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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 12-20

TO: STATE WORKFORCE AGENCIES

FROM: JOHN PALLASCH /s/
Assistant Secretary

SUBJECT: Fiscal Year (FY) 2021 Funding Allotments and Operating Guidance for Unemployment Insurance (UI) Reemployment Services and Eligibility Assessments (RESEA) Grants

1. **Purpose.** To provide guidelines for the FY 2021 UI RESEA grants and to invite State Workforce Agencies to submit applications for funding.
2. **Action Requested.** The U.S. Department of Labor's (Department) Employment and Training Administration (ETA) requests state agency administrators to provide information contained in this Training and Employment Guidance Letter (TEGL) to appropriate staff. This information should be shared with staff in, but not limited to: the UI program; workforce programs administered under the Workforce Innovation and Opportunity Act (WIOA), including the Wagner-Peyser Act-funded Employment Service (ES); and workforce information/labor market information programs.

States requesting funding to continue a current RESEA program or to implement a new RESEA program during FY 2021 must submit a RESEA state plan containing all required information described in this TEGL via www.grants.gov within 45 calendar days from the issue date of this TEGL.

3. **Summary and Background.**

- a. Summary – This TEGL provides general operating guidance for the RESEA program for FY 2021, including changes and clarifications to program operations, projected state-level formula allocations based on the authorized funding level, and instructions for submitting a RESEA state plan via www.grants.gov.

The submission of a RESEA state plan and applicable budget documentation identified in Section 10 of this TEGL will serve as the state's application for FY 2021 RESEA funding.

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This TEGL is published concurrently as Unemployment Insurance Program Letter (UIPL) 13-21. The joint TEGL/UIPL reflects the shared responsibilities across UI and workforce programs in conducting RESEA activities, and the guidance documents are identical other than non-substantive changes to formatting.

- b. Background – Since 2005, the Department and participating state UI agencies have been addressing individual reemployment needs of unemployment compensation (UC) claimants, and working to prevent and detect UC improper payments through the voluntary UI Reemployment and Eligibility Assessment (REA) program and its successor, the voluntary RESEA program. Because there is strong evidence that these programs and service delivery strategies are effective, they have been a high priority for ETA.¹

On February 9, 2018, the President signed the Bipartisan Budget Act of 2018, Public Law 115-123 (BBA), which included amendments to the Social Security Act (SSA) that created a permanent authorization for the RESEA program. The RESEA provisions are contained in Section 30206 of the BBA, enacting new Section 306 of the SSA. The permanently authorized RESEA program provides for a phased implementation of new program requirements over several years.

The phased implementation began in FY 2019 with the requirement that RESEA funds be used for interventions or service delivery strategies demonstrated to reduce the average number of weeks participants receive benefits by improving participant employment outcomes (See UIPL No. 07-19, Section 5) and the introduction of additional flexibilities for targeting RESEA participants (See UIPL No. 07-19, Section 6). The phased implementation continued into FY 2020 and included the submission of a RESEA state plan, as required by Section 306(e), SSA, and the finalization of methodologies for formula-based allocation of RESEA funds and distribution of outcome payments, as required by Section 306(f), SSA.

All new requirements and flexibilities introduced in FYs 2019 and 2020 will continue in FY 2021. New statutory requirements that will be implemented during FY 2021 include the formula allocation of RESEA base funds (See Section 6 of this TEGL) and the distribution of performance-based outcome payments which will occur in December 2021. Separate guidance dedicated to RESEA program performance and performance-based outcome payments is forthcoming and will become effective upon publication. Additional program requirements that directly link a portion of each state's RESEA funding to evidence-based interventions or service delivery strategies will be phased in over FYs 2022-2023 and additional guidance regarding these new requirements will be provided as they are developed.

¹IMPAQ International, January 2012, *Impact of the Reemployment and Eligibility Assessment Initiative in Nevada*; and IMPAQ International, June 2011, *Impact of the Reemployment and Eligibility Assessment Initiative*. (https://wdr.doleta.gov/research/FullText_Documents/ETAOP_2012_08_REA_Nevada_Follow_up_Report.pdf and https://wdr.doleta.gov/research/FullText_Documents/ETAOP_2012_08_Impact_of_the_REA_Initiative.pdf)

The purposes of the RESEA program are identified in Section 306(b), SSA:

- 1) To improve employment outcomes of UC recipients and to reduce the average duration of UC receipt through employment;
- 2) To strengthen program integrity and reduce improper UC payments through the detection and prevention of such payments to ineligible individuals;
- 3) To promote the alignment with the broader vision of WIOA of increased program integration and service delivery for job seekers, including UC claimants; and
- 4) To establish reemployment services and eligibility assessments as an entry point for UC claimants into other workforce system partner programs.

Given the ongoing high-demand for reemployment services, states should strive to ensure that coordinated services are effectively matched to each claimant's specific needs. This vision of collaboration, cooperation and, ultimately, seamless connection across the range of available workforce development services offered at the Federal, state, and local levels is referred to as "One Workforce." One Workforce is an essential component of the ongoing reopening of states' economies and should be inclusive of all workforce programs, including RESEA. The RESEA program now provides states with significant opportunity for innovation in program design and targeting UI claimants for participation, and it rewards new and innovative service delivery strategies and interventions. With consideration for the program's potential growth in future years, states are strongly encouraged to seek, test, and/or evaluate innovative methods and to continuously revisit their specific program interventions and service delivery strategies, how they staff the program, and how to most effectively achieve the purposes of the RESEA program. States are also strongly encouraged to fully integrate RESEA into the state's One Workforce efforts.

State workforce and UI agencies implementing RESEA are strongly encouraged to engage their State Workforce Boards in support of the latter two RESEA purposes (purposes (3) and (4) above), especially in the context of further integrating the RESEA program into American Job Center (AJC) service delivery, WIOA State Plans, and your state's broader One Workforce vision.. RESEA participants must be co-enrolled in the ES program. This required co-enrollment represents the minimal level of RESEA program integration, and states are expected to increase integration with other workforce partners to the greatest extent feasible.

