

Washington State WorkSource Information Notice (WIN)

WIN Number: WIN 0090, Change 2

WIN Title: Assisting Unemployment Insurance Claimants in WorkSource Offices

Date: May 31, 2022

Expiration: N/A

Purpose:

To provide guidance to Employment Connections (EC) and other WorkSource partner staff on what they can and cannot do to assist Unemployment Insurance (UI) claimants in WorkSource offices.

Change 2 updates Federal guidance references, provides additional examples, and clarifies the difference between meaningful UI assistance and general UI informational assistance.

Action Required:

Local Workforce Development Boards and contractors, as well as Employment Security Regional Directors, must distribute this guidance broadly throughout the system to ensure that WorkSource (One-Stop) System staff are familiar with its content and requirements.

Content:

UI claimants can receive a variety of assistance when visiting WorkSource offices. WorkSource (one-stop) staff well-trained in UI subject matter such as claimant rights and responsibilities, UI issue detection and reporting and basic claims filing (e.g. designated Employment Security Department UI Ambassadors or trained Remployment Services and Eligibility Assessments (RESEA) funded staff) can provide *Meaningful UI Assistance* as outlined in this WIN. Any one-stop staff, including staff well-trained in UI subject matter, can provide access to general information as outlined in this WIN and use the *Provided Workforce Information (2.0)* service from the WorkSource Services Catalog.

Examples of Meaningful UI Assistance is when properly trained staff in one-stop centers provide UI basic claims filing assistance, facilitate direct access to the UI Claims Center, escalate hardship requests, reopen basic claims or provide information beyond that which is readily available. This includes coordinating access to the UI Claims Center for claimants who request language assistance or use of auxiliary aids.

No one-stop staff, which includes ESD merit (state government) staff in one-stop environments, should serve as interpreters of UI laws and regulations. "Interpreting" in this context refers to explaining the meaning of law, rule or policy based on one's personal opinions or beliefs.

Washington state does not permit individuals to have someone else file unemployment claims on their behalf. [WAC 192-110-150](#) requires claimants to personally certify on the initial application and weekly claims that the information the claimant has provided to the Department is correct. **Under no circumstances should one-stop staff assist UI claimants by inputting information into eServices, interpret correspondence or answer questions verbally or in writing on behalf of claimants** (“Interpret” in this context refers to explaining the meaning of something based on one’s personal opinions or beliefs.). The [Handbook for Unemployed Workers](#) instructs claimants to not share their password or Personal Identification Number (PIN) with anyone, including staff. Additionally, staff may not lead nor coach claimants on how to respond to UI questions. Staff must refrain from providing any guidance to UI claimants that could potentially affect their eligibility. Discretion and integrity in the program must be exercised at all times.

One-stop system staff who are not properly trained as described in the first paragraph may assist a claimant by taking rote acceptance of information. Rote acceptance is merely the acceptance of information to be relayed to government employees who process claims (e.g. claims center staff) and does not involve the exercise of substantial discretion ([UIPL 12-01, Change 1](#)). General or informational assistance to claimants (including Training Benefits claimants) will most often fall under the service category of *Provided Workforce Information (2.0)* in the [WorkSource Services Catalog](#). This kind of assistance, as well as rote acceptance of information, encompasses, but is not limited to, these types of informational guidance:

1. Helping an individual understand the claims filing process,
2. Explaining the meaning of a question,
3. Educating customers on where to locate information referenced in UI correspondence,
4. Giving individuals general information about their responsibilities as a claimant,
5. Directing claimants to online tools and resources, such as the Handbook for Unemployed Workers, eServices or ESD.WA.GOV,
6. Referring customers to a dedicated phone line for UI help,
7. Guidance regarding their work search requirements,
8. Assistance with navigating technology to establish a Secure Access Washington (SAW) or eServices account,
9. Faxing agency documents to the appropriate department at the claimant’s request,
10. Help navigating training available through state approved training/education providers, and
11. Information regarding available reemployment, training or supportive services within the WorkSource system or community.

These functions are informational in nature and are not directly connected to determining the claimants’ initial or continued eligibility for benefits nor does it involve more extensive assistance from a staff person who has a higher level of UI-related training. Any staff, including those well-trained in UI may provide general informational assistance to claimants and use the *Provided Workforce Information (2.0)* service in the state MIS. For example customer scenarios, see [attachment A](#).

