment Insurance Program

Unemployment Insurance (UI) is a temporary income protection program for workers who have lost their jobs through no fault of their own. Funding for UI benefits comes from quarterly contributions paid by the state's employers to the Division of Unemployment Assistance (DUA); no deductions are made from employees' pay checks. Each employer's contribution rate is based on the employer's experience with layoffs and UI benefits paid to former workers in the prior year.

Employees Covered by UI Law

Under the law, most workers are covered by the Unemployment Insurance program.

However, workers in the following categories are not eligible to collect benefits:

- Employees of churches and certain religious organizations
- Worker trainees in a program administered by a nonprofit or public institution
- Real estate brokers or insurance agents who work on commission basis only
- Consultants working independently
- Elected officials and certain government officials in policy-making and advisory positions
- Members of a legislative body or the judiciary

Eligibility for UI Program

Initial eligibility for benefits is based on your earnings and the reason for separation from your employment. You must have earned at least \$3,500 during a period of time specified by law and at least 30 times the amount you would be eligible to collect weekly in UI benefits.

How Your Benefits Are Determined

There are two determinations made on your claim to determine your eligibility. One is called a monetary determination. This will detail your eligibility for benefits based on your earnings. The other is your eligibility based on the circumstances of your separation from your employer.

Waiting Period

The first week of your claim for which you are eligible to receive benefits is your "waiting period". Massachusetts law requires this waiting period. You will not receive payment for this week. Every effort will be made to make a determination of your eligibility for benefits three weeks from the week you filed your claim. The total amount of weeks for which you are eligible is not reduced by this waiting period. You serve only one waiting period during your benefit year, even if you close and reopen your claim several times during your benefit year.

Part 1: Monetary Determination

Your monetary eligibility will include the amount of benefits you are potentially eligible to collect, the duration of your benefits, the maximum amount you can earn on your part-time job before your benefits will be reduced, and any dependency allowance you may be eligible to receive if you have applied for the allowance.

You will receive a notice outlining your monetary eligibility. If you disagree with the determination, you have a right to appeal.

Part 2: Reasons for the Separation

DUA will send a request for separation information to all employers for whom you worked during the 15 months prior to filing your claim. Any employers for whom you have worked during the last eight weeks are considered an "interested party" to your claim. This means they have a right to protest your claim, particularly if you quit your job without "good cause" or were fired for misconduct.

DUA decisions are made based on the law. After collecting all necessary information from you and your former employer(s), DUA will make a determination on your eligibility. Both you and your former employer(s) have the right to appeal this determination.

The Benefit Rate and Benefit Credit

Claimants receive a weekly benefit of approximately 50 percent of their average weekly wage, up to the maximum set by law. The current maximum benefit rate is \$629 a week.

The duration of benefits – the maximum number of weeks you would be able to collect benefits – is determined by the total amount of your wages paid and the amount of your benefit rate. The maximum number of weeks a claimant can collect full benefits is 30 weeks (capped at 26 weeks during periods of extended benefits.) However, many individuals qualify for less than 30 weeks of coverage. The maximum benefit credit amount is \$18,870, which equals \$629 a week for 30 weeks.

To be eligible for benefits, you must have been paid wages in the base period of at least 30 times your weekly benefit rate.

Benefit rate calculation formula can be accessed on our web site at www.mass.gov/dua

Business Hours and Phone Numbers based on Activity

File a Claim	TeleClaim Center
Re-activate Your Claim	1-617-626-6800
Change Your Address	1-877-626-6800 toll-free
For Customer Assistance	(from area codes 351, 413, 508, 774, 978) Expanded hours: Monday to Friday, 8:30 am - 6:30 pm, Saturday, 8:00 am - 1:30 pm. (TTY/TDD: 1-617-626-5666)
Claim weekly UI benefits	TeleCert 1-617-626-6338 phone (in English and Spanish) Sunday – Friday 7:00 a.m. to 7:00 p.m. Sunday hours have been extended to 10:00 pm.
Verify your UI check status	Check Status Service 1-617-626-6563
Change Your PIN (Personal Identification Number)	PIN Service 1-617-626-6943
Resolve problem Provide feedback	Problem Resolution Unit 1-617-626-5400
Request/change Tax Withholding from your UI check	Income Tax Withholding Unit 1-617-626-5829
Get information/apply for Health Insurance	Medical Security Program Office 1-800-908-8801
Answer questions on Child Support	Child Support Unit 1-617-626-6393
Resolve Overpayment, Establish Re-payment, Request Overpayment Waiver	Overpayment Recovery Unit 1-617-626-6300
Get help for an Interstate Claim	Interstate Department 1-617-626-6140
Report Fraud	Fraud Hotline 1-800-354-9927

Business Hours and Phone Numbers based on Activity (cont.)