4. RESEA and Coronavirus Disease 2019 (COVID-19)

ETA's top priorities for FY 2021 are to maintain the competitiveness of the U.S. workforce to meet the needs of job creators and to safely get America back to work by supporting the rapid reemployment of American workers. As workers seek to reenter the workforce following the economic disruption caused by COVID-19, RESEA will serve as an entry-point

to the public workforce system for many UC claimants, including those who have been identified as needing additional assistance to meet their reemployment goals. To best support UC claimants during this period of economic recovery, states are strongly encouraged to customize services to meet the specific needs of UC claimants due to the COVID-19 pandemic. Additionally, the eligibility assessment components of RESEA remain an essential resource that states must leverage in their ongoing efforts to ensure program integrity and the prevention and detection of improper payments within their UI programs.

While developing FY 2021 RESEA state plans, states must consider the following areas regarding RESEA operations in the context of COVID-19:

- a. FY 2021 RESEA State Plans – To minimize reporting burden on states, ETA did not require states to update their approved FY 2020 RESEA state plans to account for any program changes resulting from COVID-19. As states develop their FY 2021 RESEA state plans, the included state plan narratives must include both planned activities for FY 2021 and any contextual information from FY 2020 necessary for ETA to fully evaluate the state’s proposed RESEA program. This information should include previous operational changes or impact on program performance resulting from COVID-19, and any other information the state believes to be pertinent to ETA’s state plan review process. Some states temporarily suspended operation of the RESEA program due to the impact of COVID-19. If a state has suspended RESEA activities because of the pandemic, the state plan must include a timeline for restarting RESEA either in-person, remotely, or in a hybrid format. In order to meet the objectives of the RESEA program, as stated in section 306(b), SSA, states must operate a program. RESEA state plans that do not provide for a restart date before March 31, 2021, will not be approved absent compelling evidence that the state can meet the program objectives despite not running a RESEA program until after that date. Further, the Department strongly encourages each state to restart its RESEA program as soon as possible before that date. See Section 10 of this TEGL for more information about state plan requirements and the submission process.

Section 306(e)(1), SSA, requires that the state plan outline “how the State intends to conduct a program of” RESEAs. Thus, the statute contemplates a prospective plan, which in the case of a state that has suspended operating a RESEA program, necessarily requires a restart date. On October 1, 2020, the Department notified states via email of its intent to establish a March 31, 2021 deadline for states to restart suspended RESEA programs during FY 2021. The Department set this deadline because many states continue to address increased workloads in other UI program areas because of the pandemic, and also regularly experience an influx of additional seasonal workload that generally abates during the first quarter of each calendar year. This ensures a state would operate RESEA for at least three-quarters of the calendar year, which ensures RESEAs provide the maximum benefit feasible to UC recipients to meet the program purposes, and also ensures enough data can be gathered to establish that outcome payments can be fairly distributed. See Section 10 of this TEGL for more information about state plan requirements and the submission process.

- b. Required RESEA Evaluation Activities – FY 2020 RESEA operating guidance provided that states were to begin evaluating RESEA interventions and service delivery strategies during FY 2020 (See TEGL No. 09-19 and UIPL No. 08-20). ETA recognizes that due to the economic effects of COVID-19 and the related impact on RESEA operations, many planned evaluation activities were delayed, postponed, or modified. Any state that did not begin evaluating its RESEA program during FY 2020 is expected to do so in FY 2021. Additionally, all states must include a detailed update regarding planned evaluation activities as part their FY 2021 RESEA state plan. See Sections 9 and 6.e. of this TEGL for more information about required evaluation activities.
- c. Covered Populations – As described in Section 7.b. of this TEGL, RESEA eligibility is limited to recipients of regular UC. Recipients of extended benefits (EB), or of temporary UC programs that supplement or substitute for the regular UC program, are not eligible for RESEA services. In planning for FY 2021, states should leverage their ongoing One Workforce efforts to identify procedures and resources across available workforce partners to ensure reemployment assistance is provided to recipients of EB or these temporary UC programs, outside of the RESEA program.
- d. Virtual and Telephone-based RESEA Services – As described in Section 7.e. of this TEGL, the RESEA program allows states to conduct RESEA services remotely using person-to-person technologies such as Skype, Zoom, FaceTime, or other similar products. In response to COVID-19, ETA permitted states to provide services via telephone, under the limited circumstances where using the person-to-person technologies is not possible. This practice may be continued during FY 2021.

In response to increased demand for reemployment services, states are strongly encouraged to explore service-delivery models that use a combination of person-to-person meetings, self-service tools, and other online workshops and resources that when combined provide claimants with a comprehensive and individualized One Workforce experience. One example of such a model is the “Online Work Registration and Assessment” virtual service-delivery tool that was developed by Utah. Additional information about Utah’s strategy is included in Section 7.e. of this TEGL.

- e. Work Search Waivers – During FY 2020, many states used available flexibility to waive claimant work search requirements when traditional work search activity was not feasible due to COVID-19 (See UIPL No. 13-20 and 13-20, Change 1). Federal law, however, does not permit the use of such flexibility indefinitely. As the country continues to re-open, states must revisit whether such waivers are still necessary to respond to the spread of COVID-19. If these work-search waivers do continue into FY 2021, or new work search waivers are implemented during the FY 2021, states are strongly encouraged to use RESEA to focus on helping claimants frame effective reemployment and work search plans to be implemented when conditions allow traditional work search activity to resume. Such assistance may include a discussion and informal review of the claimant’s current work search activities, if available, and advising the claimant regarding the state’s

work search requirements in case the work search requirement suspension is lifted while the claimant is still receiving UC. Each state is required to continue RESEA activities while a state work search waiver is in effect.

Additionally, authority provided by section 306(g), SSA, allows the Department to change the final allocation methodology for FY 2021 RESEA funding, but requires a 90-day notification to Congress before the change may take effect. On October 1, 2020, the Department notified Congress of its plan to change the allocation formula by delaying implementation of the 30-percent carry-over limitation to FY 2022. The Department is implementing this change immediately, because the required 90-day notification period ended on December 30, 2020. The Department will apply the modified formula to the FY 2021 RESEA allocation. The Department intends this delay will provide states with additional time and resources necessary to modify their RESEA programs in response to current economic and other conditions. States must develop RESEA plans for FY 2021 that address current carry-over balances and take into account the carry-over limitation that will now be implemented in FY 2022. See section 6.b. of this TEGL for more information about this change.