Employment Services Wagner-Peyser staff assisting UI claimants are required to notify the UI Claims Center via Report of Potential Issue (RPI) with any information about potential UI eligibility issues such as a claimant’s ability to work, availability for work, or the suitability of work the claimant is seeking or being offered ([20 CFR 652.210 \(b\)\(3\)](#)). RPI’s must be submitted the same day the issue is detected. ([ETA Handbook 301 5th](#))

Staff are encouraged to use the references cited in this WIN for more detailed information about carrying out appropriate activities. Additionally, staff should be familiar with the [WorkSource Services Catalog](#) which provides definitions of the services available in the state MIS as well as the corresponding WIOA citations that pertain to the service descriptions. WorkSource Information Notice [0027](#), change 4 provides guidance on assisting customers with accessing eServices.

References:

- [Social Security Act, Section 303 \(a\)\(1\)](#)
- [OMB Circular A-76 \(2003\)](#)
- [Unemployment Insurance Program Letter \(UIPL\) 12-01](#)
- [Unemployment Insurance Program Letter \(UIPL\) 14-18](#)
- [Training and Employment Guidance Letter \(TEGL\) 19-16](#)
- [Training and Employment Guidance Letter \(TEGL\) 16-16](#)
- [20 CFR 652.209](#)
- [20 CFR 652.210](#)
- [20 CFR 678.430](#)
- [ETA Handbook 301 5th - Issue Detection Date](#)
- [RCW 42.52](#)
- [WAC 192-110-005](#)
- [WorkSource Information Notice \(WIN\) 0027 \(Rev4\) Assisting Customers in Using the UI Claimant Website](#)
- [ESD Handbook for Unemployed Workers](#)

Website:

[Workforce Professionals Center](#)

Direct Inquiries To:

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Attachments:

[Attachment A](#) – Example scenarios

Attachment A

Example 1: Donna is a UI claimant, applied for Training Benefits (TB) and was denied due to enrolling in a training program that is not in demand. Donna visits her local WorkSource to get information on filing an appeal. Staff can show her where to locate the [How to File an Appeal](#) instructions on ESD.WA.GOV. Staff can remind Donna that she has the right to make an argument that her training field is in demand, and can inform her of websites where she can research career and training information (LMI information page, ONET online, local workforce development board website, Career Bridge Washington in demand page, etc.) but staff cannot help her craft the argument. Staff can inform her where she needs to send the appeal or even fax it for her. Donna can ask staff to review her appeal packet to verify that she has included all required information and tell her if she missed anything. Staff may only review to ensure all required information is included that is listed on the How to File an Appeal site, but may not make suggestions on the content. Staff would take the Provided Workforce Information (2.0) service in the state MIS.

Example 2: Mariana comes to WorkSource because she received a letter denying her TB for failure to submit a TB modification request when she switched her training program. Staff can help Mariana understand the rules regarding modifying an already-approved training plan, provide her with the contact information for the TB unit, and can remind her that she has the right to appeal, but cannot help her craft the argument. Staff can also offer to fax the document to the TB unit or show her how to use resource room computers to upload the document into her eServices account. Staff would take the Provided Workforce Information (2.0) service in the state MIS.

Example 3: Yelena comes to WorkSource because she was denied UI benefits and wants to talk with someone about how to appeal her denial as she has been unable to get through to the Claims Center. WorkSource staff can show her where to locate the [How to File an Appeal](#) instructions on ESD.WA.GOV. They can explain what information/documents need to be included in her appeal and even offer to review her appeal packet to ensure all required documents are included. Staff can also fax the documents for her. Staff cannot coach or provide suggestions on what Yelena should say in her appeal. Staff would take the Provided Workforce Information (2.0) service in the state MIS.

Example 4: Mo comes into WorkSource because they received a letter from UI. Mo asks to speak with a staff member and tells staff they do not read or write in any language and needs help understanding the letter they received. They open and file weekly claims over the phone and don't use a computer. Mo explains claim center staff advised them to go to their local WorkSource for assistance. WorkSource staff may read the letter to Mo (word for word) and answer questions about what certain words mean, but may not give a personal opinion about what Mo should do. Mo states they understand what the letter said but do not agree with the decision. Staff can read the Appeal Rights section in the Unemployed Worker Handbook and on the letter, which states appeals may be filed via eServices, via fax or US mail. Mo decides they wish to appeal, but since they cannot read or write, asks staff to write the appeal for them. Staff can transcribe, word for word, what Mo gives as their reason for appealing the decision letter, but cannot paraphrase, re-word phrases or explanations other than direct word for word transcription. Staff then reads the letter back to Mo, and has them sign the appeal letter. Staff should include a note and their signature at the bottom of the statement. Staff will then fax the appeal and input a detailed note in the UTAB system explaining the circumstance. Staff would then take the Provided Workforce Information (2.0) service the state MIS.

