

<b>Employment and Training Administration</b> <b>Advisory System</b> <b>U.S. Department of Labor</b> <b>Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> UI
	<b>CORRESPONDENCE SYMBOL</b> OWS DPM
	<b>DATE</b> October 13, 2005

**ADVISORY:** ET HANDBOOK NO. 301, 5<sup>th</sup> Edition, Change 1

**TO:** STATE WORKFORCE AGENCIES

**FROM:** CHERYL ATKINSON s/s  
 Administrator  
 Office of Workforce Security

**SUBJECT:** UI Performs: Benefits Timeliness and Quality (BTQ)  
 Nonmonetary Determinations Quality Review

1. Purpose. To announce a change to the instructions defining “reasonable attempts” to obtain critical information for the BTQ Nonmonetary Determinations Quality Review.
2. References. ET Handbook 301, 5<sup>th</sup> Edition, issued July 29, 2005, and Unemployment Insurance Program Letter (UIPL) No. 29-04, dated July 20, 2004.
3. Background. As part of a review of UI Performs, the Employment and Training Administration (ETA) convened a federal/state team to study and recommend changes to the BTQ Nonmonetary Determinations Quality Review. The work culminated in a number of recommended changes to the review which were issued for comment in UIPL No. 29-04, dated July 20, 2004. One of the recommendations incorporated into ET Handbook 301, 5<sup>th</sup> Edition, issued July 29, 2005, was a change to the definition of “reasonable attempt” to obtain critical information before issuing a nonmonetary determination for purposes of evaluating nonmonetary determination quality. The federal guideline for the earliest time at which a determination should be issued without the critical information having been received was changed from 48 hours to close of business the next business day. This change was intended to clarify the evaluation criterion.
4. Handbook Changes. After the revised handbook was issued, ETA learned that several states had set “close of business the next business day” as the maximum amount of time a party to a claim would be given to respond to a request for critical information. In some instances, this reduces the time interested parties have to respond from 48 hours to 24 hours. ETA has concluded that the recent change in the

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nonmonetary determination evaluation criteria has had the unintended consequence of restricting the ability of interested parties to provide critical information needed for accurate nonmonetary determinations. Therefore, for purposes of BTQ nonmonetary determination quality review, the earliest time at which a determination should be issued without critical information having been received is changed from “close of business the next business day” to the former 48 hour guideline.

5. Effective Date. This change is effective immediately. Because this change is being made in the middle of the quarter, nonmonetary determinations made during the quarter based on the “COB next business day” criteria will not be scored down during the next review.
6. Action. Administrators are requested to distribute the revised handbook page to appropriate nonmonetary determination BTQ staff.
7. Handbook Maintenance. Replace ET Handbook 301, 5<sup>th</sup> Edition, page V – 11, revised July 2005, with ET Handbook 301, 5<sup>th</sup> Edition, page V – 11, revised August 2005.
8. Inquiries. Address all inquiries to the appropriate regional office.
9. Attachment. ET Handbook 301, 5<sup>th</sup> Edition, page V – 11, revised August 2005.

If a claimant is advised by an automated system either by mail or by recorded message, that it is necessary to contact the SWA before benefits can be paid, it will be considered a reasonable attempt to obtain information.

Any deadline set for receipt of information before a determination is issued based on available evidence must be reasonable. Generally, if the information is being requested in writing by mail, this would be the number of days normally allotted by a SWA for other responses, e.g., 5 days, 7 days, or 10 days. If the information is being requested electronically, by telephone, E-mail, or fax, the deadline should **never be less than 48 hours**.

If a fax or e-mail has been successfully transmitted, it is treated as a telephone call for response time criteria.

For SWAs which notify claimants and employers in advance by mail/e-mail/fax that a factfinding interview will be held on a certain day during a specified time period, a reasonable attempt to obtain information will be considered to have been made if the notice advises: (1) the conditions under which the interview will be conducted, i.e., date, time, whether the interview will be in-person, by telephone, etc., (2) what options either party may pursue if unavailable on the scheduled date and/or time, and (3) that failure to participate will result in a decision based on the information on file.

For SWAs which do not schedule factfinding interviews in advance, and the adjudicator **did not speak with** the claimant, employer, or third party, a reasonable attempt is considered to have been made only if a:

- **written request** is mailed, e-mailed, or faxed to the claimant's, employer's, or third party's mailing address, e-mail address, or fax number of record advising the affected party that information is needed to determine an issue and that a failure to respond to the request by a certain date will result in a decision based on the information on file; or
- **telephone message** is left with a responsible party who agreed to deliver it to the claimant, employer, or third party or a message was left on an answering machine or voice mail advising the recipient to contact the agency by a certain date to respond to the request for information. The message must include a date by which the individual must respond.

A request for information which was mailed to the address of record and is returned by the U.S. Postal Service as undeliverable is considered a reasonable attempt. A request for information which is returned by the claimant, employer or interested party with insufficient or missing information is not considered a reasonable attempt. The SWA must attempt to obtain the needed information.