5. Definitions.

To reflect the increased opportunity for innovation provided by the permanently-authorized RESEA program, and to assist states in conducting RESEA planning and performance reporting, several definitions were introduced in FY 2020 that will continue, unchanged, in FY 2021. These definitions identify minimum levels of service delivery, and states are strongly encouraged to integrate a wide range of additional services that can identify and respond to the specific needs of each UC claimant.

- a. Initial RESEA – The term “initial RESEA” refers to the first meeting between a RESEA service provider and a UC claimant who reported to the meeting in response to an official notification of selection and required participation in RESEA services. For reporting and planning purposes (RESEA state plan, element 18 [see Attachment II of this TEGL] and ETA 9128, element 3 [see Section 8.c. of this TEGL]), the initial RESEA session is “completed” when all of the following components exist:
 1. A UC eligibility review that is conducted on a one-on-one basis, including review of work search activities if such activities have not been waived and referral to adjudication if an issue or potential issue(s) is identified;
 2. Customized labor market and career information based on an assessment of the claimant’s needs;
 3. Enrollment in the ES program;
 4. Support, to the extent needed, for the claimant in the development of an individual reemployment plan tailored to the claimant’s needs; and

5. Information and referral to additional reemployment services and other AJC services, resources, and training, as appropriate.

The above list identifies the minimum requirements for an initial RESEA, and states may include additional activities or services as part of their respective service delivery designs.

Importantly, completion of the initial RESEA does not necessarily terminate a claimant's enrollment in RESEA, given that it does not include many of the reemployment services that may support the claimant's return to work. States have the opportunity for innovation in their service-delivery design to include subsequent RESEA sessions and/or provision of and/or referral to additional reemployment services. The number of claimants receiving reemployment and/or training services resulting from a RESEA referral is reflected in the ETA 9128 report, elements 4-6. Sections 7 and 8 of this TEGL provide additional information and requirements pertaining to RESEA services during FY 2021.

- b. Subsequent RESEA – States will determine the extent to which they require any subsequent RESEAs as part of their service delivery model in addition to referrals to reemployment services. The term “subsequent RESEA” refers to a follow-on RESEA meeting that includes, at a minimum: (1) a UC eligibility assessment, and (2) a review of the claimant's work search activities to determine if additional assistance is needed to support the claimant's compliance with work search requirements and the claimant's return to work at the earliest possible time. If work search activities have been waived, the review of the claimant's work search is not required, but states are strongly encouraged to provide the claimant with information regarding the state's work search requirements in case the waiver is lifted while the claimant is receiving UC.

States may include additional activities or services as part of their respective service delivery designs. For planning purposes, the projected number of completed subsequent RESEAs is reported in element 18 of the RESEA state plan. States are no longer limited in the number of subsequent RESEAs that may be provided to a claimant.

- c. Reemployment Services – States must develop processes to refer RESEA participants to reemployment services, including those services provided using RESEA funding and those provided through other programs. In support of RESEA's goal of greater alignment with WIOA and the concept of One Workforce, reemployment services include, but are not limited to, activities identified as career services under Section 134(c)(2), WIOA, and further detailed at 20 CFR 678.430.

Each state will identify the types and quantity of reemployment services provided, but must ensure that its respective RESEA program design and the services provided supplement, rather than supplant, Federal, state, and local public funds that would otherwise be expended on reemployment services in the absence of a RESEA program.

Referrals to reemployment services resulting from RESEA is captured on the ETA 9128, elements 4-5, and in each state's RESEA state plan narrative describing service delivery. ETA will also collect additional information via the Workforce Integrated Performance System for claimants referred to the ES program and other WIOA partners by RESEA.

- d. Training – RESEA program reporting requirements (ETA 9128) include submitting the number of claimants that report to training as a result of a RESEA referral (elements 4 and 6). In the context of RESEA, training includes training services under Section 134(c)(3), WIOA, and 20 CFR 680.200. Training also includes any other training program approved by the state's UI agency. RESEA funds may not be used to support training activities, and it is expected that training resulting from a RESEA referral will align with the statutory purposes of RESEA by making use of available labor market information, business services, and other resources to directly link the training to a specific job or in-demand occupation. Training activities resulting from RESEA referrals will be reported through the workforce program reporting structures for the training activities to which the claimant is referred.

6. Funding. Allowable costs may not exceed the grant award, as provided in Attachment I, and are subject to the limitations described in this section.

- a. Funding Availability – The awards presented in this TEGL are subject to the availability of Federal funds. The amounts identified in Attachment I are based on the appropriated FY 2021 funding level of \$200,000,000. Of the projected funding level: eighty-nine (89) percent (\$178,000,000) will be awarded via the base-funding formula described below in Section 6.b. of this TEGL; ten (10) percent (\$20,000,000) will be set-aside for outcome payments as required by Section 306(f)(2), SSA; and one (1) percent (\$2,000,000) will be reserved by the Department to conduct research and provide technical assistance, as described in Section 306(f)(3), SSA.

Grant recipients may be required to revise budget documents prior to award execution to account for discrepancies among estimated funding availability, funding requests, and actual award amounts.

- b. Base-Funding Formula – Beginning in FY 2021, each state's maximum RESEA base award will be determined using a formula allocation based on the Insured Unemployment Rate (IUR) and the size of the civilian labor force in each state. On April 4, 2019, ETA published a *Federal Register* Notice (FRN), 84 *Fed. Reg.* 13,319, requesting public comments on the RESEA allocation process. On August 8, 2019, ETA published a second FRN, 84 *Fed. Reg.* 39,018, identifying the final allocation methodology and providing analysis of how ETA considered public comments in its development.

