WorkSource Information Notice (WIN)

WorkSource Standards & Integration Division

☐ Policy Clarification | ☐ Q&A | ☑ Other

Number: WIN - 0028
Date: December 7, 2012
Expiration Date: N/A

TO: Workforce Development System Partners

FROM: Amy Smith, Deputy Assistant Commissioner

SUBJECT: Washington State's Unemployment Insurance Training Benefits Program

Purpose:

This WorkSource Information Notice (WIN) provides guidance on Washington State's Unemployment Insurance Training Benefits (TB) Program, including a summary of changes to the program outlined in a fact sheet (Attachment A). These changes are mandated by the Revised Code of Washington (RCW) 50.22.155 and Washington Administrative Code (WAC) 192-270 for new claims effective July 1, 2012 and after.

Action Required:

Workforce Development Councils (WDCs) and their contractors, as well as Employment Security Area Directors, must distribute this guidance broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

Partners are encouraged to rely on the Unemployment Insurance TB Program website for additional information about the program, including the application process.

Summary:

Attachment A provides a summary of the changes to the Unemployment Insurance TB Program effective July 1, 2012. WDCs, staff, and partners should refer to this fact sheet for specific guidance regarding changes to the program.

The definition of Dislocated Worker under the Unemployment Insurance TB Program should not be confused with Dislocated Workers under the Workforce Investment Act (WIA). The state definition of Dislocated Worker for the Unemployment Insurance Training Benefits Program is broader than the federal definition and applies specifically to that program. In the same way, the status of Dislocated Worker under WIA does not automatically qualify an individual for the Unemployment Insurance Training Benefits Program.

Note: changes to an approved training benefits plan constitutes a modification and could affect eligibility for training benefits and potentially Commissioner Approval of Training.

The WorkSource System is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge.

References:

- Washington State's Unemployment Insurance Training Benefits Program
- Chapter 50.22 RCW
- Chapter 192-270 WAC: Training Benefits

Website:

http://wpc.wa.gov/adm/policy

Direct Inquiries To:

WorkSource Policy Questions:

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Training Benefits Questions:

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Attachments:

Attachment A – Training Benefits (TB) Eligibility & Timeline Fact Sheet

Employment Security Department
WASHINGTON STATE

Training Benefits (TB) – Eligibility & Timeline Fact Sheet

What's it all about?

Some of the eligibility conditions of Training Benefits have changed because of legislation. In addition, the revised procedure returns the responsibility for completing the Training Benefits application to the claimant.

What are the details about TB changes?

Training Benefit application deadlines changed effective July 1, 2012 for claimants considered dislocated workers with an **E**ffective **D**ate of **C**laim (EDC) July 1, 2012 or later.

Dislocated Workers		
Application Deadline	**EDC Before to July 1, 2012**	**EDC July 1, 2012 and later**
	90 days from the date of notification*	Any time prior to the claimant's Benefit Year End (BYE) date
School Enrollment Deadline	120 days	Any time prior to the claimant's Benefit Year End (BYE) date
Full-time school enrollment	Yes	No – may attend part-time
Periods of eligibility	Can only collect Training Benefits once in five years	Five year restriction does not apply
Other Categories of Eligibility (military, low income, or disability)		
Application Deadline	**EDC Before to July 1, 2012**	**EDC July 1, 2012 and later**
	90 days from the date of notification*	90 days from the date of notification*
School Enrollment Deadline	120 days	120 days
Full-time enrollment	Yes	Yes
Periods of eligibility	Can only collect Training Benefits once in five years	Can only collect Training Benefits once in five years

*Date the claimant receives Unemployment Claims Kit or reopens a claim after working (plus 5 mailing days).

Which claimants are considered a Dislocated Worker (DW)?

Dislocated Worker definition EDC Before to July 1, 2012	**Dislocated Worker definition EDC of July 1, 2012 and later**
• Those who were fired (but not for misconduct) or laid off from their employer; and • Those with skills that are no longer in demand, so they are unlikely to get the same type of work again.	• Those who were laid off because their employer permanently reduced operations; or • Those who lost their job for a reason that we allow benefits and, because there are few employment opportunities in their type of work, are unlikely to get that same type of work again.

Note: Although a claimant may qualify as a dislocated worker, RCW 50.22.155 still requires

them to need job-related training to find suitable employment to qualify for Training Benefits (Dislocated Workers and July 1, 2012 changes).

Who else is eligible? Claimants who:

- Earned an average hourly wage in the claimant's base year that is less than 130 percent of the state minimum wage (130% of $9.04 per hour in 2012 = less than $11.75 per hour) and his/her earning potential will be improved through vocational training, or
- Served in the U.S. military or the Washington National Guard during the 12-month period prior to the application date or were honorably discharged from military service or the Washington national guard, and there is a need for job-related training to find suitable employment in the claimant's labor market, or
- Currently serving in the Washington National Guard and we decide there is a need for job-related training to find suitable work in the claimant's labor market, or
- There is a disability that prevents a return to work in the claimant's principal occupation and the claimant needs job-related training to find suitable employment in the claimant's labor market. Note: Eligible claimants that have a disability that prevents full-time attendance may also be approved for part-time school.

What else is different for claimants receiving Training Benefits? Claimants working part-time while receiving Training Benefits will have a different deduction formula applied to their weekly reported earnings when they are receiving training benefit dollars. Claimants will receive less of a deduction for their earnings during the time they are drawing Training Benefits. When a claimant is receiving regular benefits or Extended Unemployment Compensation or Extended Benefits payments the regular earnings deduction formula still applies.

What should I do? WorkSource staff will continue to provide claimants with the Training Benefits application, the checklist and general Training Benefits program information. If requested, staff will review the application for completeness, sign on page 8 and submit it with a Training Benefits checklist to the TB Unit.

What should I tell customers to expect? If there is a question about the claimant's eligibility for benefits, the UI Training Benefits Unit will contact the claimant for additional information.

Training Benefit Unit staff members make a formal determination allowing or denying Training Benefits or Commissioner Approved Training. The claimant will receive notification of the decision in the mail.

What about Commissioner Approved Training? The Commissioner Approved Training rules have not changed. There is no provision for part-time training under Commissioner Approved Training, regardless if the claimant is a dislocated worker. If a claimant is a dislocated worker as defined under Training Benefits, but is not approved for Training Benefits and submitted a training plan that indicates part-time training, the claimant cannot be approved for Commissioner Approved Training.

What about modifications to training plans? Any change to a training plan, including attending part-time, may affect the eligibility for Training Benefits and Commissioner Approved Training. The Training Benefits Unit staff must make a formal determination allowing or denying any modification to a training plan. The claimant will receive notification of the decision in the mail. If you have questions, please contact Terri Barbee at (360) 407-1333 or Jan Oswold at (360) 407-1364.