

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



October 28, 2020

Sent Via Email: foia@americanoversight.org

Mr. Austin R. Evers
Executive Director
American Oversight
1030 15th Street, N.W.
Suite B255
Washington, D.C. 20005

RE: Freedom of Information Act (FOIA) Request
FOIA Tracking No. 892943

Dear Mr. Evers:

This is in response to your Freedom of Information Act (FOIA) request dated May 29, 2020, and referred to the Employment and Training Administration (ETA), Office of Correspondence, Communication, and Coordination (OCCC) on June 2, 2020. Your request was assigned FOIA Tracking No. 892943. You requested the following:

All email correspondence (including emails, email attachments, complete email chains, calendar invitations, and attachments thereto) between (1) the officials listed below and (2) the office of Senator Mitch McConnell, any representative of Senator McConnell or his campaign, and/or any person working in Senator McConnell's office, including but not limited to any person communication from an email address ending in @mcconnell.senate.gov or in @teammitch.com.

- a) Secretary of Labor Eugene Scalia
- b) Former Secretary of Labor Alexander Acosta
- c) Deputy Secretary of Labor Patrick Pizzella
- d) Center of Faith and Opportunity Initiatives, Mark Zelden
- e) David G. Zatezalo, Assistant Secretary of Mine Safety and Health
- f) John P. Pallasch, Assistant Secretary of Employment and Training
- g) Bob Bozzuto, Assistant Secretary of Public Affairs
- h) Anyone serving as White House liaison or their deputy
- i) Anyone communicating on behalf of any of the above officials, such as chief of staff, assistant scheduler

for the time period November 1, 2018 to the date the search is conducted.

The Employment and Training Administration, OCCC conducted a search for responsive documents, both hard-copy and electronic, using the Correspondence Tracking System (CTS),

which came online in January 2018. A CTS search located ETA records that are responsive to your request. In addition, ETA had the Office of the Chief Information Officer (OCIO) perform a search for emails to and from Assistant Secretary John P. Pallasch, and located responsive records. An ETA search located 182 pages of responsive documents. After reviewing these records, we have determined that the records can be released in part pursuant to FOIA Exemptions 5 and 6. 5 U.S.C § 552(b)(5) and 5 U.S.C § 552(b)(6).

Exemption 5 protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency.” 5 U.S.C. § 552(b)(5). The deliberative process privilege, incorporated within Exemption 5 is used to “prevent injury to the quality of agency decisions.” As a threshold issue, the responsive records at issue are intra-agency records. All of these records were created within the Department of Labor, Employment and Training Administration (ETA). ETA invoked the deliberative process privilege under Exemption 5 to withhold the responsive records at issue.

The responsive records consist of emails, and attachments. Therefore, ETA is protecting the documents on the basis that disclosure would inhibit the drafters of the documents from freely exchanging ideas, language choice, opinions, recommendations and their comments in drafting documents and participation in meetings. Moreover, release would likely stifle honest and frank communication within the agency. In addition, releasing these pre-decisional documents in their entirety could also cause foreseeable harm by providing the public with possible confusing and/or erroneous information.

Exemption 6 protects all information about individuals in “personnel and medical files and similar files,” where the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” In determining whether a particular disclosure would constitute an unwarranted invasion of personal privacy, The Employment and Training Administration must balance the public’s right to disclosure against the individuals’ right to privacy. The determination as to whether the disclosure of private information is required under Exemption 6 does not rest on the identity of the requester or on the particular purpose for which the record is sought, but on the nature of the information requested and its relationship to the core purpose for which Congress enacted the FOIA: to shed light on an agency’s performance of its statutory duties. Therefore, we have determined that the individual cell phone numbers must be withheld pursuant to FOIA Exemption 6. The release of this information would not shed any light on government activities. Therefore, the privacy interest outweighs the public interest in release of this information, and this information is properly withheld under FOIA Exemption 6. 5 U.S.C. § 552(b)(6).

If you need further assistance or would like to discuss any aspect of your request, you may contact Maria Sanders, ETA’s FOIA Program Manager, at 202-693-3101; or DOL’s FOIA Public Liaison: Mr. Thomas Hicks, Esq. at 202-693-5427, or via e-mail at Hicks.Thomas@dol.gov.

If you are not satisfied with the response to this request, you may appeal my decision to the Solicitor of Labor. You may file an appeal of this decision with the Solicitor of Labor within 90 calendar days of the date of this letter. Address your appeal to the following office:

Solicitor of Labor
U.S. Department of Labor
Division of Management and Administrative Legal Services
200 Constitution Avenue, NW.
Room N-2420
Washington, D.C. 20210

Your appeal may also be emailed to FOIAAppeal@dol.gov. Appeals submitted to any other address will not be accepted. Your appeal must state in writing the grounds for the appeal. It should also include a copy of the original request, the response to your request, and any other supporting statement or arguments. The appeal letter, the envelope, and the e-mail subject line, should be clearly marked **“Freedom of Information Act Appeal.”**

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001, E-mail: ogis@nara.gov, Web: <https://ogis.archives.gov>, Telephone: 202-741-5770, Fax: 202-741-5769 or Toll-free: 1-877-684-6448.

It is important to note that the services offered by OGIS, is not an alternative to filing an administrative FOIA appeal.

Sincerely,

Stephanie Fichter, Director
Disclosure Officer
Office of Correspondence, Communication, and Coordination
Employment and Training Administration

Enclosure (182 pages)



NOV 22 2019

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Senator McConnell:

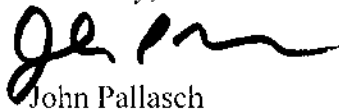
Thank you for your letter in support of an application from the University of Louisville in response to the Funding Opportunity Announcement (FOA) for Apprenticeships: Closing the Skills Gap, FOA-ETA-19-09. This grant program is designed to promote apprenticeships as a significant workforce solution in filling current middle- and high-skilled job vacancies and closing the skills gap between employer workforce needs and the skills of the current workforce.

For grant competitions administered by the Employment and Training Administration, applications received by the closing date undergo an initial screening to ensure they meet basic responsiveness requirements. Applications that successfully address these requirements will proceed to a merit review panel to be evaluated against the criteria described in the FOA, as published on www.grants.gov.

Grant award decisions will be made based on the panel's rating in conjunction with other factors specified in the FOA, such as geographical balance and the availability of funds. At any time in the process, if an application is no longer being considered, the applicant will receive a notification from the Grant Officer. All remaining applicants will be notified of the results of the competition after the review and selection process is completed in early 2020.

If you have any questions, please contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,



John Pallasch



MAR 01 2019

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter supporting the National Dislocated Worker Grant (DWG) funding request submitted by the Eastern Kentucky Concentrated Employment Program (EKCEP). Your letter was forwarded to the Employment and Training Administration (ETA) for response.

EKCEP's request seeks additional DWG funding, as authorized by the Workforce Innovation and Opportunity Act, to continue to provide employment and training services to workers impacted by layoffs from businesses affected by the decline of the coal mining industry in the eastern portion of Kentucky.

ETA received the grant request on January 17, 2019, and today granted additional funding. Both the applicant and your office will be simultaneously notified of the results.

If you have any questions, please contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,

Molly E. Conway / by WNR

Molly E. Conway
Acting Assistant Secretary

United States Senate

February 15, 2019

The Honorable Alexander Acosta
Secretary
United States Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Dear Secretary Acosta:

I write on behalf of my constituents at the Eastern Kentucky Concentrated Employment Program (EKCEP) regarding their competitive grant application with the U.S. Department of Labor's Community Impact Dislocated Worker Grant program (NDW-KY-LM-18-001).

As you know, over the last several years, Eastern Kentucky has faced serious economic challenges, resulting in the loss of thousands of high-wage jobs for Kentuckians. Those lost jobs have had a damaging and wide-reaching impact on workers and families in the region, which has exponentially devastated the local economy. As such, I have been proud to support current competitive grant funding awarded from your Department to EKCEP, which allows the organization to provide essential re-employment and training services—including for those related to advanced manufacturing—to my constituents in the region who have lost jobs as a result of the decline in the local economy.

It is my understanding this funding will serve all dislocated workers other than coal miners, who benefit from other, targeted grants. These funds are important to our ongoing efforts to assist dislocated workers with transitioning into new opportunities and careers, diversify our region's economy, support the workforce needs of successful economic development efforts, and help current businesses avoid layoffs.

As you may also be aware, due to high rates of poverty in the region, the federal government designated parts of Southeastern Kentucky as a "Promise Zone." As such, this funding would help EKCEP serve and support communities in economically distressed areas of Southeastern Kentucky, including those in Kentucky's Promise Zone.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure every tax dollar is spent wisely. It is with this in mind that I draw your attention to EKCEP's request, which I believe merits your full and fair review.

Thank you for your attention to this important matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



MAR 04 2019

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter supporting the National Dislocated Worker Grant (DWG) funding request submitted by the Eastern Kentucky Concentrated Employment Program (EKCEP) to continue providing employment and training services to workers dislocated from the coal mining industry. Your letter was forwarded to the Employment and Training Administration (ETA) for response.

ETA received the grant modification request seeking additional funding for this project on January 31, 2019, and is currently evaluating the request against established funding requirements. Upon completion of the review, both the applicant and your office will be notified of the results.

If you have any questions, please contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,

A handwritten signature in black ink that reads "Molly E. Conway".

Molly E. Conway
Acting Assistant Secretary

United States Senate

February 15, 2019

The Honorable Alexander Acosta
Secretary
United States Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Dear Secretary Acosta:

I write on behalf of my constituents at the Eastern Kentucky Concentrated Employment Program (EKCEP) supporting their request for an extension of their Mining Industry National Displaced Worker Grant (DW-30266-17-60-A-21) through the U.S. Department of Labor.

As you know, coal miners in the Commonwealth—in Eastern Kentucky in particular—have suffered enormously over the last several years, the result of which has been the loss of thousands of high-wage jobs in a region facing serious economic challenges. Those lost coal jobs have had a negative and wide-ranging impact on workers and families in the region, as well as on the local economy. I have been proud to support current competitive grant funding awarded from your Department to EKCEP, which allows the organization to provide essential re-employment and training services—including for those related to advanced manufacturing—to my constituents in the region who have lost jobs as a result of the decline in the coal industry. It is my understanding the funding from this grant exclusively serves dislocated coal mine workers.

As you may also be aware, due to high rates of poverty in the region, the federal government designated parts of Southeastern Kentucky as a “Promise Zone.” As such, this funding would help EKCEP serve and support communities in economically distressed areas of Southeastern Kentucky, including those in Kentucky’s Promise Zone.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure every tax dollar is spent wisely. It is with this in mind that I draw your attention to EKCEP’s request, which I believe merits your full and fair review.

Thank you for your attention to this important matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd

AUG 30 2019

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Senator McConnell:

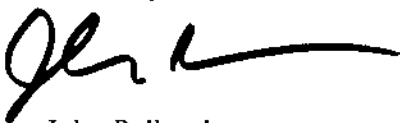
The U.S. Department of Labor (Department) received your correspondence regarding the Job Corps program and proposed changes to the Job Corps Civilian Conservation Centers (CCC). The U.S. Department of Agriculture's (USDA) Forest Service (FS) operates the CCCs. Your correspondence was forwarded to the Employment and Training Administration (ETA) for response.

The USDA notified the Department by letter, dated May 24, 2019, of its intent to terminate its role in the Job Corps program. The transition of CCC operations to the Department would allow USDA to focus on and prioritize its core natural resource mission of improving the condition and resilience of the nation's forests. As a result of USDA's letter expressing its intent, the Department proposed to continue operations at 15 of the CCCs by procuring new center operators or entering into state or other partnerships. The Department also proposed to deactivate nine of the CCCs. The Department created this proposed path forward after it considered, among other things, the performance, internal controls, capacity and proximity, costs, and ongoing needs of each CCC. A *Federal Register* Notice (Notice) was published on May 30, 2019, announcing the Department's proposed deactivation of nine CCCs.

After hearing from Members of Congress, the public, and other stakeholders about their concerns, the USDA reconsidered its decision to terminate its role in the Job Corps program. Therefore, on June 27, 2019, the Department withdrew its May 30 Notice, and the FS resumed normal operations of all 24 CCCs at that time.

If you have any questions, please feel free to contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,



John Pallasch

MITCH McCONNELL

5754

MAJORITY LEADER

UNITED STATES SENATE
WASHINGTON, DC 20540-5100
202-224-3121

United States Senate

OFFICE
ADMINISTRATIVE
AFFAIRS
FILES AND ADMINISTRATION

June 5, 2019

The Honorable Alexander Acosta
Secretary
United States Department of Labor
200 Constitution Avenue NW
Washington, DC 20210-0001

Dear Secretary Acosta;

I write regarding the U.S. Department of Labor's (DOL) recent announcement that the U.S. Department of Agriculture (USDA) intends to transition operation of the Job Corps Civilian Conservation Centers (CCC) from the U.S. Forest Service (Forest Service) to DOL that would result in the closure of both the Frenchburg CCC and Pine Knot CCC. I am also told this action would negatively impact employees and operations at the Great Onyx CCC, a center DOL anticipates would continue under a new contract operator. I oppose this proposal which could impact over 100 workers in my home state of Kentucky, and I ask that you reconsider.

As you know, DOL's Job Corps program plays an important role in educating and training our nation's disadvantaged youth. This is especially true in rural and economically depressed areas throughout the nation, including in areas of Kentucky served by these CCCs. According to the DOL's Bureau of Labor Statistics, Edmonson, Menifee and McCreary counties—where these centers are located—have unemployment rates above the national average. McCreary County, meanwhile, is one of the poorest counties in the nation, where a majority of households earn less than \$20,000 per year. Accordingly, I am opposed to DOL's recent proposal that would not only negatively impact workers at these centers, but also students served by them. My concern is further heightened by the fact that Kentucky is the only state with more than one CCC slated for termination.

In light of the adverse impact this proposal would have on my constituents and those communities, I ask that you reconsider.

Thank you for your attention to this important matter, and I look forward to your prompt response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/qs

cc: Sonny Perdue, Secretary, U.S. Department of Agriculture

MITCH McCONNELL

MAJORITY LEADER

U.S. SENATOR
WASHINGTON, DC 20540-5000
202-224-2441

United States Senate

COMMITTEE ON
AGRICULTURE,
FORESTRY AND
CONSERVATION
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, DC 20250-0002

June 5, 2019

The Honorable Sonny Perdue
Secretary
United States Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-0002

Dear Secretary Perdue:

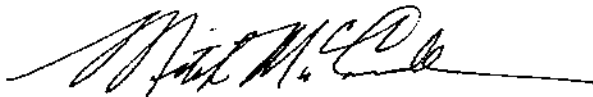
I write regarding the U.S. Department of Labor's (DOL) recent announcement that the U.S. Department of Agriculture (USDA) intends to transition operation of the Job Corps Civilian Conservation Centers (CCC) from the U.S. Forest Service (Forest Service) to DOL that would result in the closure of both the Frenchburg CCC and Pine Knot CCC. I am also told this action would negatively impact employees and operations at the Great Onyx CCC, a center DOL anticipates would continue under a new contract operator. I oppose this proposal which could impact over 100 workers in my home state of Kentucky, and I ask that you reconsider.

As you know, DOL's Job Corps program plays an important role in educating and training our nation's disadvantaged youth. This is especially true in rural and economically depressed areas throughout the nation, including in areas of Kentucky served by these CCCs. According to the DOL's Bureau of Labor Statistics, Edmonson, Menifee and McCreary counties—where these centers are located—have unemployment rates above the national average. McCreary County, meanwhile, is one of the poorest counties in the nation, where a majority of households earn less than \$20,000 per year. Accordingly, I am opposed to DOL's recent proposal that would not only negatively impact workers at these centers, but also students served by them. My concern is further heightened by the fact that Kentucky is the only state with more than one CCC slated for termination.

In light of the adverse impact this proposal would have on my constituents and those communities, I ask that you reconsider.

Thank you for your attention to this important matter, and I look forward to your prompt response.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/qs

cc: Alexander Acosta, Secretary, U.S. Department of Labor

Ellis-Davis, Rhondra - EXECSEC

From: Executive Secretariat
Sent: Thursday, June 6, 2019 10:32 AM
To: Ellis-Davis, Rhondra - EXECSEC
Cc: Cassidy, Sybil - EXECSEC
Subject: FW: DOL/ USDA Call Regarding Job Corps Centers in KY
Attachments: McConnell Ltr to DOL Jobs Corps.pdf; McConnell Ltr to USDA Job Corps.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Almanza, Margie A - OCIA <Almanza.Margie.A@dol.gov>
Sent: Thursday, June 6, 2019 10:10 AM
To: Executive Secretariat <m-Executive.Secretaria@dol.gov>
Cc: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>
Subject: FW: DOL/ USDA Call Regarding Job Corps Centers in KY

ExecSec, please control in CTS.