In addition to the IUR and the size of the civilian labor force in each state, the formula includes provisions intended to stabilize funding from year to year and incentivize the timely expenditure of RESEA funds. These provisions will be applied to the FY 2021 final formula allocation and are considered in the projected funding levels provided in Attachment I. These provisions include:

1. Hold Harmless –Each state will receive no less than an amount equal to at least 97 percent of its grant award; and
2. Minimum Funding – No state will receive an amount less than 0.28 percent of the total available funding for FY 2021, which is RESEA's base funding level, or \$498,400.

The final allocation methodology also includes a “Carry-Over Threshold” that would limit the amount of FY 2020 funds a state may carry-over to FY 2021 to thirty (30) percent of its FY 2020 grant award. As identified in Section 4 of this TEGL, the Department used authority provided by Section 306(g), SSA, to delay implementation of the carry-over provision to FY 2022. This change is in response to disruptions to state RESEA operations resulting from the economic and other impacts of the COVID-19 pandemic, and the need to increase RESEA’s capacity to support state’s efforts to reopen their economies. On October 1, 2020, the Department notified Congress of its plan to change the allocation formula by delaying implementation of the 30-percent carry-over limitation to FY 2022. This change takes effect immediately, because the required 90-day Congressional notification period ended on December 30, 2020.

Attachment I provides projected state-level formula allocations of RESEA base funding. These projections are based on authorized RESEA funding levels for FY 2021 and FY 2020 grant funds awarded as of September 30, 2020, and are subject to change. The maximum grant awards provided in Attachment I reflect the delayed implementation of the carry-over provision and do not include any carry-over based adjustments. The allocation of RESEA outcome payments will be described in future guidance.

- c. Use of Funds – RESEA funds must be used to assess the continued eligibility and reemployment needs of UC claimants in the targeted populations identified by the state and to provide reemployment services to RESEA participants, including reemployment services to which RESEA participants are referred. These funds must be used to supplement the level of Federal, state, and local public funds that, in the absence of such availability, would be expended to provide reemployment services and eligibility assessments to individuals receiving UC. RESEA funds may not supplant UI grant funds devoted to other state UI program enforcement or program eligibility review activities. Similarly, these funds must not supplant Federal, state, or local funds devoted to providing reemployment services to UC claimants. Only reemployment or other service costs that are a direct result of a claimant’s participation in the RESEA program may be reimbursed using RESEA funds. RESEA funds may not be used to pay for training services or to purchase or pay for licenses for an assessment tool (e.g., the Transferable Occupation Relationship Quotient). By applying for RESEA funding, states agree to integrate the RESEA program with other workforce partner programs, including WIOA-funded and Wagner-Peyser Act-funded services, and to co-enroll all RESEA participants into the ES program.

- d. Administrative Costs Limit – In FY 2021, administrative costs for the RESEA program are unchanged from FY 2020 and remain limited to 15 percent of the total grant award.

To help facilitate program alignment and integration across programs supporting the reemployment of UC claimants, ETA uses the definition of WIOA administrative costs at 20 CFR 683.215 for RESEA grants.

In the context of the RESEA program, information technology (IT) costs that directly support remote service delivery by facilitating person-to-person contact, such as video conferencing, may be identified as program costs. The development of virtual tools that automate portions of the RESEA session, such as developing pre-recorded orientations for available services, or self-service tools to directly assist with the development of a reemployment plan, also may be considered program costs if the resulting resources are directly integrated into the RESEA sessions and supplement rather than supplant other IT resources. To prevent redundancies and inefficiencies, any efforts to develop virtual or automated tools should be completed in a manner that leverages or aligns with similar activities being completed by other workforce partner programs.

All other IT costs associated with the RESEA program, including those identified at 20 CFR 683.215, are administrative costs.

States may request to use up to an additional \$100,000 beyond the 15 percent administrative costs limit to support information technology, which may include costs associated with required performance reporting.

States must be mindful of the following:

1. Administrative costs include direct and indirect costs.
2. States requesting up to \$100,000 in funds beyond the 15 percent administrative costs limit for IT must identify the amount and describe planned activities in element 8 of the RESEA State Plan template.
3. Administrative costs are not required to be identified separately from program costs on the Standard Form-424A, Budget Information - Non-Construction Programs.
4. Administrative costs must be tracked through the recipient's accounting system and appropriately documented on the recipient's ETA-9130 Financial Report submissions.

Recipients will be monitored for compliance with the administrative costs limit during the entire grant period of performance. Any amounts that exceed this limitation at closeout will be disallowed and subject to debt collection.

- e. Evaluation Set-Aside Funds – States may use up to 10 percent of their RESEA grant funds to conduct, or cause to be conducted, evaluations of interventions and service delivery strategies used in carrying out the program. Because this evaluation funding may not be sufficient to do rigorous evaluations on a state-by-state basis, states are encouraged to collaborate and pool their funds to support more rigorous RESEA evaluations that examine program components or interventions across states. The Department may also engage with states to support RESEA evaluations. UIPL No. 01-20 and TEGL No. 06-19 provide additional guidance and resources related to RESEA-related evaluation activities. States seeking additional assistance with RESEA evaluations are invited to contact the RESEA Evaluation Technical Assistance Helpline at RESEA@abtassoc.com.

Evaluation costs must be reported quarterly in the comment section of the ETA-9130 Financial Report which is available at <https://www.dol.gov/agencies/eta/grants/management/reporting>.

- f. Initial and Subsequent RESEA Costs Limit – RESEA operating guidance for FYs 2017-2019 included funding limits or allowable ranges for average costs for initial and subsequent RESEA sessions. Beginning in FY 2020, these limits were removed because RESEA provides states with opportunity for innovation in how their RESEA programs are designed and the types of service delivery strategies and interventions permitted.
- g. Period of Performance – For operational purposes, states are strongly encouraged to continue to design and operate their RESEA programs based on a calendar year schedule. The official period of performance for FY 2021 RESEA funds will be January 1, 2021, through September 30, 2022. Funding must be liquidated by December 31, 2022.