Apply for Approved Training	Section 30 Office 1-617-626-5375
Get information on a pending Appeal Hearing Hearings Interactive Voice Response System (IVRS)	Hearings Department 1-617-626-6561
Hearing main lines:	
Boston	1-617-626-5200
Lawrence	1-978-683-4194/4091
Brockton	1-508-894-4777
Springfield	1-413-452-4700
Special numbers for TDD/TTY For use with a TTY machine	1-800-439-2370
Relay service for use by deaf and hard of hearing individuals	1-800-439-0183 or 711
To find a Career Center near you	1-877-US 2 JOBS

Bilingual services may be available upon request.

Income Tax Withholding Request Form

You can complete this form online at www.mass.gov/dua. There is no need to follow up with a mailing or fax, as this updates your preference on your claim right away.

Complete and submit this form only if you:

1. Want DUA to withhold taxes from your benefit payments or
2. Want to change your tax withholding status with DUA

Check One

- I hereby authorize and request the withholding of both **federal and state income taxes** from my Unemployment Insurance benefit payments. I understand that federal taxes will be withheld at the rate of 10 percent and state taxes at the rate of 5.3 percent of my gross weekly payable benefit amount.
- I hereby authorize and request the withholding of **federal income taxes only** from my Unemployment Insurance benefit payments. I understand that federal taxes will be withheld at the rate of 10 percent of my gross weekly payable benefit amount.
- I hereby authorize and request the withholding of **state income taxes only** from my Unemployment Insurance benefit payments. I understand that state taxes will be withheld at the rate of 5.3 percent of my gross weekly payable benefit amount.
- Please discontinue the withholding of **federal and state income taxes** from my Unemployment Insurance benefits.
- Please discontinue the withholding of **federal income taxes** from my Unemployment Insurance benefits.
- Please discontinue the withholding of **state income taxes** from my unemployment insurance benefits.

If you need assistance completing this form, call 617-626-5829.

Print name _____

Signature _____

Social Security Number _____

Date _____

Return completed form to: Division of Unemployment Assistance
Income Tax Withholding Unit
P.O. Box 8070
Boston, MA 02114
or Fax to: 617-727-4303

Direct Deposit Service

Direct deposit is available to new and existing claimants receiving unemployment benefit payments. With Direct deposit, your weekly unemployment payment is electronically deposited into a checking or statement savings account that you own. Direct deposit offers many benefits:

- A fast, safe and reliable way to access your unemployment benefit payments
- Direct deposit eliminates the waiting time for a check to arrive by mail and prevents the occurrence of lost or stolen checks
- There is no hassle to get to the bank before closing time to deposit a paper check
- Better yet, there is no fee for using direct deposit

Sign up for Direct Deposit by Phone or Web.

DUA provides two easy and secure ways to sign up for direct deposit. To sign up by phone, call 1-617-626-6800 and select option 3. Follow the instructions and enter the information using the keypad of your telephone as requested. To sign up via the web, log in to www.mass.gov/dua/webcert and enter the information online. Please have the following information handy: your Social Security Number, your TeleCert PIN or WebCert userid and password, the routing number of your financial institution and the account number of your checking or statement savings account. Be sure to get a confirmation message for your request before exiting the service.

For more information, including step-by-step instructions for direct deposit signup by phone or web, and questions and answers related to Direct Deposit, go to www.mass.gov/dua/epay or call our TeleClaim Center at 1-617-626-6800.

Coming Soon – Debit MasterCard®

Find a One-Stop Career Center or Unemployment Insurance Walk-In Service Near You

Massachusetts One-Stop Career Center Services

- Job search assistance
- Career planning information
- Workshops on job search techniques including interviewing, networking, and resume writing
- Data on the current statewide and local job market
- Resources to help you find the right training opportunities
- Tools to help you conduct an effective job search

Hours of operations vary from center to center. To find a Career Center near you, call **1-877-US 2 JOBS** or go to www.mass.gov/careercenters.

Unemployment Insurance Walk-In Services

- Filing a claim
- Re-activating your claim
- Changing your address
- Assistance with UI questions or issues

Call the TeleClaim Center at 1-877-626-6800 from area codes 351, 413, 508, 774 and 978 or 1-617-626-6800 from any other area code. For TTY/TDD, call 1-617-626-5666.

If you are not able to file an unemployment insurance claim or obtain claim-related assistance by calling the TeleClaim Center, you can obtain unemployment insurance walk-in services at most Career Center locations. For hours of operation, contact your local One-Stop Career Center or go to www.mass.gov/dua - select Find UI Walk-In Services.