From: Swafford, Andrew (McConnell) <Andrew_Swafford@mcconnell.senate.gov>
Sent: Thursday, June 6, 2019 9:51 AM
To: Almanza, Margie A - OCIA <Almanza.Margie.A@dol.gov>; Richards, Max (McConnell) <Max_Richards@mcconnell.senate.gov>; Scholtz, Quentin (McConnell) <Quentin_Scholtz@mcconnell.senate.gov>
Cc: Wong, Veronica - OSEC, Washington, DC <Veronica.Wong@usda.gov> <Veronica.Wong@usda.gov>; Bunning, Katelyn (McConnell) <Katelyn_Bunning@mcconnell.senate.gov>
Subject: DOL/ USDA Call Regarding Job Corps Centers in KY

Hi Folks,

In preparation for our call today, I wanted you to have the attached letters from the Leader.

Thank you,

(b)(6) **Andrew M. Swafford**
Director of Projects and Counsel
Office of Senator Mitch McConnell
317 Russell Senate Office Building
p: [REDACTED]



SEP 06 2019

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter in support of an application from the Fletcher Group in response to the Funding Opportunity Announcement (FOA) for Workforce Opportunity for Rural Communities (WORC) grants, FOA-ETA-19-08. WORC grants enable rural communities impacted by economic transition and recovering slowly to develop local and regional workforce development solutions that align with existing economic development strategies and community partnerships for the purpose of promoting new sustainable job opportunities and long-term economic vitality.

For grant competitions administered by the Employment and Training Administration, applications received by the closing date undergo an initial screening to ensure they meet basic responsiveness requirements. Applications that successfully address these requirements will proceed to a merit review panel to be evaluated against the criteria described in the FOA, as published on www.grants.gov.

Grant award decisions will be made based on the panel's rating in conjunction with other factors specified in the FOA, such as geographical balance and the availability of funds. At any time in the process, if an application is no longer being considered, the applicant will receive a notification from the Grant Officer. All remaining applicants will be notified of the results of the competition after the review and selection process is completed in the fall of 2019.

If you have any questions, please contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,

John Pallasch

MITCH McCONNELL
KENTUCKY

317 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510 1702
(202) 724-2541

United States Senate

MAJORITY LEADER
COMMITTEES
AGRICULTURE
APPROPRIATIONS
RULES AND ADMINISTRATION

August 20, 2019

Mr. Patrick Pizzella
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Acting Secretary Pizzella:

I write on behalf of my constituents with Fletcher Group, Inc. regarding their competitive grant application with the Department of Labor, Employment and Training Administration's (DOL-ETA) Workforce Opportunity for Rural Communities (WORC) grant program.

It is my understanding Fletcher Group will use this funding to help individuals recovering from substance abuse disorder (SUD) transition into the workforce and obtain meaningful employment. Through its Recover, Hope, Opportunity and Resiliency (RHOAR) Force program, I am told Fletcher Group will provide training and support for persons in recovery and integrate them with a strong network of employers. My constituents inform me this initiative will help bridge the gap between completing a recovery program and becoming productive members of the workforce.

Substance abuse has taken a major toll on Kentucky communities. Many of the counties in this project's focus have been designated by the federal government as economically distressed. As such, I am proud to support efforts by organizations such as Fletcher Group to alleviate this problem.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure every tax dollar is spent wisely. It is with this in mind that I draw your attention to Fletcher Group's application, which I believe merits your full and fair review.

Thank you for your attention to this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd

RECEIVED
FBI AUG 27 AM 9:02
OFFICE SECRETARIAT
DEPT. OF LABOR
WASHINGTON, D.C. 20210

FEDERAL BUILDING
241 EAST MAIN STREET
FLORENCE, KY 40302
BOWLING GREEN, KY 42101
(779) 744-1675

1885 OXFORD HIGHWAY
SUITE 348
FLORENCE, KY 40301
(859) 574-0383

771 COLLEGE DRIVE
SUITE 108
LEXINGTON, KY 40503
(859) 274-8280

300 SOUTH MAIN
SUITE 310
LEXINGTON, KY 40504
(605) 864-2025

601 WEST BROADWAY
SUITE 600
LOUISVILLE, KY 40202
(502) 582-8300

100 FORTY-ONE AVENUE
SUITE 300
PADUCAH, KY 42001
(270) 242-4554

AMERICAN
OVERSIGHT

DOL-20-1353-A-000011

UNITED STATES SENATE
WASHINGTON, DC 20510-1702
OFFICIAL BUSINESS

Michael M. McConnell
U.S.S.



FCM

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1ST C STREET NE
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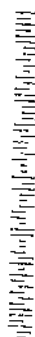
SHIP MR. PATRICK PIZZELLA, ACTING SECRETARY
TO US DEPARTMENT OF LABOR
200 CONSTITUTION AVE NW
WASHINGTON, DC 20210-0002



FLA

Office ID

1702





NOV 22 2019

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Senator McConnell:

Thank you for your letter in support of an application from Maysville Community and Technical College in response to the Funding Opportunity Announcement (FOA) for Apprenticeships: Closing the Skills Gap, FOA-ETA-19-09. This grant program is designed to promote apprenticeships as a significant workforce solution in filling current middle- and high-skilled job vacancies and closing the skills gap between employer workforce needs and the skills of the current workforce.

For grant competitions administered by the Employment and Training Administration, applications received by the closing date undergo an initial screening to ensure they meet basic responsiveness requirements. Applications that successfully address these requirements will proceed to a merit review panel to be evaluated against the criteria described in the FOA, as published on www.grants.gov.

Grant award decisions will be made based on the panel's rating in conjunction with other factors specified in the FOA, such as geographical balance and the availability of funds. At any time in the process, if an application is no longer being considered, the applicant will receive a notification from the Grant Officer. All remaining applicants will be notified of the results of the competition after the review and selection process is completed in early 2020.

If you have any questions, please contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,

John Pallasch

United States Senate

November 13, 2019

The Honorable Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW, Room N4716
Washington, DC 20210

Dear Secretary Scalia:

I write on behalf of my constituents with Maysville Community and Technical College (MCTC) regarding their competitive grant application with the Department of Labor's Employment and Training Administration's (DOL-ETA) Apprenticeships: Closing the Skills Gap grant program (FOA-ETA-19-09).

It is my understanding MCTC, in partnership with the University of Pikeville, will use this funding to develop a high-quality apprenticeship program that will provide skills and education to workers to support the emerging agriculture technology (AgTech) sector. I am told this program will help participants earn industry-recognized credentials and will support the development of a skilled, year-round AgTech workforce. My constituents inform me the high-quality apprenticeship program will build the capacity to support the growing AgTech sector, bring livable wage jobs to Eastern Kentucky, and provide pathways to college degrees.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure every tax dollar is spent wisely. It is with this in mind that I draw your attention to MCTC's application, which I believe merits your full and fair review.

Thank you for your attention to this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd

From: Donaldson, Steve (McConnell)
To: Pallasch, John P - ETA
Subject: Quick question on KY issues
Date: Thursday, April 30, 2020 2:54:38 PM

(b)(6)

John,

I had a colleague raise a question they've heard from back in the state. Was wondering if we could touch base. My cell is [REDACTED]

Thanks,
Steve

Subtitle A—Unemployment Insurance Provisions

SEC. 12001. IMPROVEMENTS TO FEDERAL PANDEMIC
UNEMPLOYMENT COMPENSATION TO BETTER MATCH
LOST WAGES.

(a) Extension.—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) Improvements to Accuracy of Payments.

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

(A) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended

(i) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

(ii) by adding at the end the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—The amount specified in this paragraph is, with respect to an individual, for weeks of unemployment—

“(A) beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600;

“(B) beginning after the last week under subparagraph (A) and ending before October 5, 2020; \$50; and

“(C) beginning after the last week under subparagraph (B) and ending before December 31, 2020, an amount equal to 25 percent of the amount determined under paragraph (1)(A) (determined prior to any reductions or offsets) for the individual.”.

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS. Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) short-time compensation under section 2108 or 2109.”.

(2) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following:

1 “(4) SPECIAL RULE FOR APPLICATION OF FEDERAL PANDEMIC UNEMPLOYMENT
2 COMPENSATION.—In applying subsection (b)(3)(C) of section 2104—

3 “(A) to paragraph (1)(A)(ii) of this subsection, the amount of Federal Pandemic
4 Unemployment Compensation under section 2104 shall be an amount equal to 25
5 percent of the amount described in paragraph (1)(A)(i) of this subsection (determined
6 prior to any reductions or offsets) for the individual; and

7 “(B) to paragraph (2) of this subsection, the amount of Federal Pandemic
8 Unemployment Compensation under section 2104 shall be an amount equal to 25
9 percent of the amount of assistance calculated in accordance with paragraph (2) of this
10 subsection (determined prior to any reductions or offsets) for the individual.”.

11 (3) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief
12 for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of
13 the CARES Act (Public Law 116–136)) is amended—

14 (A) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after
15 “section 2104”; and

16 (B) in subsection (b)(2), by inserting “with respect to the individual” after “section
17 2104”.

18 (c) Consistent Treatment of Earnings and Unemployment Compensation.—Section 2104(h) of
19 the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division
20 A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new
21 sentence: “The preceding sentence shall not apply to any Federal Pandemic Unemployment
22 Compensation paid to an individual with respect to a week of unemployment ending on or after
23 October 5, 2020.”.

24 (d) Requirement for Return to Work Notification and Reporting.—Section 2104(b) of the
25 Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A
26 of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new
27 paragraph:

28 “(3) Beginning 30 days after the date of enactment of this paragraph, any agreement
29 under this section shall require that the State has in place a process to address refusal to
30 return to work or refusal of suitable work that includes the following:

31 “(A) Providing a plain-language notice to individuals at the time of applying for
32 benefits regarding State law provisions relating to each of the following:

33 “(i) Return to work requirements.

34 “(ii) Rights to refuse to return to work or to refuse suitable work.

35 “(iii) How to contest the denial of a claim that has been denied due to a claim
36 by an employer that the individual refused to return to work or refused suitable
37 work.

38 “(B) Providing a plain-language notice to employers through any system used by
39 employers or any regular correspondence sent to employers regarding how to notify
40 the State if an individual refuses to return to work.

“(C) Other items determined appropriate by the Secretary of Labor.”.

SEC. 12002. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) In General. Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking “one-half” and inserting “75 percent”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2103 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 12003. CONFIRMATION OF ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) In General. Section 2102(a)(3) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(1) in subparagraph (A)

(A) in clause (i), by striking “and” at the end; and

(B) by inserting after clause (ii) the following:

“(iii) provides documentation substantiating employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the date on which the individual submits an application for assistance under this section or is directed by the State agency to submit such documentation or has shown good cause under applicable State law for failing to submit such documentation by the deadline, in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such documentation shall not be required if the individual previously submitted such information to the State agency for the purpose of obtaining regular or other unemployment compensation; and”; and

(2) in subparagraph (B)—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(iii) in accordance with section 625.6(e)(2) of title 20, Code of Federal Regulations, or any successor thereto, an individual who does not provide a statement of earnings under subparagraph (A)(iii).”.

(b) Applicability.—The amendments made by subsection (a) shall apply to—

(1) any individual who applies for pandemic unemployment assistance under section 2102 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title

1 II of division A of the CARES Act (Public Law 116–136)) on or after the date of enactment
2 of this Act;

3 (2) any individual who applied for pandemic unemployment assistance under such
4 section 2102 before the date of enactment of this Act and, as of such date of enactment, has
5 not yet received a pandemic unemployment assistance payment; and

6 (3) beginning not later than 90 days after the date of enactment of this Act, any individual
7 who began receiving pandemic unemployment assistance under such section 2102 before
8 the date of enactment of this Act and is still receiving such assistance after the date of
9 enactment of this Act.

10 **SEC. 12004. IMPROVEMENTS TO STATE**
11 **UNEMPLOYMENT SYSTEMS AND STRENGTHENING**
12 **PROGRAM INTEGRITY.**

13 (a) Unemployment Compensation Systems.—

14 (1) IN GENERAL. Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is
15 amended—

16 (A) in the matter preceding paragraph (1), by striking “provision for ” and
17 inserting “provision for each of the following:”;

18 (B) at the end of each of paragraphs (1) through (10) and paragraph (11)(B), by
19 striking “; and” and inserting a period; and

20 (C) by adding at the end the following new paragraph:

21 “(13) The State system shall, in addition to meeting the requirements under section 1137,
22 meet the following requirements:

23 “(A) The system shall be capable of handling a surge of claims that would represent
24 a twentyfold increase in claims from January 2020 levels, occurring over a one-month
25 period.

26 “(B) The system shall be capable of

27 “(i) adjusting wage replacement levels for individuals receiving unemployment
28 compensation;

29 “(ii) adjusting weekly earnings disregards, including the ability to adjust such
30 disregards in relation to an individual’s earnings or weekly benefit amount; and

31 “(iii) providing for wage replacement levels that vary based on the duration of
32 benefit receipt.

33 “(C) The system shall have in place an automated process for receiving and
34 processing claims for disaster unemployment assistance under section 410(a) of the
35 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)),
36 with flexibility to adapt rules regarding individuals eligible for assistance and the
37 amount payable.

38 “(D) In the case of a State that makes payments of short-time compensation under a

short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986), the system shall have in place an automated process of receiving and processing claims for short-time compensation.

“(E) The system shall have in place an automated process for receiving and processing claims for

“(i) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

“(ii) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code; and

“(iii) trade readjustment allowances under sections 231 through 233 of the Trade Act of 1974 (19 U.S.C. 2291–2293).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of—

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2023.

(b) Electronic Transmission of Unemployment Compensation Information.—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end the following new subsection:

“(n) Electronic Transmission of Unemployment Compensation Information.—

“(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration of the State law shall use a system developed (in consultation with stakeholders) and designated by the Secretary of Labor for automated electronic transmission of requests for information relating to unemployment compensation and the provision of such information between such agency and employers or their agents.

“(2) USE OF APPROPRIATED FUNDS. The Secretary of Labor may use funds appropriated for grants to States under this title to make payments on behalf of States as the Secretary determines is appropriate for the use of the system described in paragraph (1).

“(3) EMPLOYER PARTICIPATION. - The Secretary of Labor shall work with the State agency charged with administration of the State law to increase the number of employers using this system and to resolve any technical challenges with the system.

“(4) REPORTS ON USE OF ELECTRONIC SYSTEM.—After the end of each fiscal year, on a date determined by the Secretary, each State shall report to the Secretary information on

“(A) the proportion of employers using the designated system described in paragraph (1);

“(B) the reasons employers are not using such system; and

“(C) the efforts the State is undertaking to increase employer’s use of such system.

“(5) ENFORCEMENT. Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law,

finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.”.

(c) Unemployment Compensation Integrity Data Hub.

(1) IN GENERAL. Section 303(a) of the Social Security Act (42 U.S.C. 503(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

“(14) The State agency charged with administration of the State law shall use the system designated by the Secretary of Labor for cross-matching claimants of unemployment compensation under State law against any databases in the system to prevent and detect fraud and improper payments.”.

(2) EFFECTIVE DATE. The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of—

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2022.

(d) Use of National Directory of New Hires in Administration of Unemployment Compensation Programs and Penalties on Noncomplying Employers.—

(1) IN GENERAL. Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsection (b), is amended by adding at the end the following new subsection:

“(o) Use of National Directory of New Hires.

“(1) IN GENERAL. Not later than October 1, 2022, the State agency charged with administration of the State law shall

“(A) compare information in the National Directory of New Hires established under section 453(i) against information about individuals claiming unemployment compensation to identify any such individuals who may have become employed, in accordance with any regulations or guidance that the Secretary of Health and Human Services may issue and consistent with the computer matching provisions of the Privacy Act of 1974;

“(B) take timely action to verify whether the individuals identified pursuant to subparagraph (A) are employed; and

“(C) upon verification pursuant to subparagraph (B), take appropriate action to suspend or modify unemployment compensation payments, and to initiate recovery of any improper unemployment compensation payments that have been made.

“(2) ENFORCEMENT. Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure.

1 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
2 to the Secretary of the Treasury with respect to the State.”.

3 (2) PENALTIES.

4 (A) IN GENERAL. Section 453A(d) of the Social Security Act (42 U.S.C. 653a(d)),
5 in the matter preceding paragraph (1), is amended by striking “have the option to set a
6 State civil money penalty which shall not exceed” and inserting “set a State civil
7 money penalty which shall be no less than”.

8 (B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to
9 penalties assessed on or after October 1, 2022.