7. Program Design.

- a. State Innovation in Targeting RESEA Services to UC Claimants – Section 306(a), SSA, requires RESEA-funded activities to be targeted to claimants determined most likely to exhaust UC as determined under a profiling system required under Section 303(j), SSA. However, like FY 2019, the Department’s appropriation acts for FY 2020 contained a provision providing states with discretion in identifying appropriate claimant populations among recipients of regular UC, thus removing the requirement that states must target UC claimants determined most likely to exhaust UC under Section 303(j), SSA. The Department’s FY 2021 appropriations act also includes a provision allowing states to identify appropriate claimant populations among recipients of regular UC and states are encouraged to develop RESEA state plans that target UC claimant populations based on local labor market information, economic trends, and other available data that informs whether the targeting strategy is likely to meet the RESEA program goals.
- b. Covered Populations – Historically, UC claimants who have a definite return-to-work date, who secure work only through a union hiring hall, or who are in approved training, were excluded from participation in RESEA services. This blanket exclusion was based on the assumption that RESEA does not reduce the duration of UC reciprocity for such

individuals. Beginning in FY 2020, states have discretion to further align their RESEA program with their state-specific work-search requirements. Therefore, claimants in these previously excluded groups may be included in RESEA if they are required to conduct work search activities under the state's UC work search requirements.

Please note that RESEA eligibility is limited to recipients of regular UC. Therefore, recipients of EB or temporary UC programs that supplement or substitute for regular UC, such as the temporary programs established by the CARES Act in response to the economic effects of COVID-19, are not eligible for RESEA services. States should leverage partnerships across available workforce partners to ensure reemployment assistance is made available to recipients of these temporary programs.

- c. Intersection of the RESEA and Worker Profiling and Reemployment Services (WPRS) programs – Absent an appropriations provision permitting otherwise, states are required to provide reemployment services to UC claimants identified through profiling methods as likely to exhaust benefits and who will need job search assistance services to transition to new employment under the WPRS program, set out at Section 303(j), SSA. WPRS operating guidance (UIPL No. 41-94) provides further information necessary for states to operate the WPRS program, including the criteria for establishing profiling models used to identify claimants likely to exhaust benefits.

Since the RESEA program was permanently authorized, Department of Labor appropriations act provisions have provided states with flexibility regarding the targeting of RESEA services, and allowed states to use a participant selection methodology other than the state's WPRS profiling model. The Department anticipates the continuation of this flexibility during FY 2021, but strongly encourages states to consider the benefits of RESEA and WPRS integration. For state agencies, this integration reduces the performance reporting burden by consolidating WPRS and RESEA reporting into one set of reports, and allows the state to leverage RESEA funding to conduct statutorily required WPRS services (which do not have a devoted funding stream). Such integration may also improve the state's RESEA performance outcomes by identifying claimants that are likely both to exhaust UC and to benefit from RESEA services. Similarly, UC claimants identified using the WPRS model are among those most in need of reemployment services and likely to benefit from innovative and evidence-based reemployment strategies that are now a required component of the RESEA program.

A state with a RESEA program that incorporates its WPRS profiling models in identifying individuals who are most likely to exhaust benefits as part of its RESEA selection process will have met the WPRS requirements and does not need to provide a separate WPRS program. Recognizing that RESEA is now a permanent program with increasing scope and capacity, states that incorporate the WPRS profiling model are strongly encouraged to include additional target populations based on state-specific economic trends and claimants' needs. If the RESEA program targets several claimant populations, including those identified by the WPRS selection methods, the state will have met the WPRS requirements if claimants selected under WPRS are provided priority over the other populations, and RESEA services are provided statewide.

States that include the WPRS profiling model in their RESEA selection process, but do not provide RESEA statewide, must continue to provide a WPRS program in areas not served by RESEA. A state is considered to be operating RESEA statewide if RESEA services are available in each WIOA-designated local workforce development area (see Section 106, WIOA). Additionally, states that do not serve individuals identified as most likely to exhaust as part of their RESEA program must operate a separate WPRS program to serve these claimants. States operating separate WPRS programs under Section 303(j), SSA, may not use funds appropriated for RESEA activities authorized under Section 306, SSA, for those programs.

Having a strong and updated profiling model is important to identify claimants who are most likely to exhaust benefits and direct resources to them. As described in Training and Employment Notice (TEN) No. 37-15, ETA is available to provide assistance with all aspects of profiling modeling, including guidance on modeling issues, techniques, and diagnostics, as well as with complete model building. To obtain assistance with profile model building and maintenance, please contact Kevin Stapleton at (202) 693-3009 or at stapleton.kevin@dol.gov.

- d. Required RESEA Services – Two of the primary goals for the RESEA program are to reduce duration of UC receipt through improved employment outcomes, and to ensure that individuals claiming UC continue to meet eligibility requirements. To support these goals, every RESEA participant must be scheduled for an initial RESEA meeting. States may choose to also include a combination of subsequent RESEAs and reemployment services. Initial RESEA, subsequent RESEA, and reemployment services are defined in Section 4 of this TEGL.

For claimants that need more support in planning their work search and reemployment strategies, states are strongly encouraged to consider the use of the “My Reemployment Plan” tool. TEN No. 18-16 provides additional information about the “My Reemployment Plan” and related tools and resources. A PDF version of the “My Reemployment Plan” and related introductory videos are available at: <https://rc.workforcegps.org/>. An interactive, online version of the “My Reemployment Plan” was launched in May 2019. The electronic “My Reemployment Plan” is available for states to download and customize through the National Association of State Workforce Agencies’ (NASWA’s) Information Technology Support Center (ITSC) at www.itsc.org.

- e. Remote Service Delivery and Virtual Resources - States may provide remote services, including the initial and subsequent RESEA sessions, using person-to-person technologies such as Skype, Zoom, FaceTime, or other similar products. The level and timeliness of these remote services must be comparable to assistance an individual would receive if staff were assisting such individual in-person. As described in Section 4 of this TEGL, states may continue to provide RESEA services via telephone when in-person

service or person-to-person technologies are not available. This may be continued during FY 2021 to help states maintain RESEA services during the COVID-19 pandemic.