Greater Boston

Boston

JobNet

Career Link (No UI Walk-In service)

The Work Place (No UI Walk-In service)

Division of Unemployment Assistance
(UI Walk-In services only)

Cambridge

Career Source

Everett

Career Source
(Limited services)

Marlborough

Employment and Training Resources

Newtonville

Employment and Training Resources

Norwood

Employment and Training Resources

Woburn

The Career Place

Northeastern Massachusetts

Gloucester

North Shore Career Center of
Gloucester (Limited services, no UI Walk-In)

Haverhill

ValleyWorks Career Center

Lawrence

ValleyWorks Career Center

Lowell

Career Center of Lowell

Lynn

North Shore Career Center of Lynn

Salem

North Shore Career Center of Salem

Southeastern Massachusetts

Attleboro

Attleboro Career Center

Brockton

CareerWorks

Fall River

Fall River Career Center

Falmouth

Career Opportunities Falmouth

Hyannis

Career Opportunities Hyannis

New Bedford

Greater New Bedford Career Center

Orleans

Career Opportunities Orleans

Plymouth

Plymouth Career Center

Quincy

Quincy Career Center

Taunton

Taunton Career Center

Wareham

Wareham Career Center

Central Massachusetts

Gardner

Career Center of North Central
Massachusetts (Limited services)

Leominster

Career Center of North Central
Massachusetts

Milford

Workforce Central Career Center

Southbridge

Workforce Central Career Center

Worcester

Workforce Central Career Center

Western Massachusetts

Greenfield

Franklin/Hampshire Career Center

Holyoke

CareerPoint

North Adams

Berkshire Works

Northampton

Franklin/Hampshire Career Center

Pittsfield

Berkshire Works

Springfield

FutureWorks

ນີ້ແມ່ນເປັນປຶກສາຂອງເຈົ້າໂຈນທີ່ມີກ່ຽວກັບລາຍການມະນຸດ
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 ທີ່ທ່ານກຳລັງຮ້າງງານ ແລະຮອດຮ່ວມເອົາລາຍລະອຽດອື່ນໆທີ່
 ສຳຄັນມັນສຳຄັນທີ່ຕ້ອງມີເປັນພາສາໄວ້

Panfle sa a gen enfomasyon sou ki jan pou
 ou ranpli yon aplikasyon pou ou ka jwenn
 asirans chomaj la. Li trè zenpòtan pou ou fè
 yo tradyi li pou ou. Ou ka jwenn panfle sa a
 nan lang kreyòl.

Quyển Sách này gồm các chi tiết về
 chương trình bảo hiểm thất nghiệp, quyền
 lợi cũng như trách nhiệm của bạn trong
 khi nhận tiền bảo hiểm thất nghiệp và các
 thông tin quan trọng khác. Nó cần phải
 được thông dịch. Quyển sách này hiện
 đang có sẵn bằng tiếng Việt.

這本小冊子告訴你失業保險計劃的一般
 情況、你在領取失業保險金時的權利和
 責任，以及其他重要信息。很重要，請
 翻譯。這本小冊子有中文本。

Questo libro contiene materiale informativo
 sul programma per ottenere il sussidio
 di disoccupazione, sui suoi diritti e
 responsabilità mentre sta riscuotendo il
 medesimo ed altre informazioni importanti.
 È importante tradurlo.

Este livro contém informação sobre o
 programa de seguro de desemprego,
 direitos e responsabilidades do requerente
 durante o período em que está a receber
 os benefícios, e outras informações
 importantes. É importante ter este livro
 traduzido. Este livro está disponível em
 português.

ក្នុងសៀវភៅនេះ ព័ត៌មានពាក់ព័ន្ធនឹងសំខាន់ៗស្តីពីកិច្ចការដែលត្រូវបំពេញ
 នៅពេលបានការងារថ្មី អំពីសិទ្ធិ និងកាតព្វកិច្ចសម្រាប់អ្នក
 ក្នុងកាលខ្ចីប្រាក់ធានាសំខាន់ៗពាក់ព័ន្ធនឹងការងារថ្មី
 និងព័ត៌មានសំខាន់ៗទៀតទៀតទៀត។ វាជាព័ត៌មានសំខាន់ៗ
 ដែលអ្នកត្រូវបំពេញស្រាប់តែ។

This book includes information about
 the unemployment insurance program,
 your rights and responsibilities while
 collecting UI benefits and other important
 information. It is important to have it
 translated.

Настоящая брошюра содержит
 информацию о программе
 предоставления пособия по безработице,
 Ваших правах и обязанностях в период
 получения пособия, а также другую
 важную информацию. Необходимо иметь
 перевод этой брошюры.