10 (e) State Performance.—

11 (1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by
12 subsections (b) and (d), is amended by adding at the end the following new subsection:

13 “(p) State Performance.—

14 “(1) IN GENERAL. For purposes of assisting States in meeting the requirements of this
15 title, title IX, title XII, or chapter 23 of the Internal Revenue Code of 1986 (commonly
16 referred to as ‘the Federal Unemployment Tax Act’), the Secretary of Labor may—

17 “(A) consistent with subsection (a)(1), establish measures of State performance,
18 including criteria for acceptable levels of performance, performance goals, and
19 performance measurement programs;

20 “(B) consistent with subsection (a)(6), require States to provide to the Secretary of
21 Labor data or other relevant information from time to time concerning the operations
22 of the State or State performance, including the measures, criteria, goals, or programs
23 established under paragraph (1);

24 “(C) require States with sustained failure to meet acceptable levels of performance
25 or with performance that is substantially below acceptable standards, as determined
26 based on the measures, criteria, goals, or programs established under subparagraph
27 (A), to implement specific corrective actions and use specified amounts of the
28 administrative grants under this title provided to such States to improve performance;
29 and

30 “(D) based on the data and other information provided under subparagraph (B)

31 “(i) to the extent the Secretary of Labor determines funds are available after
32 providing grants to States under this title for the administration of State laws,
33 recognize and make awards to States for performance improvement, or
34 performance exceeding the criteria or meeting the goals established under
35 subparagraph (A); or

36 “(ii) to the extent the Secretary of Labor determines funds are available after
37 providing grants to States under this title for the administration of State laws,
38 provide incentive funds to high-performing States based on the measures, criteria,
39 goals, or programs established under subparagraph (A).

40 “(2) ENFORCEMENT. Whenever the Secretary of Labor, after reasonable notice and

1 opportunity for hearing to the State agency charged with the administration of the State law,
2 finds that there is a failure to comply substantially with the requirements of paragraph (1),
3 the Secretary of Labor shall notify such State agency that further payments will not be made
4 to the State until the Secretary of Labor is satisfied that there is no longer any such failure.
5 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
6 to the Secretary of the Treasury with respect to the State.”.

7 (2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the
8 date of enactment of this Act.

9 (f) Funding. Out of any money in the Treasury of the United States not otherwise
10 appropriated, there are appropriated to the Secretary of Labor \$5,000,000,000 to assist States in
11 carrying out the amendments made by this section, which may include regional or multi-State
12 efforts. Amounts appropriated under the preceding sentence shall remain available until
13 expended.

From: Wheeler, Joe - OCIA
To: Donaldson, Steve (McConnell); Pallasch, John P - ETA
Subject: RE:
Date: Tuesday, August 04, 2020 4:57:01 PM

That's interesting, thanks!

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Tuesday, August 4, 2020 4:55 PM
To: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>; Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject:

SEN. JOE MANCHIN: you know from the beginning of this, i thought here we go. we can't forget, we have a health crisis. there are mandates and things that were done to protect the bullpen bullpen --oo public. if they shutdown your job, i thought they should get their full paycheck. \$600 came out. \$600 on top of an average of \$320, that's \$920 which is more than what most people have made in those positions before. senator grassley said, we are paying people more than what they got when they were working. that's not something i can adhere to. it doesn't make sense to me. it was something the democrats and the republicans and the administration agreed on because they had to have a fixed number. there has to be an adjustment, we should sit down. there has to be a way to proceed to get this worked out. it's just ridiculous.

CAVUTO: a number of ideas were advanced including reducing the weekly figure and updating iter 30 days if there is improvement in the national unemployment rate. variations of that. open to any of those?

SEN. MANCHIN: i had people back home saying if you went to \$400 or \$300 for 2 months until we could invest to upgrading the systems of every state to get them up to speed. they could say this is what their salary is. they are at 70% of their salary.

CAVUTO: to your point, that seems to be the middle ground, the way we are going. i am misinterpreting that?

SEN. MANCHIN: i think you are right. i don't think we will stay at \$600. even in the president did it he would do it for a week or two. i think he might be overstepping. i understand where he is coming from. i understand the republican colleagues say do it for another week. the house passed this bill. if you think it's too much or trying to cure all of the social ills in one piece of legislation, the senate has to negotiate. the last 2 months we have not done any negotiations anticipating this day would come. that's the problem.

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: Pallasch, John P - ETA
To: Donaldson, Steve (McConnell); Houghlin, Katie (Education Cabinet)
Subject: RE:
Date: Wednesday, August 12, 2020 2:04:00 PM

Connected.

Steve – Katie was my UI Director for almost three years in KY.

Katie – Steve works for Sen. McConnell’s office and has been a partner in CARES Act and other UI/ETA related congressional issues.

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Wednesday, August 12, 2020 2:01 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: RE:

Can you connect us?

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Wednesday, August 12, 2020 2:00 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Subject: RE:

Kentucky has an excellent resource in Katie Houghlin who ran UI for me. Her role has been changed to focus less on UI, which is a decision I would not have made and think may be short-sighted.

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Wednesday, August 12, 2020 1:57 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: RE:

Thanks.

<https://apnews.com/7ab3569c9c46db963776ef3b8f4c0f1e>

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Wednesday, August 12, 2020 1:26 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>

Subject: Re:

Both. More so FEMA and that is posted on FEMA.gov and grants.gov. Our “UIPL” is going out today or tomorrow.

Get Outlook for iOS

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>

Sent: Wednesday, August 12, 2020 12:38:14 PM

To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>

Subject:

Are states getting “how-to” information from you guys or from FEMA?

--

Steve Donaldson

Policy Advisor/Counsel

US Senate Majority Leader Mitch McConnell

From: [Donaldson, Steve \(McConnell\)](#)
To: [Martin, Ryan \(Finance\)](#)
Cc: [Pallasch, John P - ETA](#); [Wheeler, Joe - OCIA](#); [Simon, Amy E - ETA](#)
Subject: Re: Call tonight?
Date: Friday, July 24, 2020 5:24:03 PM

Yep.

Sent from my iPhone

On Jul 24, 2020, at 5:08 PM, Martin, Ryan (Finance)
<Ryan_Martin@finance.senate.gov> wrote:

That works for me.

Ryan T. E. Martin

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Friday, July 24, 2020 5:06 PM
To: Martin, Ryan (Finance) <Ryan_Martin@finance.senate.gov>; Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Cc: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>; Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Subject: Call tonight?

Are one or both of you free tonight at 6:30 pm to recap where we are? Our guy is talking to treasury's guy at 5:45.

Thanks.

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From: Donaldson, Steve (McConnell)
To: Martin, Ryan (Finance)
Cc: Pallasch, John P - ETA; Wheeler, Joe - OCIA; Simon, Amy E - ETA
Subject: Re: Call tonight?
Date: Friday, July 24, 2020 5:24:01 PM

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Sent from my iPhone

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<Ryan_Martin@finance.senate.gov> wrote:

That works for me.

Ryan T. E. Martin

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Friday, July 24, 2020 5:06 PM
To: Martin, Ryan (Finance) <Ryan_Martin@finance.senate.gov>; Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Cc: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>; Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Subject: Call tonight?

Are one or both of you free tonight at 6:30 pm to recap where we are? Our guy is talking to treasury's guy at 5:45.

Thanks.

Get Outlook for iOS

From: Martin, Ryan (Finance)
To: Donaldson, Steve (McConnell); Pallasch, John P - ETA
Subject: RE: deliberative/pre-decisional
Date: Sunday, July 26, 2020 3:33:23 PM

If you guys (DOL) can make sure Portman knows you're optimistic about states getting to wage replacement in good time (I think only three states said they couldn't do it by 4 months from your chart) that would be helpful.

I got a readout of a call Portman had with Mnuchin before our 1:30 Finance R call, and it said Portman thought Mnuchin was giving up on the 70% wage replacement due to opposition from States?

I'm hoping to talk to Portman in a few minutes and reiterate the benefits of going with the wage replacement approach, but we'll see what he says.

Ryan T. E. Martin, Senior Human Services Advisor
U.S. Senate Finance Committee

----- Original message -----

From: "Donaldson, Steve (McConnell)" <Steve_Donaldson@mcconnell.senate.gov>
Date: 7/26/20 1:04 PM (GMT-05:00)
To: "Pallasch, John P - ETA" <Pallasch.John.P@dol.gov>
Cc: "Martin, Ryan (Finance)" <Ryan_Martin@finance.senate.gov>
Subject: Re: deliberative/pre-decisional

Yes, that is the path we are charting.

On Jul 26, 2020, at 12:33 PM, Pallasch, John P - ETA
<Pallasch.John.P@dol.gov> wrote:

Gents -

Trying to arm my boss with the most current information. Is it accurate to say that with the introduction of a two-month transition period and the creation of an extension/exemption for those states who have shown a good faith effort but are unable to make the transition, that the prevailing thinking within your teams is that actual wage replacement (be it 60, 66, or 70%) is preferred over the original idea of an additional payment equating to 25 or 50% of the WBA on top of the underlying benefit payment?

Thanks,

John Pallasch
Assistant Secretary

Employment and Training Administration
U.S. Department of Labor | www.dol.gov
(202) 693-2772 | Room-S2307

From: [Donaldson, Steve \(McConnell\)](#)
To: [Pallasch, John P - ETA](#)
Subject: RE: Do you have five minutes this morning?
Date: Tuesday, August 04, 2020 8:52:01 AM

(b)(6)

Just got done with morning meetings—I'm at my desk

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Tuesday, August 4, 2020 7:46 AM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Subject: Do you have five minutes this morning?

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From: [Simon, Amy E - ETA](#)
To: [Fichter, Stephanie A - ETA](#)
Cc: [Gilligan, Ryan C - ETA](#); [Close, Nalini - ETA](#); [Sanders, Maria A - ETA](#)
Subject: RE: FOIA Request: Action Needed
Date: Thursday, September 10, 2020 12:27:44 PM
Attachments: [RE UI Data.msg](#)
[Re Call tonight.msg](#)

Here are the two things I have!

Thanks and sorry for the delay.

Amy

From: Fichter, Stephanie A - ETA <Fichter.Stephanie.A@dol.gov>
Sent: Thursday, September 10, 2020 12:22 PM
To: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Cc: Gilligan, Ryan C - ETA <Gilligan.Ryan.C@dol.gov>; Close, Nalini - ETA <close.nalini@dol.gov>; Sanders, Maria A - ETA <Sanders.Maria@DOL.gov>
Subject: RE: FOIA Request: Action Needed
Importance: High

Hi Amy,

I am following up on this FOIA request. Have you had the opportunity to search your records?

Thanks,
Stephanie

Stephanie A. Fichter
Office of Correspondence, Communication and Coordination
Employment and Training Administration
(202) 693-3732

From: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Sent: Thursday, August 20, 2020 6:40 AM
To: Fichter, Stephanie A - ETA <Fichter.Stephanie.A@dol.gov>
Cc: Gilligan, Ryan C - ETA <Gilligan.Ryan.C@dol.gov>; Close, Nalini - ETA <close.nalini@dol.gov>; Sanders, Maria A - ETA <Sanders.Maria@DOL.gov>
Subject: Re: FOIA Request: Action Needed

Thanks - I will do the search myself first and see what I get! Thanks, Amy

Amy Simon
DOL ETA
202-693-2772

From: Donaldson, Steve (McConnell)
Sent: Mon, 3 Aug 2020 20:10:36 +0000
To: Pallasch, John P - ETA
Cc: Simon, Amy E - ETA; Wheeler, Joe - OCIA
Subject: RE: UI Data

Many thanks, team.

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Monday, August 3, 2020 3:38 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Cc: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>; Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>
Subject: RE: UI Data

Sorry this took so long.

For future reference, click [here](#).

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Monday, August 3, 2020 12:08 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: RE: UI Data

Correct.

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Monday, August 3, 2020 12:06 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Subject: RE: UI Data

I presume you want across all three programs (PUA, PEUC, and FPUC)?

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Monday, August 3, 2020 11:13 AM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: UI Data

Do you have data on total enhanced \$\$ that has gone out to each state?

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: Donaldson, Steve (McConnell)
Sent: Fri, 24 Jul 2020 21:23:48 +0000
To: Martin, Ryan (Finance)
Cc: Pallasch, John P - ETA; Wheeler, Joe - OCIA; Simon, Amy E - ETA
Subject: Re: Call tonight?

Yep.

Sent from my iPhone

On Jul 24, 2020, at 5:08 PM, Martin, Ryan (Finance) <Ryan_Martin@finance.senate.gov> wrote:

That works for me.

Ryan T. E. Martin

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Friday, July 24, 2020 5:06 PM
To: Martin, Ryan (Finance) <Ryan_Martin@finance.senate.gov>; Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Cc: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>; Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Subject: Call tonight?

Are one or both of you free tonight at 6:30 pm to recap where we are? Our guy is talking to treasury's guy at 5:45.

Thanks.

Get Outlook for iOS

From: Fichter, Stephanie A - ETA <Fichter.Stephanie.A@dol.gov>
Sent: Wednesday, August 19, 2020 5:41:29 PM
To: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Cc: Gilligan, Ryan C - ETA <Gilligan.Ryan.C@dol.gov>; Close, Nalini - ETA <close.nalini@dol.gov>; Sanders, Maria A - ETA <Sanders.Maria@DOL.gov>
Subject: RE: FOIA Request: Action Needed

Hi Amy,

My apologies for the delayed response.

The next step is to search your email. The most efficient way is for you to use the search bar in Outlook to search and the command [from:XX], where XX is the portion of the email address that follows the @ (e.g., from:mcconnell.senate.gov; from:teammitch.com; and any other address that you are aware of). Assuming you have a reasonable quantity, you can attach them to an email and send them to me and Maria to process. I'm happy to walk you through this, or can ask Alyse or Amy B. to do so.

If you think the quantity is excessive or you are not comfortable doing the search, we can request that IT conduct a search of your email. While this option provides a lot of garbage (for lack of a better term) that will require sifting through in order to identify the responsive emails, it is available if we need it.

Please let me know how you would like to proceed!

Thanks,
Stephanie

Stephanie A. Fichter
Office of Correspondence, Communication and Coordination
Employment and Training Administration
(202) 693-3732

From: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Sent: Friday, August 14, 2020 6:46 PM
To: Fichter, Stephanie A - ETA <Fichter.Stephanie.A@dol.gov>
Cc: Gilligan, Ryan C - ETA <Gilligan.Ryan.C@dol.gov>; Close, Nalini - ETA <close.nalini@dol.gov>; Sanders, Maria A - ETA <Sanders.Maria@DOL.gov>
Subject: Re: FOIA Request: Action Needed

Hi Stephanie,

Pretty sure I do have some cc traffic with staffers from the McConnell office here and there. What is the proper next step?

Thanks,

Amy

Amy Simon
DOL ETA
202-693-2772

From: Fichter, Stephanie A - ETA <Fichter.Stephanie.A@dol.gov>
Sent: Friday, August 14, 2020 6:25:22 PM
To: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Cc: Gilligan, Ryan C - ETA <Gilligan.Ryan.C@dol.gov>; Close, Nalini - ETA <close.nalini@dol.gov>; Sanders, Maria A - ETA <Sanders.Maria@DOL.gov>
Subject: FOIA Request: Action Needed

Good evening Amy,

DOL received a FOIA request (attached) from American Oversight requesting communications between specifically identified individuals and the Office of Senator Mitch McConnell. As ETA's Chief of Staff, you are one of the individuals identified.

Specifically, the FOIA requests:

All email correspondence (including emails, email attachments, complete email chains, calendar invitations, and attachments thereto) between (1) the officials listed below and (2) the office of Senator Mitch McConnell, any representative of Senator McConnell or his campaign, and/or any person working in Senator McConnell's office, including but not limited to any person communication from an email address ending in @mcconnell.senate.gov or in @teammitch.com.

As ETA's Disclosure Officer, I am requesting that you **conduct a search of your email correspondence** dating from November 2018 to present for any emails with addresses ending in **@mcconnell.senate.gov** or in **@teammitch.com**. If you are aware of other McConnell-related email addresses, please search for those as well.

Please let me know as soon as possible if you have records responsive to this request or if you need assistance in searching your email.

Let me know if you have any questions!

Thank you,
Stephanie

Stephanie A. Fichter
Office of Correspondence, Communication and Coordination
Employment and Training Administration
(202) 693-3732

From: Swager, Curtis (Gardner)
To: Donaldson, Steve (McConnell)
Cc: Pallasch, John P - ETA
Subject: Re: Introductions
Date: Tuesday, August 11, 2020 5:33:02 PM

Thank you! Will give you a call John.

Sent from my iPhone

On Aug 11, 2020, at 3:10 PM, Donaldson, Steve (McConnell)
<Steve_Donaldson@mcconnell.senate.gov> wrote:

Curtis,

I wanted to introduce you to John Pallasch, who serves as the Assistant Secretary of Labor for Employment and Training. His Office has the direct oversight of state UI programs and he should be able to walk through Colorado's concerns.

John, Curtis serves as Senator Gardner's Chief, and will be able to get everything scheduled/straightened out as to what Senator Gardner needs.

I'll let you guys take it from here.

Best,

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: Donaldson, Steve (McConnell)
To: Pallasch, John P - ETA
Subject: Re: Let me know when you are free
Date: Thursday, July 23, 2020 8:46:48 AM

Free now if you are.

Sent from my iPhone

On Jul 23, 2020, at 7:47 AM, Pallasch, John P - ETA <Pallasch.John.P@dol.gov> wrote:

John Pallasch
Assistant Secretary
Employment and Training Administration
U.S. Department of Labor | www.dol.gov
(202) 693-2772 | Room-S2307

(b)(6)

From: Donaldson, Steve (McConnell)
To: Pallasch, John P - ETA
Subject: Re: per our conversation
Date: Friday, July 24, 2020 12:52:26 PM

I'm free now.