States are also encouraged to leverage virtual service delivery tools that allow portions of the RESEA sessions to be automated and accessed through self-service. One example of a virtual service-delivery tool is the “Online Work Registration and Assessment” that was developed by Utah. This virtual service delivery tool required UC claimants to create a profile with the state labor exchange and answer a series of questions intended to help identify appropriate reemployment services. A series of online workshops were also integrated into the tool to assist claimants after specific reemployment needs were identified. Additional information about the Online Work Registration and Assessment tool is available at https://rc.workforcegps.org/resources/2020/12/18/15/56/Utah_ReemploymentOnlineWorkshops.

Other examples of virtual service tools include pre-recorded orientations to American Job Center Services and online registration, and assessment tools that assist a UC claimant prepare for the initial RESEA meeting. These virtual service delivery tools should be designed to increase RESEA program efficiencies, enhance the participants’ experience with RESEA services, complement the resources and services provided during the initial or subsequent RESEA meetings, and massively expand the number of customers who can be served under the RESEA program. A listing of national internet-based virtual tools is maintained on ETA’s technical assistance platform, Workforce GPS at: <https://www.workforcegps.org/resources/2020/01/16/13/21/Service-Delivery-Virtual-Tools> and states are invited to share promising practices related to remote and virtual RESEA by contacting OUI.RESEA@dol.gov.

- f. Integration with WIOA, Wagner-Peyser, and other workforce-funded services – One of the statutory goals of the RESEA program is that it serve as an entry point for individuals receiving UC into other workforce system partner programs. State RESEA programs must support this goal by ensuring that the RESEA program is integrated into the workforce system broadly so as to enable RESEA participants full access to the full range of services offered through the state’s one-stop delivery system. States are particularly encouraged to consider how RESEA should be integrated with the ES program (co-enrollment is required with the ES program) and the WIOA Adult and Dislocated Worker programs.

8. Program Operations.

- a. Service Delivery Staff – States are encouraged to take full advantage of the staffing flexibilities created by DOL through the recent rules on Wagner-Peyser (85 *Fed. Reg.* 592 (Jan. 6, 2020)) and Trade Adjustment Assistance (TAA) (85 *Fed. Reg.* 51,896 (Aug. 21, 2020)). Similar to the Wagner-Peyser, TAA, and WIOA staffing flexibilities, RESEA services may be delivered by UI staff or qualified and trained ES staff, WIOA staff, or other AJC staff. There is no merit-staffing requirement for RESEA service providers. To

this end, states are encouraged to explore options to consolidate staffing for all of these programs into one cohort of staff. This will allow states to deploy staff in a more organized manner as workloads increase and decrease across the various programs. However, staff providing RESEA services must receive sufficient training from UI staff, consistent with guidance provided in Section 4.A of UIPL No. 14-18 in the context of providing meaningful assistance, to conduct a thorough eligibility review, detect eligibility issues, and make appropriate referrals (as described below) to UI merit staff for adjudication. As states develop their RESEA state plans, they are encouraged to explore innovative approaches to how the program is staffed and to review the final rule regarding increased flexibility in the administration of ES activities (85 *Fed. Reg.* 592 (Jan. 6, 2020)) and the final rule regarding Trade Adjustment Assistance for Workers (85 *Fed. Reg.* 163 (Aug. 21, 2020)).

Advising a claimant regarding his or her eligibility for benefits based on his or her specific circumstances and determinations or redeterminations of benefit eligibility must be referred to and completed by UI merit staff. Eligibility determinations and redeterminations resulting from issues identified through the RESEA, must be completed by UI merit staff. Eligibility determinations and redeterminations resulting from RESEA must be funded through the regular UI administrative grant (or state funds), not through the RESEA grant.

- b. Required Engagement of UI Staff – UI staff must be engaged in the administration of the RESEA program. This includes, but is not limited to:
 - 1. Participating in the RESEA planning, administration, and oversight;
 - 2. Providing all appropriate staff training on UC eligibility requirements;
 - 3. Ensuring accurate data are provided in the RESEA-required reports (refer to Section 8.f. of this TEGL) and;
 - 4. Conducting eligibility determinations and redeterminations resulting from issues identified through the RESEA
- c. Claimant Participation in RESEA Activities and Rescheduling – Once the state notifies a claimant that s/he has been selected to participate in the RESEA program, participation in RESEA is mandatory as a condition of UC eligibility. A claimant who contacts the appropriate agency before the RESEA appointment and requests to change the scheduled RESEA date or time for good reason, such as scheduled job interviews, should be accommodated within reason.

Many states are developing or have already implemented self-scheduling of RESEA sessions. ETA strongly encourages states to use this option due to its efficiency and proven ability to increase program participation and decrease no-show rates. However, states utilizing this strategy need to develop policies that prevent excessive rescheduling

that substantially delays, or allows a claimant to circumvent, participation in RESEA activities, which is a condition of UC eligibility.

To mitigate instances of excessive rescheduling, some state UC laws provide that UC be denied for failure to report as directed until the individual actually reports. The Department issued UIPL No. 01-16 to remind states of the requirements of Federal law pertaining to protecting individual rights in state procedures. As discussed in Section 4.h. of this TEGL: “If an individual fails to report as required, the state may apply (subject to any applicable procedural protections for individuals) its law’s provisions on ineligibility for UC due to failure to report until the individual complies with the reporting requirement.” States are advised that an individual may not be found ineligible for UC for failure to report for any week in which no services were available.

The ETA 9128 report data item 2, “Number of RESEAs scheduled,” is intended to capture the total number of RESEAs scheduled. The ETA 401 Handbook, 6th edition defines “Number of RESEA scheduled” as “the number of RESEAs for which an official notice was sent to the claimant.” The Handbook clarifies this item does not include RESEAs that are rescheduled with no disqualification, and further clarifies that a rescheduled RESEA with a disqualification must be counted as another scheduled RESEA in Item 2 of the ETA 9128. Each claimant scheduled for a RESEA and reported in item 2 will either participate in the RESEA or fail to participate, and this result must be appropriately captured in ETA 9128 item 3, “Number of RESEAs Completed,” or item 15, “Number of RESEAs for Which the Claimant Failed to Report.”

