

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION EUC08 / FAC / EB
	CORRESPONDENCE SYMBOL OUI/DUIO
	DATE December 23, 2009

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 04-10

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Extension of Temporary Provisions - Emergency Unemployment Compensation, 2008, Federal Additional Compensation, and Extended Benefits

1. Purpose. To advise states of the extension of Emergency Unemployment Compensation, 2008 (EUC08) and the Federal Additional Compensation (FAC) programs, and the extension of the temporary provisions for the Federal-State Extended Benefits (EB) program, and to make a correction to UIPL No.12-09, Change 1.
2. References. The Department of Defense Appropriations Act, 2010, Public Law (P.L.) No. 111-118, enacted December 19, 2009; Unemployment Insurance Program Letter (UIPL) Nos. 23-08 and 23-08, Changes 1, 2, 3, 4, 5, and 6; and UIPL Nos. 07-09; 11-09; 12-09, and 12-09, Change 1.
3. Summary of EUC08, FAC, and EB Extensions. P.L. No. 111-118 extends the phase-out period and expiration dates of EUC08 and FAC, and the temporary EB provisions.

The changes to the phase-out periods and expiration dates outlined in PL 111-118 are as follows:

a. EUC08 Program:

- The end of the period during which an individual may initially establish eligibility for the First Tier of EUC08 is extended to the week of unemployment ending on or before February 28, 2010.
- The end of the period during which an EUC08 account may be augmented is extended. Individuals must exhaust First, Second, or Third Tier EUC08 on or before February 28, 2010, to qualify for the next higher EUC08 tier.
- The expiration date of the EUC08 program (the end of the “phase-out” period) is extended. Under the new expiration date, no EUC08 First, Second, Third, or Fourth-Tier payments may be made for any week of unemployment beginning after July 31, 2010.

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b. FAC Program.

- The period during which an individual may initially establish eligibility for FAC is extended to weeks of unemployment ending **on or before** February 28, 2010. (Prior to the P.L. No. 111-118 amendments, the program was limited to weeks ending **before** January 1, 2010.)
- The expiration date of the FAC program (the end of the “phase-out” period), is extended. FAC is not payable for any week beginning after August 31, 2010.

c. EB Program - 100 Percent Federal Funding.

- The Federal government will pay 100 percent of the benefit costs of EB and sharable regular compensation for weeks of unemployment beginning after February 17, 2009, and before February 28, 2010.
- The phase out for individuals who have established EB eligibility is extended. If an individual has received EB with respect to one or more weeks of unemployment beginning after February 17, 2009, and before February 28, 2010, the state may continue to pay EB to the individual (if otherwise eligible) for weeks of unemployment ending before July 31, 2010.
- The phase out period for this provision is extended. If an individual received EB or sharable regular compensation with respect to one or more weeks of unemployment beginning after February 17, 2009, and before February 28, 2010, the Federal government will continue to pay 100 percent of these eligible EB benefit costs for weeks of unemployment ending before July 31, 2010.

d. EB Program – Sharing for First Week.

- The suspension of the prohibition on Federal sharing for the first week of EB if state law permits individuals to be compensated for the first week of regular state benefit eligibility at any time or under any circumstances is extended through weeks of unemployment ending on or before July 31, 2010.

e. Overall summary. The table below summarizes the changes (“week” means a full “week of unemployment” as defined under state law):

Program	Prior Phase Out Beginning Date	New Phase Out Beginning Date	Prior Ending Payment Date	New Ending Payment Date
EUC08	Week ending on or before December 31, 2009	Week ending on or before February 28, 2010	First week beginning after May 31, 2010	First week beginning after July 31, 2010*
FAC	Week ending before January 1, 2010	Week ending on or before February 28, 2010	First week beginning after June 30, 2010	First week beginning after August 31, 2010*
EB – 100%	Week beginning before January 1, 2010	Week beginning before February 28, 2010	First week ending before June 1, 2010	First week ending before July 31, 2010
EB – First Week	No phase out	No phase out	Week ending on or before May 30, 2010	Week ending on or before July 31, 2010

* Compensation is not payable after these dates

4. Correction to UIPL No. 12-09, Change 1. The third sentence of the second paragraph of Attachment II to UIPL No. 12-09, Change 1, erroneously limits the phase-out for 100 percent Federal sharing by stating the phase-out applies to individuals who were paid EB for a week of unemployment “ending before” the date specified in statute. The words “ending before” are changed to “beginning before” to reflect the language of the Federal law. Q&A #7 in the original UIPL No. 12-09 correctly states and explains the law.
5. Interpretation. The information in this document is issued to the states and cooperating state agencies as guidance provided by the U.S. Department of Labor (Department) in its role as the principal in the EUC08 program. As agents of the Federal government, the states and cooperating state agencies may not deviate from this guidance without the prior approval of the Department. To the extent that the prior guidance (as outlined in #2, *References* above) is inconsistent with this UIPL, this UIPL supersedes that guidance.
6. Action Requested. Administrators are to provide this information and instructions to the appropriate staff.
7. Inquiries. Direct questions to the appropriate Regional Office.