From: "Pallasch, John P - ETA" <Pallasch.John.P@dol.gov>
Date: Friday, July 24, 2020 at 12:51 PM
To: Steve Donaldson <Steve_Donaldson@mcconnell.senate.gov>
Subject: RE: per our conversation

You aren't missing it. This is where it gets tricky and depends on the flat amount and the agreed upon percent wage replacement.

Let me know if you have 5 minutes to talk.

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Friday, July 24, 2020 12:29 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: Re: per our conversation

Maybe I'm missing the provision where the states get lose out in the event that they don't make the switch in time.

From: "Pallasch, John P - ETA" <Pallasch.John.P@dol.gov>
Date: Thursday, July 23, 2020 at 11:20 AM
To: Steve Donaldson <Steve_Donaldson@mcconnell.senate.gov>
Subject: per our conversation

John Pallasch
Assistant Secretary
Employment and Training Administration
U.S. Department of Labor | www.dol.gov
(202) 693-2772 | Room-S2307

From: [Donaldson, Steve \(McConnell\)](#)
To: [Pallasch, John P - ETA](#)
Cc: [Simon, Amy E - ETA](#); [Wheeler, Joe - OCIA](#)
Subject: RE: UI Data
Date: Monday, August 03, 2020 4:11:19 PM

Many thanks, team.

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Monday, August 3, 2020 3:38 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Cc: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>; Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>
Subject: RE: UI Data

Sorry this took so long.

For future reference, click [here](#).

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Monday, August 3, 2020 12:08 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: RE: UI Data

Correct.

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Monday, August 3, 2020 12:06 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Subject: RE: UI Data

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Monday, August 3, 2020 11:13 AM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: UI Data

Do you have data on total enhanced \$\$ that has gone out to each state?

--

Steve Donaldson

Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: [Donaldson, Steve \(McConnell\)](#)
To: [Pallasch, John P - ETA](#)
Cc: [Simon, Amy E - ETA](#); [Wheeler, Joe - OCIA](#)
Subject: RE: UI Data
Date: Monday, August 03, 2020 4:10:46 PM

Many thanks, team.

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Monday, August 3, 2020 3:38 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Cc: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>; Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>
Subject: RE: UI Data

Sorry this took so long.

For future reference, click [here](#).

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Monday, August 3, 2020 12:08 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: RE: UI Data

Correct.

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Monday, August 3, 2020 12:06 PM
To: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Subject: RE: UI Data

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Monday, August 3, 2020 11:13 AM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: UI Data

Do you have data on total enhanced \$\$ that has gone out to each state?

--

Steve Donaldson

Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: Pallasch, John P - ETA
To: Donaldson, Steve (McConnell)
Subject: RE: UI Language
Date: Wednesday, July 22, 2020 9:17:00 AM

Understood, thanks.

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Wednesday, July 22, 2020 8:34 AM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: UI Language

Wanted you to see before it is introduced. Please keep this in the building until introduction.

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: Pallasch, John P - ETA
To: Donaldson, Steve (McConnell)
Subject: RE: UI Language
Date: Wednesday, July 22, 2020 9:17:00 AM

Understood, thanks.

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Wednesday, July 22, 2020 8:34 AM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: UI Language

Wanted you to see before it is introduced. Please keep this in the building until introduction.

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: Pallasch, John P - ETA
To: Donaldson, Steve (McConnell)
Subject: RE:
Date: Thursday, August 13, 2020 4:29:00 PM
Attachments: FW Formal emailletters to KY.msg

CLSOE HOLD

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Thursday, August 13, 2020 11:05 AM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject:

Did you guys end up having to send a letter to KY back in May? Is that a public document?

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

From: Gilbert, Gay - ETA
Sent: Thu, 13 Aug 2020 20:25:54 +0000
To: Pallasch, John P - ETA
Cc: Simon, Amy E - ETA
Subject: FW: Formal emails/letters to KY
Attachments: Kentucky's Implementation of the PUA Program, FW: USDOL Response Letter, FW: PUA Concerns, RE: KY new Self-Certification Form, RE: Pandemic Unemployment Assistance (PUA), Weekly Certifications

John – here are the primary communications with Kentucky. There were additional emails back and forth providing technical assistance. Our most recent response from them was on July 22nd and we owe them a response, which we are working on with the Region.

- 07/14/20 Email from Gay to Larry Roberts
- 07/08/20 Email from Gay to Larry Roberts
- 05/22/20 Letter from Gay to Governor's Office (forwarded by you from OCIA)
- 05/20/20 Email from Gay to Stefanie Ebbens Kingsley
- 05/12/20 Email from John to Governor's Office (I don't have the original email sent by John, so the attachment includes KY's response and your note). According to the surrounding email traffic, this was sent after John had a call with the Governor's Office
- 05/04/20 Email from Gay to Muncie McNamara not necessarily a formal letter, but your initial response to Muncie's concerns

Please let us know if you have any questions.

Gay

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Thursday, August 13, 2020 11:14 AM
To: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Cc: Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
Subject: Formal emails/letters to KY

Can you please send me copies of any formal letters or emails we have sent to KY?

I know we have sent ones to OK, FL, etc.

Thanks,

John Pallasch
Assistant Secretary
Employment and Training Administration
U.S. Department of Labor www.dol.gov

(202) 693-2772 | Room-S2307

From: Gilbert, Gay - ETA
Sent: Wed, 8 Jul 2020 17:20:39 +0000
To: Larry Roberts
Cc: Jacobs-Simmons, L - ETA;Tompoe, Winston - ETA;Williams-Rayson,Rosemary - ETA;Garner, Jim - ETA;Beebe, Michelle E - ETA;Garcia, Stephanie - ETA;Edens, Candace - ETA
Subject: Kentucky's Implementation of the PUA Program
Attachments: RE: KY new Self-Certification Form
Importance: High

Good Afternoon, Mr. Roberts,

We understand that you are taking over the leadership for Unemployment Insurance programs in Kentucky. I oversee UI programs for the U.S. Department of Labor's Employment and Training Administration (ETA) in partnership with ETA's Regional Offices. We wish you well in this position and want to support your work in administering Kentucky's UI programs in this challenging time. For your reference, and in case it is helpful, you will find a number of resources, including a UI Directors' Guide, all of ETA's guidance and information on UI programs in response to COVID-19, and many other resources on our website at <https://oui.doleta.gov/unemploy/>.

I am sorry that our first communication is one related to issues associated with Kentucky's implementation of the Pandemic Unemployment Assistance (PUA) program. We have been in contact with the prior leadership of Kentucky's UI program for some time now regarding Kentucky's implementation of the PUA program and providing technical assistance to ensure that it is implemented correctly and that corrective actions were taken to address Kentucky's early implementation which was incorrect. Kentucky began accepting PUA claims on April 2, 2020. ETA began working with the state regarding concerns regarding PUA implementation in early May. The purpose of this email is to bring you up to date on this ongoing work and to let you know what remains to be done.

Our communications thus far have focused on two populations: individuals claiming weeks of PUA benefits paid prior to the state having the appropriate protocols in place and individuals claiming weeks of PUA benefits paid after implementation of these protocols. Kentucky previously reported implementation of the state computer system updates in mid-May that addressed concerns about eligibility for new PUA claims moving forward. Below is a brief chronology of activities to date.

- In a conference call with the state on May 8, 2020, Kentucky staff acknowledged that the initial implementation was problematic and did not include the appropriate eligibility checks for PUA payments to date. Afterwards, Kentucky staff provided the draft PUA forms to review eligibility of individuals who already received payment.
- In a conference call with the state on May 12, 2020, ETA staff reviewed the draft PUA forms with Kentucky staff. This included a walk-through of the self-certification requirements, calculation of the weekly benefit amount, and processing return paperwork.

- On May 13, 2020, Kentucky staff provided updated forms to review eligibility of individuals who already received payment. ETA responded on May 14 reiterating the discussion from May 12 regarding self-certification requirements and distinguishing between assessing initial eligibility and continued weekly eligibility.
- On May 14, 2020, the Governor's Office submitted a corrective action plan acknowledging four issues surrounding PUA eligibility: (1) Staff were approving PUA claims manually without the self-certifications set forth in the CARES Act and without verifying income; (2) PUA claims were not being self-certified weekly in accordance with the CARES Act; (3) Current wage earnings were not being reported weekly by claimants; and (4) Monetary determinations need to be made on every claim. The plan did not provide specific dates or other details on how Kentucky planned to address eligibility for payments previously made and for payments moving forward.
- ETA requested additional details and Kentucky staff responded on May 26, 2020 (see attached). At this time, Kentucky staff advised that PUA claims moving forward are issued a monetary determination and that such individuals are required to certify eligibility each week, including the report of any weekly earnings.

This email describes substantial compliance issues and areas of concern, along with the requested corrective action. We request that Kentucky provide a response to this email within 10 business days with the information requested.

Monetary Determination Process

Substantial Compliance Issue #1. Individuals receiving PUA benefits since implementation of the program through mid-May 2020 received the minimum PUA weekly benefit amount (WBA) and were not notified of the ability to submit documentation of their base year earnings that could support a higher WBA. On May 26, 2020, the agency reports sending a request for supporting documentations to all existing PUA claimants.

- Please provide the status on responses to all submissions received from individuals thus far.
- Please confirm that all individuals filing for PUA since the beginning of the program have received a Notice of Monetary Determination, which includes notification that they may submit documentation to substantiate a higher weekly benefit amount at any time during the Pandemic Assistance Period.

(b)(5)

Initial PUA Certification Form

Substantial Compliance Issue #2. According to the documentation provided to ETA on May 26, 2020, it appeared that individuals receiving the request for retroactive certifications were asked to complete the forms going back to February 2, 2020.

- Please provide additional information on how the state is determining the correct effective date of the PUA claim.
- Please confirm the date that Kentucky instituted a self-certification form for all new PUA claims going forward.

(b)(5)

Weekly PUA Certification Form

Substantial Compliance Issue #3. Individuals receiving PUA benefits since implementation of the program through mid-May 2020 were not required to certify their eligibility or report earnings each week. On May 8, 2020, the agency sent weekly self-certification forms via email and postal mail for individuals previously paid without such certifications. The forms provided to ETA on May 26, 2020, did not appear to have a deadline for response. Additionally, this correspondence appeared to include a form allowing for retroactive certification for the week of January 27 through February 1, 2020, which is outside of the Pandemic Assistance Period.

- Please provide the status on processing responses to these retroactive weeks.
- Please provide information on the process for addressing individuals who failed to respond to this retroactive certification request.
- Please confirm that no PUA claims are paid for weeks of unemployment prior to February 2, 2020.
- Please confirm the date that Kentucky instituted weekly certifications for all PUA claims going forward.

Again, we ask that you respond to these issues within 10 business days with the information requested. Should you have questions about this communication, would like a call to discuss it, or would like technical assistance to support addressing these issues, please feel free to contact either me or Lenita Jacobs-Simmons, Regional Administrator in ETA's Atlanta Regional Office.

Thank you.

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

Background on Monetary Determination Process

Under section 2102(h) of the CARES Act, DUA regulations apply to administration of the PUA program, except as otherwise provided for in section 2102. Consistent with the DUA regulation at 20 C.F.R. 625.11, the terms and conditions of the state law for regular compensation also apply to PUA. As described on page I-9 of UIPL No. 16-20, the state must provide notice to an individual of each determination of eligibility for or entitlement to PUA. This includes providing an individual with a monetary determination on his or her PUA claim, as described in section 6013.C.1.a of the Employment Security Manual (20 C.F.R. 614 note).

This requirement is reiterated in Question 10 of Attachment I in UIPL No. 16-20 Change 1, where it further specifies that the individual monetary determination must include the program type, information about benefits, and information about continuing eligibility requirements.

Background on Initial PUA Certification Form

A “covered individual” for the purposes of PUA (as defined under section 2102(a)(3) of the CARES Act) is someone who is:

- Not eligible for regular compensation, extended benefits, or PEUC; and
- Who self-certifies that he or she is unemployed, partially unemployed, or unable or unavailable to work because of a listed COVID-19 related reason under section 2102(a)(3)(A)(ii)(I) of the CARES Act.

Section 2102(c) provides that PUA is payable to a covered individual for weeks of unemployment, partial unemployment, or inability to work caused by COVID-19 beginning on or after January 27, 2020 through the week of unemployment ending on or before December 31, 2020 (subject to the limitation on duration described in section 2102(c)(2) of the CARES Act). As described on page I-10 of UIPL No. 16-20, the PUA claim must be backdated to the first week during the Pandemic Assistance Period in which the individual meets the definition of a covered individual.

If the state is not requiring an individual to self-certify at the time of initial claim filing, the state will have no means of determining when an individual meets the eligibility requirements to be considered a “covered individual” on or after January 27, 2020.

As provided for in Question 27 of Attachment I in UIPL No. 16-20 Change 1, the state must ensure that an individual completes a self-certification form at the time of filing an initial PUA claim that includes:

- Identification of the applicable COVID-19 related reason(s) under section 2102(a)(3)(A)(ii)(I) of the CARES Act, and
- A notice advising the individual that intentional misrepresentation on the self-certification is fraud.

Additionally and separate from the self-certification, the state must provide the individual with a request for acknowledgement that he or she understands that the certification is under penalty of perjury. Examples of this separate acknowledgement include checking a box at the time of submission or checking a box in a pop-up message.

Background on Weekly PUA Certification Form

A “covered individual” for the purposes of PUA (as defined under section 2102(a)(3) of the CARES Act) is someone who is:

- Not eligible for regular compensation, extended benefits, or PEUC; and
- Who self-certifies that he or she is unemployed, partially unemployed, or unable or unavailable to work because of a listed COVID-19 related reason under section 2102(a)(3)(A)(ii)(I) of the CARES Act.

Section 2102(b) of the CARES Act permits the state to pay PUA only to “covered individuals” who are “unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation.” As described in Section C, 13(b) of Attachment I to UIPL No. 16-20, the state must determine whether the individual is entitled to payment of PUA for a week of unemployment. If the state is not requiring an individual to self-certify on a weekly basis, the state will have no means of determining whether such individual meets the eligibility requirements to be considered a “covered individual” in any given week.

As described in Question 45 of Attachment I to UIPL No. 16-20, Change 1, the state must ensure that an individual completes a self-certification form at the time of filing each continued claim that includes:

- Identification of the applicable COVID-19 related reason(s) under section 2102(a)(3)(A)(ii)(I) of the CARES Act, and
- A notice advising the individual that intentional misrepresentation on the self-certification is fraud.

Additionally, and separate from the self-certification, the state must provide the individual with a request for acknowledgement that he or she understands that the certification is under penalty of perjury. Examples of this separate acknowledgement include checking a box at the time of submission or checking a box in a pop-up message.

From: Ebbens Kingsley, Stefanie J (OUI)
Sent: Wed, 27 May 2020 01:01:54 +0000
To: Gilbert, Gay - ETA;Beebe, Michelle E - ETA;Meredith, Dondra J (Education Cabinet)
Cc: Hammons, Marty (Education Cabinet);Benton, Josh D (Education Cabinet);Garcia, Stephanie - ETA;Tompoe, Winston - ETA;Williams-Rayson, Rosemary - ETA
Subject: RE: KY new Self-Certification Form
Attachments: PUA Guidance.docx, pua mont..pdf, Pandemic Unemployment Assistance Self-Certification Form 5-22-2020.docx

Good evening:

I felt it easiest to answer directly through this correspondence, should you require a more formal summary of these updates, I am happy to provide them, but after a day of marathon meetings it was difficult to track down the pieces I needed to be responsive to this email by COB today. Please excuse the lateness in the reply today, but I hope you find our responses adequate. We are making great strides to ensure consistent and correct processes are established to move forward, and hope our steps will continue to assure your team that our program remains in conformity and in compliance with USDOL guidance on the subject.

Stefanie Ebbens Kingsley
Interim Executive Director
Office of Unemployment Insurance

Eligibility Moving Forward

-

1. Has Kentucky implemented the self-certification form as part of the initial eligibility determination for new PUA claims? If so, when and can we please get a copy of the final form?

Yes, the import of the PUA claims into our regular programming was implemented the day that it was approved as a plan by your office. Since that time, all new claimants who are not eligible for regular UI are then prompted with the PUA Self-Certification questions, and asked to report earnings from their initial interaction with the software. The attached guidance has the screen shots that include the questions.

2. Has Kentucky implemented issuance of a monetary determination for new PUA claims? If so, when and can we please get a copy of the final form?

Yes, the attached PUA monetary letters are attached here as a sample, for the claimants that had matched DOR wages already in the system. The letter is an example of that. The 2019 earnings statement which was issued is also attached here, for how they will provide evidence to support their claim.

<https://forms.office.com/Pages/ResponsePage.aspx?id=TX9812fXH0a2JQYoeS6eKn9K3DPie2VNv0rG72M6rr1UOTdWR0VKMIZGV1JMWUJBtko5TKtaNFFPTyQIQCN0PWcu>

3. Has Kentucky implemented processes to request documentation of income to support calculation of the weekly benefit amount for new PUA claims? If so, when? Please provide a description of the process and provide any claimant communication documents that provide claimants with instructions on what they need to provide. We note that capturing income data solely through the use of a claimant self-certification or affidavit alone is not sufficient. You must request other forms of documentation including tax returns, 1099s, and other documents that validate a claimant's income.