- d. UC Feedback Loop, Adjudication, and Due Process – Once claimants are selected to participate in the RESEA program, they are required to participate in all RESEA activities required by the state, including the initial RESEA, any subsequent RESEAs, and any reemployment services to which they are referred. Failure to report or participate in any aspect of the RESEA program must result in referral to the UI agency for adjudication under the applicable state law.
- e. Required Co-Enrollment in ES – To promote integrated service delivery described in Section 6.f. of this TEGL and to support capturing RESEA program outcome information through the Participant Individual Record Layout (PIRL) used for WIOA and Wagner-Peyser Act reporting, ETA requires that RESEA participants be co-enrolled in the ES program as part of the initial RESEA. As part of this enrollment, each RESEA participant must be appropriately identified in ES case management and performance reporting systems as “referred by RESEA.” Given the structure of the state’s workforce system, co-enrollment in WIOA Dislocated Worker or other available programs may also be appropriate, but is not a requirement of this grant.
- f. Performance Reporting – Performance reporting for FY 2021 consists of the ETA forms 9128 and 9129, Reemployment and Eligibility Assessments Outcomes; Office of Management and Budget (OMB) Control No. 1205-0456, expiration date 9/30/2022. All RESEA-related performance reports are due on the 20th day of the second month following the end of the reporting quarter.

Each calendar quarter, prior to submission, the reports must be reviewed for accuracy by a UI staff member, in addition to being reviewed by the RESEA program lead (if a different staff member).

Additional information about these reports is provided in Employment and Training (ET) Handbook No. 401, 5th Edition. ETA is currently assessing potential changes to these reports to align with the new RESEA program requirements. States will be alerted of any changes in future guidance. In addition, states must complete the Quarterly Narrative Progress Report (ETA 9178); OMB Control No. 1205-0517, expiration date 8/31/2021. States must submit the ETA 9178 to their ETA Regional Office no later than 45 days after the end of each reporting quarter. Additional information about the ETA 9178 is provided in UIPL No. 05-19.

9. Implementation of Evidence-based Interventions and Strategies and Evaluation Requirements.

Section 306(c), SSA, includes a tiered evidence approach for the RESEA program to encourage the use of evidence-based strategies where such evidence exists, and to conduct evaluations and build evidence in areas where needed.² The goal is to ensure that each state employs RESEA interventions and service delivery strategies that, based on rigorous evaluations, improve employment outcomes and reduce benefit duration, or that the intervention or service delivery strategy are being evaluated to determine their effectiveness in achieving these goals. Interventions or service delivery strategies funded by RESEA grant funds must be demonstrated to reduce the average number of weeks participants receive UC by improving employment outcomes, as set out in Section 306(c)(1), SSA.

While there is currently a modest and growing evidence base from which to synthesize and draw conclusions about RESEA's effectiveness, there remains a continuing need to grow and expand evidence to address these forthcoming RESEA requirements. As described in Section 6.e. of this TEG, states may use up to 10 percent of their annual RESEA grant funds to conduct, or cause to be conducted, evaluations of interventions and service delivery strategies used in carrying out the program. The evaluation activities funded using the current evaluation set-aside will be essential to building the evidence base necessary to support states' RESEA programs in future years.

Beginning in FY 2023 and continuing into FY 2024, states will be required to use no less than 25 percent of the grant funds for interventions or service delivery strategies with high or moderate causal evidence ratings that show a demonstrated capacity to improve employment and earnings outcomes for program participants. This percentage increases in FYs 2025 and

² Tiered evidence" refers to a policy tool that allows federal agencies to tie federal funding to strategies with evidence, to encourage the use of interventions or service delivery strategies that have strong evidence of success and test promising new interventions and service-delivery strategies.

2026 to no less than 40 percent of each state's RESEA funds and will be adjusted to no less than 50 percent of RESEA funds for FYs 2027 and beyond.

FY 2020 RESEA operating guidance provided that states were to begin evaluating RESEA interventions and service delivery strategies no later than during FY 2020. We recognize that due to the economic effects of COVID-19 and the related impact on RESEA operations, many planned evaluation activities were delayed, postponed, or modified. Any state that did not begin evaluating its RESEA program during FY 2020 is expected to do so in FY 2021. Additionally, all states must include a detailed update regarding planned evaluation activities as part their FY 2021 RESEA state plan.

ETA provided preliminary guidance with regard to the evidence-based strategies and evaluation provisions in UIPL No. 07-19. Building on this, UIPL No. 01-20 and TEGL No. 06-19 provide further information on the RESEA evidence-based requirements including: a description of how the Department rates a study's evidence quality through its Clearinghouse for Labor Evaluation and Research (CLEAR); the standards for rating intervention effectiveness and relevant interventions that currently meet those standards; RESEA components that are in need of expanded evidence; and potential evaluation approaches and strategies for carrying out evaluations. These documents also identify resources that provide additional details on existing evidence and can help states initiate rigorous high quality evaluations. States must align FY 2021 RESEA State Plans and program design with the requirements and guidance identified in UIPL 01-20 and TEGL No. 06-19.

Technical assistance remains available for RESEA evaluation activities, and states are encouraged to submit any technical assistance requests to RESEA@abtassoc.com.

10. FY 2021 RESEA State Plan Submission Process.

Each state must submit a plan that outlines how the state intends to conduct its RESEA program, as required under Section 306(e), SSA, to receive RESEA funds. Attachment II includes the RESEA state plan template.

The RESEA state plan package must consist of the following documents:

1. Completed RESEA state plan template: An electronic, fillable version of Attachment II will be made available to states through www.grants.gov and from ETA's Regional Offices; OMB Control No. 1205-0538, expiration date 10/31/2022.
2. SF-424: Application for Federal Assistance; OMB Control No. 4040-0004, expiration date 12/31/2019. Additional guidance for completing the SF-424 is provided in Attachments III and IV. In addition to other information requested on the SF-424, each state must enter "UIPL 13-21" into the opportunity number field of the application and enter the applicable amount set out for the state in Attachment I of this TEGL.