Example 5: Mikhail brings his English language UI letters to the front desk, but Mikhail speaks Russian and very little English. He cannot read English. He doesn't understand why his benefits were denied and needs to speak with a claims center representative. Mikhail meets with the EC UI

Ambassador and using the Language Line (or a Russian speaking staff person), the Ambassador explains to Mikhail what a call-back appointment is and that they can schedule Mikhail for such an appointment. The Ambassador schedules a claims center call-back with a Russian interpreter. The Language Line interpreter (or Russian speaking staff person) provides Mikhail with his call-back appointment time and explains how to be prepared for the appointment. The EC UI Ambassador then takes the Meaningful UI Assistance service in the state MIS.

Example 6: Ceasar is meeting with a staff person to discuss WorkSource re-training programs. During the discussion the staff person explains that he will need to complete either a CAT or TB application, depending on what type of training he decides to enroll in. Staff explain that if approved for CAT or TB he will be exempt from looking for work. Ceasar states that he's certain that he wants to go back to school, so he hasn't been looking for work to give him more time to focus on researching retraining options. He states that he's just making up jobs when he completes his weekly claims in eServices. The staff person reminds Ceasar of the weekly job search requirements and where he can find the Handbook for Unemployed Workers on the ESD website. Staff also explain that they are required to notify the claims center that he has not been legitimately searching for work. Staff explain they are required to report all potential issues, such as not searching for work, to the claims center indicating that Ceasar may not be in compliance with his weekly work search requirement. Staff inform Ceasar that a questionnaire may be sent to him from UI, he will need to respond by the due date and that all decisions are made by UI. Staff complete the RPI with detailed information, submit it as indicated on the form and enter a note in UTAB. Staff would then take the Provided Workforce Information (2.0) service in the state MIS.

Example 7: Kris comes to WorkSource to seek assistance in understanding why they were denied UI benefits. Kris disagrees with the denial but also doesn't fully understand the denial because they received multiple determination letters which confused them. Kris would like a staff person to explain the denial. They meet with a staff person who looks at their claim in UTAB. The staff person has some basic UTAB/UI knowledge and can tell that there are a number of issues on the claim and some of them appear to be complex. The staff person tells Kris that they will need to get a more knowledgeable staff person to assist and explains why. They contact the EC UI Ambassador who also looks at the claim along with the notes and determines that the issues are more complex than they are trained to interpret and provide guidance on. The EC UI Ambassador explains this to the claimant and offers to schedule them a call-back from a claims center representative. The EC UI Ambassador would then take the Meaningful UI Assistance service in the state MIS.

Example 8: Drew goes to WorkSource and tells the front desk that she has a pending issue with UI, submitted her questionnaire responses, but she hasn't heard back from them. She wants to know what the status is and if there is anything else she should do. She also hasn't filed her weekly claim since she submitted her responses because she thought she was supposed to wait for a decision from UI. An EC UI Ambassador meets with Drew, reviews her claim in UTAB and sees that it is still in the adjudication process and that she has missed a few weeks of filing and needs to reopen her claim. The EC UI Ambassador can let Drew know that it is still in the adjudication process and that there is nothing else that needs to be done until that process is complete and should also reopen her claim. Staff would then take the Meaningful UI Assistance service in the state MIS.

Example 9: Steve is in the resource room filing for unemployment benefits. He doesn't know how to answer the question of why he left his employment and asks staff how he should answer. He describes the circumstances of his separation from employment and wants to know if that situation would be considered a lay-off, quit, or fired. Staff take Steve to their desk to show him where to find definitions and other helpful information on job separation categories on the ESD website. They can explain to him what it means to separate from employment and what the different separation definitions are, but they cannot tell him what they believe the correct choice should be. Staff should tell Steve to complete the UI application to the best of his ability and he can include additional details when he responds to the Request for Separation Information (RSI) questionnaire he will be receiving. Staff would take the Provided Workforce Information (2.0) service in the state MIS.

Example 10: Ji-Hye meets with a WorkSource staff member to learn about all the services available and to get some tips on looking for work. She also asks some questions about whether she should fill out a hard copy job log if she's already entering her job searches in eServices. Staff confirm that in addition to eServices she is still responsible to maintain her own copies of her weekly job logs, whether in an electronic or paper format. During the discussion she asks the staff person how she should fill out a job log for the two weeks last month that she was on vacation and didn't look for work. She states that during those two weeks she filed her weekly claims by phone so she wasn't asked to input any work searches. The staff person explains that Ji-Hye has rights and responsibilities as a claimant and she certifies each week she claims that she is doing the required job search and she is able, available and actively seeking work. Staff ask her if she is familiar with where to find the Unemployed Worker Handbook. Staff then explain to Ji-Hye that they must submit a report of potential issue (RPI) to UI and that UI will be sending Ji-Hye a questionnaire to complete. Staff will explain why they have to submit the RPI and that all final decisions are made by UI. Staff would then take the Provided Workforce Information (2.0) service in the state MIS.