Yes. Kentucky implemented the new policy for monetary determinations that require additional evidence the same day the PUA claims were set up in our system. They were prompted to answer the earnings, and were then prompted to send proof within 21 days to support their increase from the minimum of \$176. The individuals who didn't respond to the email requests are sent paper copies of the 2019 Earnings Certification, and to mail back with the proof that is applicable to their case. If the evidence supports their higher claim, they will continue to receive the higher benefit, and if they don't send any documentation they are then dropped to the minimum payment, and an overpayment will be written on the difference of stated benefit to minimum benefit. We will be training our folks on what other income verifications will look like (PayPal accounts stated, Venmo summaries, Schedule C, Distribution statements for corporate officers). Any Department of Revenue reports will also be matched to those claimants if there are covered wages in our system.

4. Has Kentucky implemented weekly certifications for new PUA claims? If so, when and can we please get a copy of the final form/layout of the certification?

Please see explanation under Question One, as those formatted screen shots include the information that the claimant is required to allege for each week that not only are the able/available and otherwise qualified for the benefit but for their COVID related reason for the job separation, they are required to certify for each week for the two weeks they request payment for at that time, as our claimants request payment bi-weekly under the system as configured, but they ask specifically for each week of alleged eligibility.

5. What is the timeline for implementation of these processes for new PUA claims?

- It has already been implemented, and staff are no longer manually creating the new initial claims for the last two weeks.

Retroactive Eligibility for Claims Previously Paid

1. Has Kentucky implemented the self-certification form as part of the initial eligibility determination for PUA claims that have already been paid? If so, when and can we please get a copy of the final form?

That document is attached, Pandemic Unemployment Assistance Self – Certification.

2. Has Kentucky implemented issuance of a monetary determination for PUA claims that have already been paid? If so, when and can we please get a copy of the final form?

The monetary determinations are attached and redacted, those are claimants with matched Department of Revenue Data. We will begin the review of the claimants that filled out the forms online (screen shots in guidance) where there were wages reported, and the 2019 Earnings Self-Certification will be reviewed with the supporting documentation submitted within 21 days of the receipt of the form. Those will require manual review by our staff in Benefits, Adjudication and Benefit Payment Control Branches to ensure the claimants who need overpayments are issued the overpayments to be administrative error or claimant error, and credit adjustments for claimants earning at the higher rate will receive the adjustment upwards, and any back pay due at that time.

3. Has Kentucky implemented processes to request documentation of income to support calculation of the weekly benefit amount for PUA? If so, when? Please provide a description of the process and provide any claimant communication documents that provide claimants with instructions on what they need to provide. We note that capturing income data solely through the use of a claimant self-certification or affidavit alone is not sufficient. You must request other forms of documentation including tax returns, 1099s, and other documents that validate a claimant's income.

The claimants will have to continue to certify that all the necessary components to remain eligible under PUA, and all wage earnings are to be reported as a part of this process every two weeks, for every week of

eligibility. For the initial claims this will be prompted at the initial claims stage, and they are to print the form and mail in the documents, which claimants have already begun to do.

<https://forms.office.com/Pages/ResponsePage.aspx?id=TX9812fXH0a2JQYoeS6eKn9K3DPie2VNv0rG72M6rr1UOTdWR0VKMIZGV1JMWUJBTKo5TktaNFFPTyQIQCN0PWcu>

4. Has Kentucky implemented weekly certifications for PUA claims that have already been paid? If so, when and can we please get a copy of the final form/layout of the certification? Please provide a detailed description of the process you plan to implement and any forms or communications that will be used, including issuance of the full weekly benefit amount to eligible claimants and processes to establish overpayments as appropriate.

Please see the forms listed above as Pandemic Unemployment Assistance Self-Certification. The forms were created as a Microsoft Form that were emailed to all PUA Claimants in our system that had an email address, the were prompted from that form, to certify for all the weeks they have received or applied for a benefit. This occurred within KEWES, so that the data was automatically associated with the claimant's file. This communication was sent two weeks ago, on Friday May 8, 2020. All claimants who had not completed it are receiving a paper copy to execute and return. The return of the paper statements will require manual transfer of the data to the system, by UI staff to then adjudicate for overpayments or credit adjustments. This manual process will require fact finding by our adjudication staff, and be routed to the appropriate teams. We have prepared for this increase in paper communication with additional staff that will be dedicated to the reconsideration of all the claimants new data provided for weeks of COVID eligible, and wages earned during that period.

5. What is the timeline for implementation of these processes to address PUA claims that have already been paid?
It has already begun, and reconsiderations are currently running through our adjudication system for review. We will continue to fill in the gaps with direct communication to the claimants via email and mail to ensure we obtain all the required data for all claimants to meet eligibility, and for those that do not provide the data for us to ascertain their status, will no longer be eligible for benefits, and appropriate steps taken to issue overpayments based upon that failure.

With this information, it is our hope that we will be close to closing out USDOL's concerns with Kentucky's PUA implementation. We would appreciate you providing us with this information **no later than COB Tuesday May 26, 2020, and sooner if feasible.**

Thanks very much.

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

From: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>
Sent: Thursday, May 14, 2020 12:08 PM
To: Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>; Garcia, Stephanie - ETA <Garcia.Stephanie@dol.gov>; Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Subject: RE: KY new Self-Certification Form

Michelle:

Thank you for the information and feedback provided about the information that these forms will be obtaining from our claimants. We will incorporate this content into the process that we have in place, and implementation can proceed immediately. If you have further question of Kentucky OUI I am happy to address them. You will also have the Kentucky corrective action plan to USDOL by the close of business today.

Stefanie Ebbens Kingsley
Executive Director
Office of Unemployment Services
Department of Workforce Investment
Education & Workforce Development Cabinet
500 Mero Street- 4th Floor
Frankfort, KY 40601
502-782-7933 Office
606-260-2565 Cell

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From: Beebe, Michelle E - ETA [<mailto:Beebe.Michelle.E@dol.gov>]
Sent: Thursday, May 14, 2020 9:03 AM
To: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>; Garcia, Stephanie - ETA <Garcia.Stephanie@dol.gov>; Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Subject: RE: KY new Self-Certification Form

Good Morning,

Please see our attached feedback. We are happy to hop on the phone if a quick conversation to clarify anything would be helpful.

Thanks,
Michelle

From: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Sent: Wednesday, May 13, 2020 7:50 PM
To: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>
Subject: RE: KY new Self-Certification Form

The team has been working on this throughout the day and we will get you something as quickly as possible.

Gay

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

From: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>
Sent: Wednesday, May 13, 2020 7:14 PM
To: Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>
Subject: RE: KY new Self-Certification Form

Good evening:

We would really like to be able to put this into motion before the weekend, as it is hard to make changes to the system on high volume days. We hope to get this out by this weekend. If we need to adjust our teams expectation please advise.

Stefanie Ebbens Kingsley
Executive Advisor
Education & Workforce Development
Office of Legal & Legislative Services

From: Beebe, Michelle E - ETA [<mailto:Beebe.Michelle.E@dol.gov>]
Sent: Wednesday, May 13, 2020 12:58 PM
To: Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>
Subject: RE: KY new Self-Certification Form

Dondra,

Thank you for sending. We will review and provide you with any feedback shortly.

Thanks,
Michelle

--

Michelle Beebe
Division Chief, Legislation
Office of Unemployment Insurance
Employment and Training Administration
U.S. Department of Labor
Frances Perkins Building, Room S-4524
beebe.michelle.e@dol.gov
202-386-1003

From: Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Sent: Wednesday, May 13, 2020 12:55 PM
To: Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton,

Josh D (Education Cabinet) <josh.benton@ky.gov>

Subject: KY new Self-Certification Form

Michelle,

Thank you so much for the quick feedback on Kentucky's Self-Certification Form. We want to update you on some changes since yesterday, and ask you to review the content of the new form we have drafted based on your team's feedback. First, we want to let you know that we have determined we can incorporate this form electronically into the claimant's online account. This will significantly reduce the number of paper forms to process. Individuals with access to their account online will be able to fill out the form electronically. We will link the form to their account and send them an email notice that they need to fill it out. Individuals who have elected to receive communications through the U.S. Mail will receive notice and the form in a paper format, and they will need to upload it or mail it back.

We believe our new form captures all of the data suggested in your feedback by breaking our form into weekly sections. This allows us to determine if the individual qualified for PUA each week separately. We feel this incorporates the "multiple start and end dates" data suggested in your feedback without asking the individual to manually list start/end dates. I have attached the new version of our form's content. We wanted you to review the content before we send it to be formatted electronically. We hope to push this out as soon as Friday so we would greatly appreciate a quick review of this new content. We are still working on the separate "2019 income data form" and will send that for review as soon as it is ready. Please feel free to contact me if you have any questions or additional suggestions for us.

Dondra J. Meredith
Deputy General Counsel
Education and Workforce Development
Office of Legal and Legislative Services
500 Mero Street-4th Floor
Frankfort, KY 40601
502-782-9974

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PUA Guidance

Payment Request

- PUA Payment requests can ONLY be done ONLINE
- There is no difference between UI, PEUC and PUA payment request questions
- Weeks are pulled from programs in the following order:
PUA->EB->PEUC->UI.
 - If the claimant has a Valid UI claim, a stop 6 **MUST** be placed on any other program so weeks are generated correctly.
 - If the claimant has Valid UI claim but should draw from PUA, a Stop X should be place on the UI claim. (OUI will need to provide guidance to their staff as to where to send the request for stop X placement)

Account Summary

- PUA claim information has been made available

(b)(6)

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- Program indicates whether the claimant is drawing UI, PEUC or PUA
- PUA Payments are now available in the Payment History

External KEWES Claim Filing

PUA Initial Claim determination is based on system information and responses provided by the claimant during filing.

1. Claimant must not indicate Federal/Postal employment during the base period
2. Claimant must not indicate Military employment during the base period
3. Claimant must not indicate Wages in another state during the base period.
4. Claimant must not indicate Workers Compensation.
5. Claimant must have insufficient base period wages for a new Initial claim
6. Claimant must not have eligibility for PEUC or EB

Once the claimant is determined to be PUA eligible:

- The Program information on the claim record is updated from UI (01) to DUA (05)
- PUA Qualification Reason(s) become required and the standard Non-Sep questions are not asked. If the claimant selects No to all the Qualification reasons, a stop is applied to the claim.

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Qualification Reason(s)

You are required to answer all data fields on this screen marked with an asterisk.
In order to qualify for PUA, you must be unemployed or underemployed as a direct result of COVID-19. Please select all that apply:

You have been diagnosed with COVID-19 or have COVID-19 symptoms and are seeing a doctor/doc

See *

A member of your household has been diagnosed with COVID-19

See *

You are providing care for a family member who has been diagnosed with COVID-19

See *

You are the primary caregiver for a child unable to attend school or care for a child due to COVID-19

See *

You are unable to travel; your place of employment due to an imposed quarantine or procedure that has been advised by a medical professional to self-quarantine due to COVID-19

See *

You are scheduled to commence new employment and cannot reach the workplace as a direct result of COVID-19

See *

You became the major breadwinner because the head of household died from COVID-19

See *

You lost your job as a direct result of COVID-19

See *

Your place of employment closed as a direct result of COVID-19

See *

Your hours have been reduced as a direct result of COVID-19

See *

You are self-employed, an independent contractor, 1099 freelancer, and have been affected by COVID-19

See *

You are working part-time employment and affected by COVID-19

See *

- The following issue is created:

PUA Qual Criteria Not Met	Disputed Claims Investigators	Non-Sep
---------------------------	-------------------------------	---------

- Income entry becomes required (*if zero, claimant is still eligible for the minimum)

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COVID - 19 Income

You are required to provide all data fields on this screen marked with an asterisk.

Proof of income is not required to establish a PUA claim; however, you can provide self-employed income documentation to potential increase your weekly benefit amount.

If you do not provide proof of income, you will be paid the minimum weekly benefit amount of \$155/week. In addition to this amount, you will also receive the additional \$500 Pandemic Unemployment Compensation provided forth under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. If you choose to provide proof of income to increase your minimum benefits, you will be required to attach documentation once your claim filing is complete. Instructions will be displayed on your Confirmation Page.

Quarter 1: January, February, March (2019)	
Quarter 2: April, May, June (2019)	
Quarter 3: July, August, September (2019)	
Quarter 4: October, November, December (2019)	

Please click here for help
 [Previous](#)
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Here, PUA Claimants have the opportunity to provide Income information to increase their weekly benefit amount.

- The amount entered should be the gross of all earning types (1099, W-2, self-employment, etc).
- The total is multiplied by .011923 to get the WBA.
- The Minimum WBA is \$176 and Maximum WBA is \$552.
- If the claimant had completed their 2019 or 2018 taxes, that revenue data will pre-populate.
- If the claimant increases the default earnings values on the Income Screen, the following issue is created for earnings verification.

Earnings Verification Required

Claimstakers

Claims

- Instruction is provided for document upload on the Confirmation Screen and again on the Account Summary screen

Claimants who do not enter earnings information on the Income Screen will be eligible for the Minimum WBA of \$176. If the claimant enters earnings and does not provide verification within 21 days, a stop should be placed on the claim, the WBA should be reduced to \$176, and an overpayment written for the number of weeks already processed.

On the Employer screen, an additional field has been added for the claimant to identify the type of employment.

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Most Recent Employer Information

You are required to answer all data fields on the screen marked with an asterisk.

Please enter information about your most recent employment. This should be your very last employer, regardless of the length of that employment.

If you are a 1099 employee or self-employed, enter information about your personal business as your own employer.

* Employer Type:

* Employer Agency name:
Self-Employed:
Business name:

Employer mailing address (Click here to find address in yellow pages):
Employer address for business (Click here to find address in yellow pages):
Street, Postal Address:

City:
State:

Zip:
Employer's phone number (include area code):

Was the work performed in Kentucky?

Please select the reason you are no longer working for this employer:

Please select the secondary separation reason:

Please enter your dates of employment with this employer:
Date started:
Last day worked / Separation Date:

* Separation explanation (Provide a brief explanation without exceeding 250 characters. A detailed questionnaire is follow-up required):
* Have you worked for this employer in 10 or more separate weeks from 1/1/2020 to present?

Note: The 10 weeks do not have to be in a row and you did not have to work the entire week for it to be counted as a week.

Again, on the Rights and Responsibilities Screen, the claimant must certify to being truthful with the information provided during claim filing. This includes the earnings information used to calculate their WBA.

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Rights & Responsibilities

CERTIFICATION/AUTHORIZATION: I certify that the information I have provided on this claim for unemployment benefits is true and correct to the best of my knowledge. I certify that I have read and understood the (PAM-UI-400), Rights and Responsibilities pamphlet, and accept responsibility for reading this pamphlet and asking questions of claims personnel if I do not understand the instructions or any procedures, law or regulation affecting my claim. I understand that any false statement or omission of material facts to obtain benefits is punishable by fine or imprisonment. I AUTHORIZE my former employer(s) to release all information requested in connection with my claim for unemployment benefits.

You may access The Rights and Responsibilities pamphlet (PAM UI 400) by clicking here.

I understand that penalties are provided by law for an individual making false statements to obtain benefits; that any determination based on this affidavit is not final; that it is subject to correction upon receipt of substantiating wage and separation information to be supplied by me and required within the next 21 calendar days; that my weekly unemployment assistance amount may be reduced for failure to produce wage and employment substantiating information within 21 days; and that benefit payments made as a result of such determination may have to be adjusted on the basis of information furnished and that any amount overpaid may have to be repaid or offset against future benefits. Intentional misrepresentation in self-certifying is considered fraud.

Type your first and last name

I was given access to the PAM UI 400, Rights and Responsibilities pamphlet.

I understand that I must report all wages earned.

I understand that I MUST USE THIS WEBSITE to request my benefit payment.

I understand that: effective Jan. 1, 2012, Kentucky Unemployment Insurance law requires one "waiting week" per Benefit Year. Your waiting week will always be your first payable week. You will request benefits for a two week period. If you are otherwise eligible, the amount of your first check will only be for one week. Your maximum benefit amount will not change. The waiting week applies to those whose last day of work was prior to March 9, 2020.

Please type your First Name, Middle Initial, and Last Name in the space provided to CERTIFY the information provided and AUTHORIZE unemployment benefits claim initiation.

If you do not agree, please logout or close the window and your claim will not be processed. In order to successfully complete your claim, you must agree to rights and responsibilities.

Additional Claims

An additional PUA claim requires the PUA Qualification questions instead of the standard Non-Separation questions. No income information is necessary since the claim is already established.

Earnings Verification

The fastest and most efficient way for a claimant to provide Earnings Verification is to upload them through Document Upload on the KEWES Home Screen. The claimant should select 'Earnings Verification Document'. Once documentation has been uploaded, it will transfer to Images and an issue will be created for staff notification.