3. SF-424A: Budget Information – Non-Construction Programs; OMB Control No. 4040-0006, expiration date 02/28/2022.
4. Indirect Costs: Applicant states that include indirect costs in the budget must include either: (a) The approved indirect cost rate with a copy of the Negotiated Indirect Cost Rate Agreement (NICRA), a description of the base used to calculate indirect costs along with the amount of the base, and the total indirect costs requested; OR (b) For those applicant states that meet the requirements to use the 10 percent *de minimis* rate as described in 2 CFR 200.414(f), a description of the modified total direct cost base (see 2 CFR 200.68 for definition) used in the calculation along with the amount of the base, and the total indirect costs requested based on the 10-percent *de minimis* rate. The following link contains information regarding the NICRA at the Department:
<https://www.dol.gov/agencies/oasam/centers-offices/office-of-the-senior-procurement-executive/cost-price-determination-division>.

To allow for the timely review of state plans and award of funds, states must submit their RESEA state plan packages, including all the required components identified above, via grants.gov by Friday, March 5, 2021.

We recognize that many states modified their RESEA programs during FY 2020 in response to COVID-19. As part of the FY 2021 state plan submission process, we strongly encourage states to provide information about unplanned RESEA changes that were made during FY 2020 and any impact those changes had or continue to have on the performance, staffing, and operations of the state's RESEA program. If the state has suspended RESEA activities because of the COVID-19 pandemic, the state-submitted plan must include a timeline for restarting RESEA either in-person, remotely, or in a hybrid format that combines remote and in-person services. As explained above, the Department will not approve a RESEA state plan with a restart date after March 31, 2021, absent compelling evidence that the state can meet the program objectives despite not running a RESEA program until after that date. Further, the Department strongly encourages each state to restart its RESEA program as soon as possible before that date.

The Secretary of Labor will approve completed plans that fully address the required elements and are submitted in a timely manner. Plans that fail to meet the required elements will be disapproved, and the state will be notified of this disapproval within 30 days of the Department's receipt of the plan. A state that receives a disapproval notification will be provided an opportunity to submit a revised plan. The written disapproval notification will describe any portion(s) of the plan that was not approved, the reason for the disapproval(s), and instructions for submitting a revised plan. An approved RESEA state plan is a condition of eligibility for RESEA funds, and disapproval of a state's RESEA state plan will suspend that state's grant award until the plan is appropriately revised.

ETA's Office of Grants Management's website provides additional general information about grant requirements and the application process, including standard terms and conditions. For technical issues encountered during application submission, applicants may call 800-518-4726 or 606-545-5035 to speak to a Customer Support Representative or email support@grants.gov. The Contact Center is open 24 hours a day, seven days a week, but closed on federal holidays. Attachment III of this TEGL provides more detailed instructions about submitting an application through www.grants.gov.

11. Inquiries.

Please direct inquiries to the appropriate ETA Regional Office.

12. References.

- Consolidated Appropriations Act, 2021, Pub. L. 116-260, Division H, Title I;
- Further Consolidated Appropriations Act, 2020, Pub. L. 116-94, Division A, Title I;
- Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. 115-245, Division B, Title I;
- Sections 303(j) and 306, SSA, 42 U.S.C. 503(j) and 506;
- Workforce Innovation and Opportunity Act (WIOA), Pub. L. No. 113-128;
- Consolidated Appropriations Act, 2018, Pub. L. No. 115-141;
- Bipartisan Budget Act of 2018, Pub. L. No. 115-123;
- Continuing Appropriations Act, 2018, Pub. L. No. 115-56, Division D;
- Unemployment Compensation Amendments of 1993, Pub. L. No. 103-152, amending Section 303(j), SSA;
- 20 CFR 683.215;
- 2 CFR 200.68 and 200.414;
- UIPL No. 13-20, *Families First Coronavirus Response Act, Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020*;
- UIPL No. 13-20, Change 1, *Families First Coronavirus Response Act, Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020- (EUISAA) Reporting Instructions, Modification to Emergency Administrative Grants Application Requirement, and Questions and Answers*;
- UIPL No. 01-20, *Expectations for States Implementing the Reemployment Service and Eligibility Assessment (RESEA) Program Requirements for Conducting Evaluations and Building Program Evidence* (also issued as TEGL No. 06-19);
- UIPL No. 07-19, *Fiscal Year (FY) 2019 Funding Allotments and Operating Guidance for Unemployment Insurance (UI) Reemployment Services and Eligibility Assessment (RESEA) Grants*
- UIPL No. 05-19, *Form ETA 9178 for Employment and Training Supplemental Grant Reporting*
- UIPL No. 14-18, *Unemployment Insurance and the Workforce Innovation and Opportunity Act*;

- UIPL No. 08-18, *Fiscal Year (FY) 2018 Funding Allotments and Operating Guidance for Unemployment Insurance (UI) Reemployment Services and Eligibility Assessment (RESEA) Grants*;
- UIPL No. 3-17, and Change 1, *Fiscal Year (FY) 2017 Unemployment Insurance (UI) Reemployment Services and Eligibility Assessment (RESEA) Grants*;
- UIPL No. 41-94, *Unemployment Insurance Program Requirements for the Worker Profiling and Reemployment Services System*;
- UIPL No. 13-21, *Fiscal Year (FY) 2021 Funding Allotments and Operating Guidance for Unemployment Insurance (UI) Reemployment Services and Eligibility Assessments (RESEA) Grants*;
- TEGl No. 2-16, *Revised ETA-9130 Financial Report, Instructions, and Additional Guidance*
- ET Handbook No. 401, 5th Edition, *Revised ET Handbook No. 401, Unemployment Insurance Reports Handbook*;
- TEN No. 18-16, *Pathways to Reemployment Tools and Resources*; and
- TEN No. 37-15, *Availability of Assistance Building Profiling Models to Identify Unemployment Insurance Claimants Most Likely to Exhaust Benefits*.

13. Attachments.

- Attachment I: Maximum Fiscal Year (FY) 2021 Unemployment Insurance (UI) Reemployment Services and Eligibility Assessment (RESEA) Grant Awards by State
- Attachment II: Elements of an Unemployment Insurance (UI) Reemployment Services and Eligibility Assessment (RESEA) Grant State Plan
- Attachment III: Additional Grants.gov Submission Instructions
- Attachment IV: Additional Guidance for Completing the SF-424 and SF-424A