

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION EUC08
	CORRESPONDENCE SYMBOL OUI/DUIO
	DATE November 13, 2009

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 23-08, Change 5

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES /s/
Assistant Secretary

SUBJECT: Emergency Unemployment Compensation, 2008 (EUC08) - Program Expansion; EUC08 Second-Tier Expansion, and new EUC08 Third and Fourth-Tiers for States with Certain Levels of High Unemployment

1. Purpose. To advise states of further expansion of the EUC08 program and to provide operating and reporting instructions for implementation and administration.
2. References. The Worker, Homeownership, and Business Assistance Act of 2009 (Worker Assistance Act), Public Law No. 111-92, enacted on November 6, 2009, and Unemployment Insurance Program Letter (UIPL) Nos. 23-08 and 23-08, Changes 1, 2, 3, and 4.
3. Summary. The Worker Assistance Act expands the EUC08 program, for weeks of unemployment beginning after November 6, 2009, in the following ways:
 - It increases the maximum EUC08 Second-Tier entitlement from 13 weeks to 14 weeks of benefits in all states, and this Tier is no longer triggered on by a state reaching a specified rate of unemployment;
 - It creates an EUC08 Third-Tier providing up to 13 additional weeks of benefits (for a total of up to 47 weeks of EUC08) in states with a 13-week insured unemployment rate of at least 4 percent or a three-month average total unemployment rate of at least 6 percent;
 - It creates an EUC08 Fourth-Tier providing up to 6 additional weeks of benefits (for a total of up to 53 weeks of EUC08) in states with a 13-week insured unemployment rate of at least 6 percent or a three-month average total unemployment rate of at least 8.5 percent.

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In addition, there are two provisions regarding the coordination of benefits:

- A state may continue to pay Extended Benefits (EB), prior to EUC08 under the amendments made by the Worker Assistance Act, to individuals who were in EB claims status at the time of enactment of that Act, notwithstanding the state's prior election to pay EUC08 before EB.
- If a state determines that implementation of the increased entitlement to EUC08 Second-Tier (i.e., 13 to 14 weeks) would unduly delay prompt payment of EUC08, the state may elect to pay EUC08 Third-Tier prior to payment of the increased amount of EUC08 Second-Tier until such time as the state determines that the increased EUC08 Second-Tier may be paid without undue delay.

The expiration date and phase-out period described in UIPL No. 23-08, Change 4 has not changed. However, in applying the phase out, states will need to take into account that EUC08 Second-Tier no longer has a trigger and, for affected states, take into account the new EUC08 Third and Fourth-Tiers. Accordingly, if an individual exhausts EUC08 First-Tier on or before December 31, 2009, the individual may qualify for EUC08 Second-Tier. Further, if an individual exhausts EUC08 Second-Tier or Third-Tier on or before December 31, 2009, the individual may qualify for the next higher Tier, if an EUC08 Third-Tier or Fourth-Tier period (whichever is appropriate) is either then in effect or subsequently triggers "on" (even if that period triggers "on" after December 31, 2009). However, an individual may not move to the next (a higher) Tier if s/he exhausts an EUC08 Tier after December 31, 2009. (In states where the week ending date is a Saturday, the last week of potential eligibility would be the week ending December 26, 2009.)

4. Interpretation. The instructions in this document are issued to the states and cooperating state agencies as guidance provided by the Department in its role as the principal in the EUC08 program. States may not deviate from the operating instructions without the prior approval of the Department. The interpretations, policies, and procedures issued in this document supersede those previously issued in UIPL Nos. 23-08 and 23-08, Changes 1, 2, 3, and 4 to the extent of any inconsistencies.
5. EUC08 Agreements. The EUC08 program is administered through voluntary agreements between states and the U.S. Department of Labor. All states have agreements with the Secretary of Labor to administer the program and the existing agreements remain in effect; no new agreements are necessary.
6. Guidance. This document provides a set of questions and answers regarding the expansion of the EUC08 program and sets forth additional operating and reporting instructions to guide states in implementing and administering the program.
7. Notification. States must identify and notify all individuals who are potentially eligible for the additional or new entitlement to EUC08 Second-Tier. In addition, affected states must identify and notify individuals who are potentially eligible for EUC08 Third-Tier and EUC08 Fourth-Tier benefits. Also, states must ensure public knowledge of the program's expansion by notifying appropriate news media.

8. Action Requested. Administrators are requested to provide this information and instructions to the appropriate staff.
9. Inquiries. Direct questions to the appropriate Regional Office.
10. Attachment. Attachment A – Questions and Answers on the EUC08 Program Expansion
Attachment B – Worker, Homeownership, and Business Assistance Act of 2009