Changes to Internal Claims filing for PUA

New Initial Claims

The system looks for wages on the MF and the answers to the below questions to determine if an Initial claim will remain UI or converted to PUA (DUA)

- Has Claimant Worked in Another State From 01/01/2019 TO 12/31/2019?
- From 01/01/2019 TO 12/31/2019 did Claimant receive a check for a work related injury(WC)?
- Was Claimant in the Military since 01/01/2019?
- Did Claimant have Federal or Postal Work since 01/01/2019?

If the claimant has no base period wages AND ALL of the above questions are answered NO:

- NonSep questions are not required.
- DUA Specs questions are required.
- COVID-19 INCOME is required (0's can be entered. For anything above zero, the claimant will be required to provide proof of earnings within 21 days. A stop will remain on the claim until proof is provided.)

If the claimant's last day of work is prior to 1/27/2020, they are not eligible for PUA and a stop will be placed on the claim.

Additional Claims (AC/RC)

If a claimant has a current PUA claim, the system checks to see if they have wages sufficient for a new UI. If they do not, the PUA claim is reopened.

- NonSep questions are not required.
- DUA Specs questions are required.
- COVID-19 INCOME does not need to be entered.

If the claimant's last day of work is prior to 1/27/2020, they are not eligible for PUA and a stop will be placed on the claim.

Cancel

• Indicates Required Field.

QUALIFICATION QUESTIONS

COVID-19 INCOME

- * You have been diagnosed with COVID-19 or with COVID-19 symptoms and are seeking a diagnosis: ☐ No ☐ Yes
- * A member of your household has been diagnosed with COVID-19: ☐ No ☐ Yes
- * You are providing care for a family or household member diagnosed with COVID-19: ☐ No ☐ Yes
- * You are the primary caregiver for a child unable to attend school or other facility closed due to COVID-19: ☐ No ☐ Yes
- * You are unable to reach your place of employment due to an imposed quarantine or because you have been advised by a medical practitioner to self-quarantine due to COVID-19: ☐ No ☐ Yes
- * You are scheduled to commence new employment and cannot reach the workplace as a direct result of COVID-19: ☐ No ☐ Yes
- * You became the major breadwinner because the head of household died from COVID-19: ☐ No ☐ Yes
- * You lost your job as a direct result of COVID-19: ☐ No ☐ Yes
- * Your place of employment closed as a direct result of COVID-19: ☐ No ☐ Yes
- * Your hours have been reduced as a direct result of COVID-19: ☐ No ☐ Yes
- * You are self-employed, an independent contractor, 1099 filer, or farmer and have been affected by COVID-19: ☐ No ☐ Yes
- * You are seeking part-time employment and affected by COVID-19: ☐ No ☐ Yes

Quarter 1: January, February, March: 1,500
 Quarter 2: April, May, June: 1,500
 Quarter 3: July, August, September: 1,500
 Quarter 4: October, November, December: 1,500

PUA Qualification for Existing PUA

For claimants whose PUA claims were filed prior to the integration of PUA in KEWES, qualification questions will be asked up on their first login. If the claimant does not answer yes to at least one of the qualifying reasons, a stop is generated on the claim.

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Qualification Reason(s)

You are required to answer all items to receive this benefit payment with no exceptions.

In order to qualify for PUA, you must be unemployed or underemployed as a direct result of COVID-19. Please select all that apply:

- ☐ You have been diagnosed with COVID-19 or with COVID-19 symptoms and are seeking a diagnosis. ☐ See
- ☐ A member of your household has been diagnosed with COVID-19. ☐ See
- ☐ You are providing care for a family or household member diagnosed with COVID-19. ☐ See
- ☐ You are the primary caregiver for a child unable to attend school or other facility closed due to COVID-19. ☐ See
- ☐ You are unable to reach your place of employment due to an imposed quarantine or because you have been advised by a medical practitioner to self-quarantine due to COVID-19. ☐ See
- ☐ You are scheduled to commence new employment and cannot reach the workplace as a direct result of COVID-19. ☐ See
- ☐ You became the major breadwinner because the head of household died from COVID-19. ☐ See
- ☐ You lost your job as a direct result of COVID-19. ☐ See
- ☐ Your place of employment closed as a direct result of COVID-19. ☐ See
- ☐ Your hours have been reduced as a direct result of COVID-19. ☐ See
- ☐ You are self-employed, an independent contractor, 1099 filer, or farmer and have been affected by COVID-19. ☐ See
- ☐ You are seeking part-time employment and your earnings were affected by COVID-19. ☐ See

Next >

Backdating (Available 5/18/2020)

PUA Claims can be backdated exactly the same as a UI claim. The earliest effective date for a PUA claim is **2/2/2020** so they should not be backdated prior to that date. DOL guidance **requires** PUA claims to be backdated to the week of the Last Day Work reported during claim filing.

General Guidance

Benefits must be drawn in the following order.

UI → EUC → EB (If triggered) → PUA

This order of payment is required. If a claimant is eligible for UI for a particular week, they cannot be paid on other programs. If they are, an overpayment should be written for the specific weeks.

The one exception is a claimant disqualified from regular UI who meets the criteria for PUA. In those instances, a stop X should be applied to the UI claim during the term of PUA eligibility.

The earliest Effective date for PUA is 2/2/2020.

The earliest Effective date for PEUC is 3/29/2020.

Because of the staggered effective dates, claimants could potentially have weeks of eligibility in different programs.

STOPS

- 1 – Stops claim from paying weeks
Potential or determined disqualification
- 2 – Overpayment
Allows recoupment of benefits to offset overpayment, adds a day to processing
- 3 – Overpayment with disqualification
Stops payments
- 4 – Fraud disqualification without overpayment
Fraud disqualification end date **must** be past. Also, stop must be removed from originating claim or it will continue to populate on new claims.
- 5 – Fraud overpayment with disqualification
Can only be reduced to stop 2, disqualification end date **must** be past
- 6 – Used when a claimant is drawing TEUC, EB, PUA and becomes eligible for a regular UI claim
A stop 6 is added to a PUA when there is TEUC or UI eligibility
A stop 6 is added to a TEUC when there is UI eligibility
- 8 – Invalid Claim
A stop 8 should NEVER be removed from a claim. If the claim is reconned valid, the stop should be updated accordingly through system processes. As long as it remains invalid, the stop 8 stays.
- 9 – Claim is being Reconsidered, and when Federal/Military/CWC wages have been requested.
A stop 9 should NEVER be removed from a claim until all requested wages have been considered and then, only by State & Federal Claims. If the claim is reconned valid, the stop should be updated accordingly, normally through system processes. When it becomes clear that the claim will not become valid, the stop 9 should be reduced to an 8, and then, only by a State & Federal Claims section staff.
- X – Claim should not have been filed
A Stop X is used on a claim that should not have been created BUT has payments made and cannot be deleted. Examples:
 - Fraudulent claim that has been zero balanced
 - A PUA that was erroneously created and paid with no correctly paid weeks
 - A claim filed under the wrong SSN when complete record deletion is not allowed
 - A disqualified Valid UI where the claimant is rendered eligible for PUA.

Claim Deletion

A claim, filed by accident or filed fraudulently, should always be deleted unless payments have been made. When payments have been made, claimstakers should seek direction from OUI Management.

Payment not Processing? Check 4B, C, ERRCD Field

- 00 – Claimant SSN not found
- 01 – Zero balance on claim
- 02 – ERI due on claim
- 03 – Weeks already claimed
- 04 – BYE Expired
- 05 – Claimant not registered for work
- 06 – Appeal period not expired
- 07 – No UI claim found
- 08 – Claimant need to Reopen Claim
- 09 – Database not available
- 10 – First week earnings required
- 99 – Update completely successful

Check request pulling weeks from the wrong Claim Program Code? Check stops!!

Stop 6 must be on all PEUC, EB and PUA claims when eligibility has ended.

COMMONWEALTH OF KENTUCKY
OFFICE OF UNEMPLOYMENT INSURANCE
500 MERO STREET, 4-SC
FRANKFORT, KY 40601-1958



Notice of Monetary Determination - Pandemic Unemployment Assistance (PUA)

Emergency Declaration Date: 03/06/2020

[REDACTED]
HARRODSBURG KY 40330 1909

[REDACTED]
SSN: [REDACTED]
BYE: 02/27/2120
Mail Date: 04/15/2020

Weekly entitlement amount: \$180.00

Maximum Benefit Amount: \$4,680

Effective: 3/1/2020

PUA Benefits will end after 26 weeks or when the State of Emergency has been lifted.

PUA Benefits are paid every two weeks via the payment method selected while filing your claim.
There is no need to request benefits.

The \$600 Cares Act payments will be paid bi-weekly as an additional payment beginning the week ending April 4, 2020. There is no need to request these benefits.

Any unemployment compensation you receive is fully taxable.

Appeal Rights

If you believe this determination is contrary to fact or law, you have the right to file a written appeal of this determination. Include the reason for appealing, your name and the last 4 digits of your social security number. The appeal may be submitted U.S. Mail to: Appeals Branch 500 Mero Street 4-SC Frankfort KY 40601, by email at uiappeals@ky.gov, or by FAX to 502-564-7850. You may also submit your appeal through document upload on your UI account home page at www.kewes.ky.gov. The written appeal must be received or postmarked with a date on or before the date shown in the upper right hand corner of the determination. If the due date of the appeals falls on a day that the office or post office is closed, the next day the office or post office is open will be considered the due date.
(787 KAR 1-110 and 787 KAR 1-120)

¡IMPORTANTE! Este documento(s) contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento.

INMEDIATAMENTE: Si necesario, por favor de ir a la oficina de Kentucky Career Center, si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, puede encontrar su oficina local en: www.kentuckycareercenter.com



Equal Education and Employment Opportunities M/F/D

13024732 52773599

Program code: 05

BYE: 02/27 2120

COMMONWEALTH OF KENTUCKY
OFFICE OF UNEMPLOYMENT INSURANCE
500 MERO STREET, 4-SC
FRANKFORT, KY 40601-1958



FLORENCE KY 41042 3652



Effective Date: 03/06/2020

Mail Date: 05/18/2020

**Entitlement Determination for
Pandemic Unemployment Assistance (PUA)**

Weekly Entitlement Amount: \$552.00

Maximum Benefit Amount: \$14,352.00

PUA Benefits may be awarded for up to 39 weeks, or until the President lifts the federal state of emergency, but the total amount paid under this Pandemic Unemployment Assistance will not exceed twenty-six (26) times your weekly benefit amount.

The \$600 Federal Pandemic Unemployment Compensation will be paid bi-weekly as an additional payment beginning the week ending April 4, 2020. There is no need to request these benefits. As long as you are eligible to receive a dollar of benefits under regular UI, EB, PUA or PEUC, you will receive the additional \$600 FPUC for that week of eligibility.

Any unemployment compensation you receive is fully taxable. Tax withholding on unemployment insurance benefits is optional. If you elected not to have taxes withheld, it may be necessary for you to make estimated tax payments, see Internal Revenue Service publication 505.

You will be furnished a statement, form 1099-G, at the end of next January, reporting benefits paid to you. The Internal Revenue Service will be given the same information.

You have the right to file a written appeal of this determination. The appeal must be in writing, clearly in Latin, intention to appeal. You must include your Name, the last 4 digits of their Social Security Number and Contact Information. The appeal may be mailed to the address above, e-mailed to Ufappeals@ky.gov, or sent by FAX to 502-564-7850 and must be received within 15 days after the date of mailing of this determination.

¡IMPORTANTE! Este documento(s) contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento.

INMEDIATAMENTE: Si necesario, por favor de ir a la oficina de Kentucky Career Center, si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, puede encontrar su oficina local en: www.kentuckycareercenter.com



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12/25/2020



DUA



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Equal Education and Employment Opportunities M/F/D

13433271 54043323

Program code: C5

BYE 12/23/2020

Dear Pandemic Unemployment Assistance (PUA) Claimant,

Our Office of Unemployment Insurance (OUI) system indicates that you filed an application to claim federal Pandemic Unemployment Assistance (PUA). OUI is making changes to the PUA claims process that will require additional information from you and affect how you request future payments. PUA is a federally funded program providing 39 weeks of unemployment benefits for workers not otherwise eligible for regular UI benefits, self-employed individuals, contract workers and business owners who have become unemployed directly due to the COVID-19 pandemic.

To qualify for PUA benefits, the U.S. Department of Labor is requiring each claimant to complete the PUA Self-Certification forms certifying that you have been able and available for work, but your unemployment, partial unemployment, inability to work or unavailability to work was caused by a COVID-19 related reason listed in the form. OUI will use the information you provide on this form to determine if you qualify for PUA benefits. Once you have completed the form, sign your name and date on the signature line.

You must complete and mail each form back to OUI within five days to:

**Unemployment Insurance
500 Mero Street, Fourth Floor
Mail Stop PUA
Frankfort, KY 40601**

Failure to return these documents may stop your benefit payments.

Answers to all questions must be personally entered by you and must be truthful. Falsification of information is punishable by fines and/or imprisonment under KRS 341.990.

Requesting Your PUA Payment and Viewing Your Account Information

OUI is also making changes to the PUA claims process that will affect how you request payments. You will now have to request your upcoming payments every two weeks online at kcc.ky.gov to receive PUA funds. **Please note, do not fill out a new UI application or open a new claim.**

Along with this change, OUI has made several improvements to the PUA process so you can now view your UI account summary page online with your current information in the state's UI system. It also will allow you to change your return-to-work date so you can stop your benefit payments.

To get to your account summary page, go to <https://uiclaims.des.ky.gov/ebenefit/eben.htm>, click I agree at the bottom of the page, enter your Social Security number and PIN in the User Login and click the submit button. On the My Account page, click account summary.

Your account summary page has important information the date to request your benefits, the weekly benefit amount, and your account balance. You can find further information on the home page of [Kcc.ky.gov](https://kcc.ky.gov). If you have any questions about this form or you need an extension to complete this form, you may contact the UI Benefits Branch at 502-564-2900 or you may email your questions about the form uiassistance@ky.gov.

Thank you for your cooperation.

Pandemic Unemployment Assistance Self-Certification Form



DO NOT COMMIT FRAUD. Intentional misrepresentation of any information on the Self-Certification Form is considered fraud. Failing to provide relevant information or knowingly making a false statement on the form will subject you to disqualification from UI benefits, liability for overpayment of all benefits received plus interest and penalty fees, and criminal prosecution by state and/or federal officials.

Section 1

Full Legal Name (*Please print*):

Social Security Number (*full SSN, no dashes*):

E-mail Address:

I certify that I (choose all that apply):

- | | | | |
|--|---|--|---|
| ☐ Am self-employed; | ☐ Was seeking part-time employment on or before January 27, 2020 to present; | ☐ Was employed but do not have sufficient work history to qualify for regular unemployment; | ☐ Otherwise would not qualify for regular unemployment or pandemic emergency unemployment compensation |
|--|---|--|---|

Section 2

2020 Weekly Certifications - January 27 - February 1, 2020

For the week of **January 27 - February 1**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;

- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?

\$

Holiday pay earned this week?

\$

Vacation pay earned this week?

\$

Other pay this week? (Excluding federal stimulus payment and unemployment benefits)

\$

Did you refuse to work during this week?

- ☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

- ☐ Yes ☐ No

Section 3

2020 Weekly Certifications - February 2 - February 8, 2020

For the week of **February 2 - February 8**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

☐ Yes ☐ No (If yes, please provide the amount on the next question)

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

☐ Yes ☐ No (If yes, please explain on the next question)

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 4

2020 Weekly Certifications - February 9 - February 15, 2020

For the week of **February 9 - February 15**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

☐ Yes ☐ No (If yes, please provide the amount on the next question)

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

☐ Yes ☐ No (If yes, please explain on the next question)

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 5

2020 Weekly Certifications - February 16 - February 22, 2020

For the week of **February 16 - February 22**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 6

2020 Weekly Certifications - February 23 - February 29, 2020

For the week of **February 23 - February 29**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 7

2020 Weekly Certifications – March 1 – March 7, 2020

For the week of **March 1 – March 7**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 8

2020 Weekly Certifications – March 8 – March 14, 2020

For the week of **March 8 – March 14**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 9

2020 Weekly Certifications – March 15 – March 21, 2020

For the week of **March 15 – March 21**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 10

2020 Weekly Certifications – March 22 – March 28, 2020

For the week of **March 22 – March 28**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 11

2020 Weekly Certifications – March 29 – April 4, 2020

For the week of **March 29 – April 4**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 12

2020 Weekly Certifications – April 5 – April 11, 2020

For the week of **April 5 – April 11**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 13

2020 Weekly Certifications – April 12 – April 18, 2020

For the week of **April 12 – April 18**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 14

2020 Weekly Certifications – April 19 – April 25, 2020

For the week of **April 19 – April 25**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 15

2020 Weekly Certifications – April 26 – May 2, 2020

For the week of **April 26 – May 2**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 16

2020 Weekly Certifications – May 3 – May 9, 2020

For the week of **May 3 – May 9**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$

Did you refuse to work during this week?