Este libro incluye información sobre el
 programa de seguro de desempleo , sobre
 sus derechos y responsabilidades mientras
 recibe sus beneficios UI y más información
 de importancia. Es importante que se
 traduzca. Este folleto está disponible en
 español.

Bilingual services may be available upon request.

An equal opportunity employer/program. Auxiliary
 aids and services are available upon request to
 individuals with disabilities. TDD/TTY 1-800-439-2370
 — Voice 1-800-439-0183 or 711.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF UNEMPLOYMENT ASSISTANCE

October 30, 2009

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LT. GOVERNOR

Gay Gilbert
Administrator
Office of Workforce Security
200 Constitution Ave., NW
Room S-2431
Washington, D.C. 20210

SUZANNE M. BUMP
SECRETARY

MICHAEL TAYLOR
DIRECTOR

EDWARD T. MALMBORG
DIRECTOR

RE: U.I. Modernization Payments

Dear Ms. Gilbert:

Attached is a copy of a memorandum that was issued to employees involved with administering the training benefits program. This memorandum clarifies the recent amendments to the training benefits regulations codified at 430 CMR 9.00. The regulations and clarifying memorandum are a permanent part of the Massachusetts law.

I hereby certify that this application is submitted in good faith with the intention of providing benefits to unemployed workers who meet the eligibility provisions on which the application is based.

Please contact me or Chief Counsel Robert K. Ganong (617-626-5613) with any questions about this regulation.

Sincerely,



Edward T. Malmborg
Director

cc: Gerald Hildebrand, USDOL
John Murphy, USDOL
Gerald McDonough, Esq.
Michael Taylor, Director
Robert K. Ganong, Esq.

MEMORANDUM

To: UI Field Operations Director, Career Center Field Operations Director, UITCC Directors, UITCC Managers, Area Directors and Walk-in Center Managers

From: Chris Swenson, Director of Benefit Operations

Subject: Enrollment in Training

Date: October 30, 2009

BACKGROUND

M.G.L. c. 151A, § 30 (c) allows claimants to receive unemployment insurance (UI) benefits while enrolled in approved training. The purpose of the training benefits regulations at 430 CMR 9.00 is to establish procedures and interpret the standards for approval of training programs and the eligibility of claimants to participate in such programs. These regulations apply to any person who has an eligible claim for unemployment compensation benefits and is seeking benefits while enrolled in training (430 CMR 9.02). These regulations recently were amended to reflect changes in federal law encouraging states to expand the scope of those eligible for training benefits.

ENROLLMENT IN TRAINING

Recent amendments to M.G.L. c. 151A, § 30(c) authorize the Director of the Division of Unemployment Assistance to extend the time in which a training application must be filed. Under these regulations, which were effective October 4, 2009, claimants may apply for training benefits up to the end of their benefit year. Additionally, claimants must be enrolled in training by the end of their benefit year.

A question has arisen on whether "enrolled in training" satisfies the regulatory requirements that claimants must commence or begin training prior to the expiration of their benefit year. (See 430 CMR 9.04(2)(d), 9.07(1). This

question is especially pertinent to situations where claimants have enrolled in training at or near the end of their benefit year as allowed by the regulations. However, in those situations, classes may not begin until after the benefit year expiration date.

The term "enrolled in training" is not defined in the regulations. This term means registered for a training program. Specifically, individuals are "enrolled" or "registered" in training when they have applied for admission to the training program and have been accepted into the training program by the training provider. In essence, it is the first formal step in beginning the training process. As such, claimants who have completed this step can be considered to have commenced or begun training so as to satisfy the regulatory requirements. **Therefore, as long as the enrollment, as defined above, has occurred prior to the benefit year expiration date, claimants may maintain their eligibility for training benefits when their classes begin after the benefit year expiration date.**

ENROLLMENT IN TRAINING FOR HIGH DEMAND OCCUPATION

The recent amendments to the training benefits regulations added a new exemption to the 15-week application period. 430 CMR 9.06 (3)(g) provides:

"if a claimant has been separated from a declining occupation, or if the claimant has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations and the claimant is training for a high-demand occupation, the 15-week application period shall be extended until the end of the claimant's benefit year."

For the reasons specified above, as long as the claimant is enrolled in training for a high-demand occupation by the end of the benefit year, the claimant will satisfy the "claimant is training" requirements.

EFFECTIVE DATE: This memorandum is in effect immediately, and it has no expiration date.

INQUIRIES: Please contact the Section 30 Unit at 617-626-5375 with any questions you may have regarding this memorandum.