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 17

2020 Weekly Certifications – May 10 – May 16, 2020

For the week of **May 10 – May 16**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 18

2020 Weekly Certifications – May 17 – May 23, 2020

For the week of **May 17 – May 23**, I certify that I was mentally and physically able and available to work, but I was unemployed or my regular hours were reduced, because (choose one):

- ☐ I was diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- ☐ A member of my household was diagnosed with COVID-19;
- ☐ I was providing care for a family member or a member of my household who was diagnosed with COVID-19;
- ☐ A child or other person in my household for whom I have primary care-giving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 public health emergency and such school or facility is required for me to work;
- ☐ I was unable to reach my place of employment because of a quarantine imposed due to the COVID-19 public health emergency;
- ☐ I was unable to reach my place of employment because I was advised by my healthcare provider to self-quarantine due to concerns related to COVID-19;
- ☐ I was scheduled to begin employment but I do not have a job or I was unable to reach the job as a direct result of the COVID-19 public health emergency;
- ☐ I became the breadwinner or major support for a household because the head of the household has died as a result of COVID-19;
- ☐ I had to quit my job as a direct result of COVID-19;
- ☐ My place of employment was closed as a direct result of the COVID-19 public health emergency;
- ☐ I was an independent contractor and the COVID-19 public health emergency severely limited my ability to continue performing my customary work activities;
- ☐ I was unemployed but not due to a COVID-19 related reason this week; or
- ☐ I was employed this week.

Did you receive paid sick leave benefits, other paid leave, or payments for short-term disability and/or long term disability obtained through your current employer during this week?

- ☐ Yes ☐ No *(If yes, please provide the amount on the next question)*

If you received pay for sick leave benefits, paid leave, or short-term disability through your employer, how much? The value must be a number.

\$

Did your employer offer any accommodation for you to work this week (such as telework or reduced hours)?

- ☐ Yes ☐ No *(If yes, please explain on the next question)*

If you received accommodation, please explain below.

During this week, did you perform any work for which you were paid or will be paid, or receive any income including wages and tips, odd jobs, self-employment, commission pay, National Guard duty pay, holiday pay, or vacation pay?

☐ Yes ☐ No *(If yes, please provide the amount on the next questions)*

Wages and tips earned this week?	\$
Holiday pay earned this week?	\$
Vacation pay earned this week?	\$
Other pay this week? (Excluding federal stimulus payment and unemployment benefits)	\$
Did you refuse to work during this week?	

☐ Yes ☐ No

Did you begin receiving or did you have a change in the amount of your retirement benefits, excluding social security benefits?

☐ Yes ☐ No

Section 19

Certification

DO NOT COMMIT FRAUD. Intentional misrepresentation of any information on the Self-Certification Form is considered fraud. Failing to provide relevant information or knowingly making a false statement on the form will subject you to disqualification from UI benefits, liability for overpayment of all benefits received plus interest and penalty fees, and criminal prosecution by state and/or federal officials.

I, the claimant, hereby certify under penalty of perjury that the foregoing self-certifications are true and accurate to the best of my belief.

Pursuant to the Uniform Electronic Transaction Act (1999) KRS 369.102(8), Electronic Signatures in Global and National Commerce Act, 15 U.S.C. secs. 7001 et seq., KRS 457.250 and KRS 369.101 KRS 369.120, you agree that your above electronic signature carries the same weight and legal effect as your wet ink signature on a traditional paper document.

Full Legal Name

Date

From: Gilbert, Gay - ETA
Sent: Fri, 22 May 2020 14:54:57 +0000
To: Tompoe, Winston - ETA;Williams-Raysor,Rosemary - ETA
Cc: Garner, Jim - ETA;Garcia, Stephanie - ETA;Beebe, Michelle E - ETA
Subject: FW: USDOL Response Letter
Attachments: Letter to Kentucky_5.22.20.pdf, Scanned from a Xerox Multifunction Printer.pdf

FYI – letter to Kentucky Governor’s Office in response to her letter to me.
Assuming you saw the email I sent to the UI Director with requests for additional validation that they are implementing all the right things.

Thanks.

Gay

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Friday, May 22, 2020 10:00 AM
To: 'LaTasha.Buckner@ky.gov' <LaTasha.Buckner@ky.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Subject: USDOL Response Letter

Good morning, LaTasha:

Please find attached a letter from Unemployment Insurance Administrator Gay Gilbert in response to your letter dated May 15, 2020.

Let me know if you have any questions.

Best,
Mike

Michael R. Downing
Deputy Assistant Secretary
Office of Congressional and Intergovernmental Affairs
U.S. Department of Labor
Phone: 202-693-4600

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



May 22, 2020

La Tasha Buckner, Chief of Staff
Commonwealth of Kentucky
Office of the Governor
Capitol Building, Suite 100
700 Capitol Avenue
Frankfort, KY 40601

Dear Ms. Buckner:

Thank you for your letter of May 15, 2020, providing information on Kentucky's plan to four issues with regard to Kentucky's implementation of the Pandemic Unemployment Assistance (PUA) program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. We appreciate the attention on these important issues and that the Kentucky Department of Workforce Investment is actively taking steps to implement the PUA program in accordance with Federal law and the U.S. Department of Labor's (Department) guidance. The staff in Kentucky's Office of Unemployment Insurance have been very responsive to the technical assistance provided by my staff in this process.

We look forward to validating that all the appropriate processes are in place for the PUA program and reached out on May 20, 2020, to request some additional details to enable us to do that. Attached is a copy of the request.

Thanks to you and Governor Beshear for your attention to this issue. We sincerely appreciate Kentucky's commitment to ensuring the PUA program is operated as required and with program integrity.

Sincerely,

Gay M. Gilbert
Administrator
Office of Unemployment Insurance

cc: John Pallasch
Assistant Secretary for Employment and Training

Attachment

Gilbert, Gay - ETA

Subject: FW: KY new Self-Certification Form
Attachments: Scanned from a Xerox Multifunction Printer.pdf

From: Gilbert, Gay - ETA

Sent: Wednesday, May 20, 2020 2:48 PM

To: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>; Garcia, Stephanie - ETA <Garcia.Stephanie@dol.gov>; Tompoe, Winston - ETA (Tompoe.Winston@dol.gov) <Tompoe.Winston@dol.gov>; Williams-Raysor, Rosemary - ETA <williams-raysor.rose@dol.gov>

Subject: RE: KY new Self-Certification Form

Good Morning, Stefanie and Kentucky UI Team. We received the attached letter from your Governor's Chief of Staff last week. We appreciate hearing of Kentucky's commitment to make changes to implement the Pandemic Unemployment Assistance (PUA) program in accordance with Federal law and the Employment and Training Administration's guidance.

I am writing now to request the status of Kentucky's implementation of the corrective actions necessary for implementation of the PUA program described in the letter. Specifically, can you please provide the following information:

Eligibility Moving Forward

1. Has Kentucky implemented the self-certification form as part of the initial eligibility determination for new PUA claims? If so, when and can we please get a copy of the final form?
2. Has Kentucky implemented issuance of a monetary determination for new PUA claims? If so, when and can we please get a copy of the final form?
3. Has Kentucky implemented processes to request documentation of income to support calculation of the weekly benefit amount for new PUA claims? If so, when? Please provide a description of the process and provide any claimant communication documents that provide claimants with instructions on what they need to provide. We note that capturing income data solely through the use of a claimant self-certification or affidavit alone is not sufficient. You must request other forms of documentation including tax returns, 1099s, and other documents that validate a claimant's income.
4. Has Kentucky implemented weekly certifications for new PUA claims? If so, when and can we please get a copy of the final form/layout of the certification?

5. What is the timeline for implementation of these processes for new PUA claims?

Retroactive Eligibility for Claims Previously Paid

1. Has Kentucky implemented the self-certification form as part of the initial eligibility determination for PUA claims that have already been paid? If so, when and can we please get a copy of the final form?
2. Has Kentucky implemented issuance of a monetary determination for PUA claims that have already been paid? If so, when and can we please get a copy of the final form?
3. Has Kentucky implemented processes to request documentation of income to support calculation of the weekly benefit amount for PUA? If so, when? Please provide a description of the process and provide any claimant communication documents that provide claimants with instructions on what they need to provide. We note that capturing income data solely through the use of a claimant self-certification or affidavit alone is not sufficient. You must request other forms of documentation including tax returns, 1099s, and other documents that validate a claimant's income.
4. Has Kentucky implemented weekly certifications for PUA claims that have already been paid? If so, when and can we please get a copy of the final form/layout of the certification? Please provide a detailed description of the process you plan to implement and any forms or communications that will be used, including issuance of the full weekly benefit amount to eligible claimants and processes to establish overpayments as appropriate.
5. What is the timeline for implementation of these processes to address PUA claims that have already been paid?

With this information, it is our hope that we will be close to closing out USDOL's concerns with Kentucky's PUA implementation. We would appreciate you providing us with this information **no later than COB Tuesday May 26, 2020, and sooner if feasible.**

Thanks very much.

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

Andy Beshear
GOVERNOR

Capitol Building, Suite 100
700 Capitol Avenue
Frankfort, Kentucky 40601
(502) 564-2611
Fax: (502) 564-2517

May 15, 2020

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration

RE: Kentucky's Corrective Action Plan for
Pandemic Unemployment Assistance

Ms. Gilbert:

The Pandemic COVID-19 was declared a State of Emergency in the Commonwealth of Kentucky by Governor Andy Beshear on March 6, 2020, through an Executive Order. Former Executive Director worked to adopt and implement the Coronavirus Aid, Relief and Economic Security Act, Public Law 116-136 in accordance with the USDOL guidance as it was released.

There were four new assistance programs created through the CARES Act—Federal Pandemic Unemployment Compensation, Pandemic Emergency Unemployment Compensation, Extended Benefits, and Pandemic Unemployment Assistance, which is the subject of this Corrective Action Plan.

Section 2102 defines “covered individuals” who are eligible for the Pandemic Unemployment Assistance, with a non-exhaustive list of COVID related job loss, for people who would not be eligible under traditional Unemployment Insurance Benefits. The intent of the program was to cover new segments of the economy that were being impacted by the social distancing guidance and required business closures, as they impacted the economy and industry.

On March 28, 2020, The Commonwealth of Kentucky executed an agreement with the Department of Labor setting forth the basis for flexible interpretation of traditional requirements of claimants in the UI systems. USDOL issued Unemployment Insurance Program Letter (UIPL) 16-20 on April 5, 2020, which formed the first basis of agency interpretation of how these programs were to be run by the states. The guidance on PUA was updated again by USDOL through UIPL 16-20 Change One, issued on April 27, 2020.

Around the time that updated guidance was released, Cabinet leadership began to understand that the Office of Unemployment Insurance did not fully implement guidance consistent with program integrity. The former Executive Director did not advise staff to process claims in a consistent order. This led to staff creating manual PUA claims without first addressing the traditional UI eligibility for all claimants.

Shortly after CARES was enacted, our team created a COVID related job loss tab within the unemployment application process. This allowed claimants to declare that their loss of work was COVID related, but no further documentation for on-going certification of eligibility was collected from claimants. Having reviewed the guidance issued by USDOL in 16-20 and 16-20 Change One, the Commonwealth of Kentucky is implementing corrective action to ensure that all PUA claims are certified weekly and adjudicated consistently.

The following four issues surrounding PUA Claims were identified by current Cabinet leadership as it pertains to PUA eligibility: 1) staff were approving PUA claims manually without the self-certifications set forth in CARES and without verifying income; 2) PUA claims were not being self-certified weekly in accordance with CARES; 3) current wage earnings were not being reported weekly by claimants; and 4) monetary determinations need to be made on every claim. Cabinet leadership understands these certifications are a necessary component to program integrity, and are making a priority both with staff and technology to resolve this deficiency as quickly as possible.

We have already implemented policy prohibiting staff from manually approving PUA claims in our claims database. This will prevent the possibility of additional PUA claims that do not have the requisite self-certification and income verifications. In addition, the Cabinet has already electronically implemented the requisite weekly self-certification for PUA claimants going forward. This will allow UI staff to confirm ongoing program compliance with PUA, and ensure reported wages are being accounted for in the claims determination process going forward.

We have also taken action to reconcile the PUA claims previously paid to ensure program eligibility and Weekly Benefit Amount. We created a Self-Certification form that will capture the data required to make individual weekly determinations regarding claimant eligibility for PUA. We have also created the 2019 Income Certification form that will capture the claimant's 2019 income data. That data will be used to calculate the weekly benefit amount for the claimant. This will allow us to verify PUA eligibility and the correct Weekly Benefit Amount for all weeks previously paid. Additional payments will be made to individuals who qualify for more than the minimum amount they received and overpayments will be established for claimants who received payments to which they were not entitled.

Page 3
May 15, 2020

The forms will be available electronically in the claimant's account. They will also be sent via USPS to claimants who chose not to receive information electronically. We hope to implement the use of these forms as early as May 15, 2020. Failure to submit the forms will affect the validity and amount of claims in accordance with applicable federal and state law, and may result in the establishment of overpayments. In addition, OUI will use the Department of Revenue wage data to help identify claimants who have been overpaid. We will then follow the USDOL guidance to collect overpayments.

We regret that errors were made in Kentucky's attempts to implement the new unemployment insurance programs established in the CARES Act. However, we are confident our plan to re-evaluate previous payments along with the changes to prospective claim evaluations will ensure we meet all program integrity requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'La Tasha Buckner', written in a cursive style.

La Tasha Buckner
Chief of Staff

From: Gilbert, Gay - ETA
Sent: Fri, 15 May 2020 13:31:16 +0000
To: Beebe, Michelle E - ETA
Cc: Garner, Jim - ETA
Subject: FW: PUA Concerns
Attachments: CAP 5.13.20 - legal edits.docx

FYI – this is plan that is not acceptable.

From: Buckner, La Tasha A (Gov Office) <LaTasha.Buckner@ky.gov>
Sent: Thursday, May 14, 2020 4:59 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: RE: PUA Concerns

Assistant Secretary Pallasch,

Please find Kentucky's corrective action plan.

La Tasha Buckner
Chief of Staff and General Counsel
Office of Governor Andy Beshear
700 Capitol Drive, Suite 100
Frankfort, Kentucky 40601

From: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Sent: Tuesday, May 12, 2020 6:31 PM
To: Buckner, La Tasha A (Gov Office) <LaTasha.Buckner@ky.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: PUA Concerns

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Ms. Buckner,

Thank you for speaking with us yesterday. As we discussed, last week the Department of Labor (Department) became aware that Kentucky may be implementing the Pandemic Unemployment Assistance (PUA) program in the following incorrect ways:

1. The state opted to pay the minimum weekly benefit amount, plus the additional \$600, to every claimant with the intent to *later* determine his or her actual weekly benefit entitlement and to adjust the amount owed the claimant accordingly; and
2. The state's PUA monetary notice to claimants includes language that suggests the state is not implementing the required weekly certifications to ensure the claimant's ongoing eligibility.

Immediately after learning of these issues, I asked Gay Gilbert, the Department's UI Director, to call Kentucky and inquire further. On Friday, May 8, Ms. Gilbert spoke with Kentucky's new UI Director Stefanie Ebbens Kingsley to discuss these issues and get a more complete picture of how Kentucky is implementing PUA. On the call, we learned an even more disturbing detail: that Kentucky has not required any PUA claimants to complete the required self-certification that their employment has been reduced as a result of one of the specific COVID reasons as required by the CARES Act and reiterated in our guidance. In short, there has been no PUA eligibility determination beyond verifying that the claimant is ineligible for regular UI. In addition, there is also apparently no continuing eligibility process in place to confirm that a claimant remains eligible for the benefit. If true, this means that Kentucky is simply paying all applicants without ascertaining eligibility, which is likely resulting in millions in improper payments and potentially fraud.

Kentucky must implement PUA in accordance with the CARES Act and our repeated guidance. Kentucky is in violation of the attached agreement that the Department and Kentucky signed authorizing the state to administer the CARES Act programs. As we expressed in our call, failure to make the necessary changes to implement the program correctly is grounds for the Department to revoke the agreement. If revoked, Kentucky would no longer be authorized to provide PUA, Federal Pandemic Unemployment Compensation, and/or Pandemic Emergency Unemployment Compensation as outlined in the CARES Act.

The Department is committed to working with Kentucky to help bring the state into immediate compliance. But in order to allow continued operation of the CARES Act programs, the Department needs a corrective action plan with timelines immediately. This plan should address each deficiency outlined above and provide a timeline for the deficiency to be eliminated. If we don't receive the plan by **COB Thursday (May 14)**, we will have no choice but to explore all enforcement actions, up to and including termination of the CARES Act agreement.

Please feel free to contact me should you have any additional questions.

Thanks,

John Pallasch
Assistant Secretary
Employment and Training Administration
U.S. Department of Labor www.dol.gov
(202) 693-2772 | Room-S2307

Commented [BLTA(O1):

May 12, 2020

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration

RE: Kentucky's Corrective Action Plan for
Pandemic Unemployment Assistance

Ms. Gilbert:

The Pandemic COVID-19 was declared a State of Emergency in the Commonwealth of Kentucky by Governor Andy Beshear on March 6, 2020, through an Executive Order. Former Executive Director Muncie McNamara worked to adopt and implement the Coronavirus Aid, Relief and Economic Security Act, Public Law 116-136 in accordance with the USDOL guidance as it was released.

Commented [BLTA(O2): Why are we referencing him by name? can just name agency of office.

There were four new assistance programs created through the CARES Act—Federal Pandemic Unemployment Compensation, Pandemic Emergency Unemployment Compensation, Extended Benefits, and Pandemic Unemployment Assistance, which is the subject of this Corrective Action Plan.

Section 2102 defines "covered individuals" who are eligible for the Pandemic Unemployment Assistance, with a non-exhaustive list of COVID related job loss, for people who would not be eligible under traditional Unemployment Insurance Benefits. The intent of the program was to cover new segments of the economy that were being impacted by the social distancing guidance and required business closures, as they impacted the economy and industry.

On March 28, 2020, The Commonwealth of Kentucky executed an agreement with the Department of Labor setting forth the basis for flexible interpretation of traditional requirements of claimants in the UI systems. USDOL issued Unemployment Insurance Program Letter (UIPL) 16-20 on April 5, 2020, which formed the first basis of agency interpretation of how these programs were to be run by the states. The guidance on PUA was updated again by USDOL through UIPL 16-20 Change One, issued on April 27, 2020.

Around the time that updated guidance was released, Cabinet leadership began to understand that the Office of Unemployment Insurance did not fully implement guidance consistent with program integrity. The former Executive Director did not advise staff to process claims in a consistent order. This led to staff creating manual PUA claims without first addressing the traditional UI eligibility for all claimants.

Shortly after CARES was enacted, our team created a COVID related job loss tab within the unemployment application process. This allowed claimants to declare that their loss of work was COVID related, but no further documentation for on-going certification of eligibility was collected from claimants. Having reviewed the guidance issued by USDOL in 16-20 and 16-20 Change One, the Commonwealth of Kentucky is implementing corrective action to ensure that all PUA claims are certified weekly and adjudicated consistently.

The following four issues surrounding PUA Claims were identified by current Cabinet leadership as it pertains to PUA eligibility: 1) staff were approving PUA claims manually without the self-certifications set forth in CARES and without verifying income; 2) PUA claims were not being self-certified weekly in accordance with CARES; 3) current wage earnings were not being reported weekly by claimants; and 4) monetary determinations need to be made on every claim. Cabinet leadership understands these certifications are a necessary component to program integrity, and are making a priority both with staff and technology to resolve this deficiency as quickly as possible.

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We have also taken action to reconcile the PUA claims previously paid to ensure program eligibility and Weekly Benefit Amount. We created a Self-Certification form that will capture the data required to make individual weekly determinations regarding claimant eligibility for PUA. We have also created the 2019 Income Certification form that will capture the claimant's 2019 income data. That data will be used to calculate the weekly benefit amount for the claimant. This will allow us to verify PUA eligibility and the correct Weekly Benefit Amount for all weeks previously paid. Additional payments will be made to individuals who qualify for more than the minimum amount they received and overpayments will be established for claimants who received payments to which they were not entitled.

Commented [BLTA(O3): Policy or is there a system mechanism that prevents this? if it's just a policy, how do we really ensure this doesn't happen?

The forms will be available electronically in the claimant's account. They will also be sent via USPS to claimants who chose not to receive information electronically. We hope to implement the use of these forms as early as May 15, 2020. Failure to submit the forms will affect the validity and amount of claims in accordance with applicable federal and state law, and may result in the establishment of overpayments. In addition, OUI will use the Department of Revenue wage data to help identify claimants who have been overpaid. We will then follow the USDOL guidance to collect overpayments.

We regret that errors were made in Kentucky's attempts to implement the new unemployment insurance programs established in the CARES Act. However, we are confident our plan to re-evaluate previous payments along with the changes to prospective claim evaluations will ensure we meet all program integrity requirements.

From: Gilbert, Gay - ETA
Sent: Wed, 20 May 2020 18:47:48 +0000
To: Ebbens Kingsley, Stefanie J (Education Cabinet);Beebe, Michelle E - ETA;Meredith, Dondra J (Education Cabinet)
Cc: Hammons, Marty (Education Cabinet);Benton, Josh D (Education Cabinet);Garcia, Stephanie - ETA;Tompoe, Winston - ETA;Williams-Rayson,Rosemary - ETA
Subject: RE: KY new Self-Certification Form
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Good Morning, Stefanie and Kentucky UI Team. We received the attached letter from your Governor's Chief of Staff last week. We appreciate hearing of Kentucky's commitment to make changes to implement the Pandemic Unemployment Assistance (PUA) program in accordance with Federal law and the Employment and Training Administration's guidance.

I am writing now to request the status of Kentucky's implementation of the corrective actions necessary for implementation of the PUA program described in the letter. Specifically, can you please provide the following information:

Eligibility Moving Forward

- 1. Has Kentucky implemented the self-certification form as part of the initial eligibility determination for new PUA claims? If so, when and can we please get a copy of the final form?
2. Has Kentucky implemented issuance of a monetary determination for new PUA claims? If so, when and can we please get a copy of the final form?
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4. Has Kentucky implemented weekly certifications for new PUA claims? If so, when and can we please get a copy of the final form/layout of the certification?

5. What is the timeline for implementation of these processes for new PUA claims?

Retroactive Eligibility for Claims Previously Paid

1. Has Kentucky implemented the self-certification form as part of the initial eligibility determination for PUA claims that have already been paid? If so, when and can we please get a copy of the final form?
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5. What is the timeline for implementation of these processes to address PUA claims that have already been paid?

With this information, it is our hope that we will be close to closing out USDOL's concerns with Kentucky's PUA implementation. We would appreciate you providing us with this information **no later than COB Tuesday May 26, 2020, and sooner if feasible.**

Thanks very much.

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

From: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>
Sent: Thursday, May 14, 2020 12:08 PM
To: Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>; Garcia, Stephanie - ETA <Garcia.Stephanie@dol.gov>; Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Subject: RE: KY new Self-Certification Form

Michelle:

Thank you for the information and feedback provided about the information that these forms will be obtaining from our claimants. We will incorporate this content into the process that we have in place, and implementation can proceed immediately. If you have further question of Kentucky OUI I am happy to address them. You will also have the Kentucky corrective action plan to USDOL by the close of business today.

Stefanie Ebbens Kingsley
Executive Director
Office of Unemployment Services
Department of Workforce Investment
Education & Workforce Development Cabinet
500 Mero Street- 4th Floor
Frankfort, KY 40601
502-782-7933 Office
606-260-2565 Cell

**** Confidentiality Notice:** This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at 502-782-7933 and delete all copies of this message and any attachment. Neither this transmission of this message or any attachment, nor any error in transmission or misdelivery shall constitute a waiver of any applicable legal privilege.

From: Beebe, Michelle E - ETA [<mailto:Beebe.Michelle.E@dol.gov>]
Sent: Thursday, May 14, 2020 9:03 AM
To: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education

Cabinet) <josh.benton@ky.gov>; Garcia, Stephanie - ETA <Garcia.Stephanie@dol.gov>; Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>

Subject: RE: KY new Self-Certification Form

Good Morning,

Please see our attached feedback. We are happy to hop on the phone if a quick conversation to clarify anything would be helpful.

Thanks,
Michelle

From: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>

Sent: Wednesday, May 13, 2020 7:50 PM

To: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>

Cc: Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>

Subject: RE: KY new Self-Certification Form

The team has been working on this throughout the day and we will get you something as quickly as possible.

Gay

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

From: Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>

Sent: Wednesday, May 13, 2020 7:14 PM

To: Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>; Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>

Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>

Subject: RE: KY new Self-Certification Form

Good evening:

We would really like to be able to put this into motion before the weekend, as it is hard to make changes to the system on high volume days. We hope to get this out by this weekend. If we need to adjust our teams expectation please advise.

Stefanie Ebbens Kingsley
Executive Advisor
Education & Workforce Development
Office of Legal & Legislative Services

From: Beebe, Michelle E - ETA [<mailto:Beebe.Michelle.E@dol.gov>]
Sent: Wednesday, May 13, 2020 12:58 PM
To: Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>
Subject: RE: KY new Self-Certification Form

Dondra,

Thank you for sending. We will review and provide you with any feedback shortly.

Thanks,
Michelle

--

Michelle Beebe
Division Chief, Legislation
Office of Unemployment Insurance
Employment and Training Administration
U.S. Department of Labor
Frances Perkins Building, Room S-4524
beebe.michelle.e@dol.gov
202-386-1003

From: Meredith, Dondra J (Education Cabinet) <dondra.meredith@ky.gov>
Sent: Wednesday, May 13, 2020 12:55 PM
To: Beebe, Michelle E - ETA <Beebe.Michelle.E@dol.gov>
Cc: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>; Ebbens Kingsley, Stefanie J (Education Cabinet) <sebbenskingsley@ky.gov>; Hammons, Marty (Education Cabinet) <marty.hammons@ky.gov>; Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>
Subject: KY new Self-Certification Form

Michelle,

Thank you so much for the quick feedback on Kentucky's Self-Certification Form. We want to update you on some changes since yesterday, and ask you to review the content of the new form we have drafted based on your team's feedback. First, we want to let you know that we have determined we can incorporate this form electronically into the claimant's online account. This will significantly reduce the number of paper forms to process. Individuals with access to their account online will be able to fill out the form electronically. We will link the form to their account and send them an email notice that they

need to fill it out. Individuals who have elected to receive communications through the U.S. Mail will receive notice and the form in a paper format, and they will need to upload it or mail it back.

We believe our new form captures all of the data suggested in your feedback by breaking our form into weekly sections. This allows us to determine if the individual qualified for PUA each week separately. We feel this incorporates the “multiple start and end dates” data suggested in your feedback without asking the individual to manually list start/end dates. I have attached the new version of our form’s content. We wanted you to review the content before we send it to be formatted electronically. We hope to push this out as soon as Friday so we would greatly appreciate a quick review of this new content. We are still working on the separate “2019 income data form” and will send that for review as soon as it is ready. Please feel free to contact me if you have any questions or additional suggestions for us.

Dondra J. Meredith
Deputy General Counsel
Education and Workforce Development
Office of Legal and Legislative Services
500 Mero Street-4th Floor
Frankfort, KY 40601
502-782-9974

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COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

Andy Beshear
GOVERNOR

Capitol Building, Suite 100
700 Capitol Avenue
Frankfort, Kentucky 40601
(502) 564-2611
Fax: (502) 564-2517

May 15, 2020

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration

RE: Kentucky's Corrective Action Plan for
Pandemic Unemployment Assistance

Ms. Gilbert:

The Pandemic COVID-19 was declared a State of Emergency in the Commonwealth of Kentucky by Governor Andy Beshear on March 6, 2020, through an Executive Order. Former Executive Director worked to adopt and implement the Coronavirus Aid, Relief and Economic Security Act, Public Law 116-136 in accordance with the USDOL guidance as it was released.

There were four new assistance programs created through the CARES Act—Federal Pandemic Unemployment Compensation, Pandemic Emergency Unemployment Compensation, Extended Benefits, and Pandemic Unemployment Assistance, which is the subject of this Corrective Action Plan.

Section 2102 defines “covered individuals” who are eligible for the Pandemic Unemployment Assistance, with a non-exhaustive list of COVID related job loss, for people who would not be eligible under traditional Unemployment Insurance Benefits. The intent of the program was to cover new segments of the economy that were being impacted by the social distancing guidance and required business closures, as they impacted the economy and industry.

On March 28, 2020, The Commonwealth of Kentucky executed an agreement with the Department of Labor setting forth the basis for flexible interpretation of traditional requirements of claimants in the UI systems. USDOL issued Unemployment Insurance Program Letter (UIPL) 16-20 on April 5, 2020, which formed the first basis of agency interpretation of how these programs were to be run by the states. The guidance on PUA was updated again by USDOL through UIPL 16-20 Change One, issued on April 27, 2020.

Around the time that updated guidance was released, Cabinet leadership began to understand that the Office of Unemployment Insurance did not fully implement guidance consistent with program integrity. The former Executive Director did not advise staff to process claims in a consistent order. This led to staff creating manual PUA claims without first addressing the traditional UI eligibility for all claimants.

Shortly after CARES was enacted, our team created a COVID related job loss tab within the unemployment application process. This allowed claimants to declare that their loss of work was COVID related, but no further documentation for on-going certification of eligibility was collected from claimants. Having reviewed the guidance issued by USDOL in 16-20 and 16-20 Change One, the Commonwealth of Kentucky is implementing corrective action to ensure that all PUA claims are certified weekly and adjudicated consistently.

The following four issues surrounding PUA Claims were identified by current Cabinet leadership as it pertains to PUA eligibility: 1) staff were approving PUA claims manually without the self-certifications set forth in CARES and without verifying income; 2) PUA claims were not being self-certified weekly in accordance with CARES; 3) current wage earnings were not being reported weekly by claimants; and 4) monetary determinations need to be made on every claim. Cabinet leadership understands these certifications are a necessary component to program integrity, and are making a priority both with staff and technology to resolve this deficiency as quickly as possible.

We have already implemented policy prohibiting staff from manually approving PUA claims in our claims database. This will prevent the possibility of additional PUA claims that do not have the requisite self-certification and income verifications. In addition, the Cabinet has already electronically implemented the requisite weekly self-certification for PUA claimants going forward. This will allow UI staff to confirm ongoing program compliance with PUA, and ensure reported wages are being accounted for in the claims determination process going forward.

We have also taken action to reconcile the PUA claims previously paid to ensure program eligibility and Weekly Benefit Amount. We created a Self-Certification form that will capture the data required to make individual weekly determinations regarding claimant eligibility for PUA. We have also created the 2019 Income Certification form that will capture the claimant's 2019 income data. That data will be used to calculate the weekly benefit amount for the claimant. This will allow us to verify PUA eligibility and the correct Weekly Benefit Amount for all weeks previously paid. Additional payments will be made to individuals who qualify for more than the minimum amount they received and overpayments will be established for claimants who received payments to which they were not entitled.

Page 3
May 15, 2020

The forms will be available electronically in the claimant's account. They will also be sent via USPS to claimants who chose not to receive information electronically. We hope to implement the use of these forms as early as May 15, 2020. Failure to submit the forms will affect the validity and amount of claims in accordance with applicable federal and state law, and may result in the establishment of overpayments. In addition, OUI will use the Department of Revenue wage data to help identify claimants who have been overpaid. We will then follow the USDOL guidance to collect overpayments.

We regret that errors were made in Kentucky's attempts to implement the new unemployment insurance programs established in the CARES Act. However, we are confident our plan to re-evaluate previous payments along with the changes to prospective claim evaluations will ensure we meet all program integrity requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'La Tasha Buckner', written in a cursive style.

La Tasha Buckner
Chief of Staff

From: Gilbert, Gay - ETA
Sent: Mon, 4 May 2020 22:45:34 +0000
To: McNamara, Muncie L (OUI)
Cc: Benton, Josh D (Education Cabinet); Garner, Jim - ETA; Beebe, Michelle E - ETA; Tompoe, Winston - ETA; Williams-Rayson, Rosemary - ETA
Subject: RE: Pandemic Unemployment Assistance (PUA)
Attachments: kentucky21.pdf
Importance: High

Good Evening, Muncie. Thank you for responding to my prior email. I apologize for my very delayed response. We have been working 24/7 (as I'm sure you are as well) to continue to get guidance to states on the many UI provisions in the CARES Act.

Having been in your seat as a state UI director, I understand why there is sometimes frustration and tension when our system is asked to quickly ramp up new and complex programs and, in this case, in the midst of the greatest spike in UI claims in history. We appreciate all Kentucky is doing to implement these programs and we are trying to be as responsive to states as possible in recognition of the huge lift this is. However, we remain extremely concerned that states are implementing these programs (and the regular UI program) in a way that ensures they are making payments to eligible claimants and not just making payments. We are talking to many states about their implementation processes and not just Kentucky.

Thank you for your explanation related to plans to fully adjudicate all PUA claims and making payments in the correct amounts. We would like to hear more about Kentucky's processes for making that happen.

In addition, we are in receipt of the attached notice that Kentucky is providing to PUA recipients. The language that indicates there is no need to request benefits appears to mean that KY is not requiring PUA claimants to certify their continued eligibility for each week claimed. In order to maintain eligibility for benefits, claimants must continue to meet at least one of the COVID-related criteria. They must also have the ability to report potentially deductible income. Again, we would like to better understand Kentucky's processes.

We would like to schedule a call at your earliest convenience to further discuss Kentucky's processes in these two areas. Below are potential times for a call.

Tuesday May 5th – 4:00pm

Wednesday May 6th – 2:30pm or 4pm

Thursday May 7th – 11am, 3pm or 4pm

Please let us know which of these times works for you and your team.

On a separate note, I understand that we are actively working to provide you with technical assistance on ramping up an STC program. It will be great if that comes to fruition. STC is a great tool to have in your tool box and we have some new ideas on how it can be used in the context of individuals coming back to work as the country re-opens.

Thanks and we appreciate you getting back to us.

Gay

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

From: McNamara, Muncie L (OUI) <muncie.mcnamara@ky.gov>
Sent: Monday, April 20, 2020 10:45 AM
To: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Cc: Benton, Josh D (Education Cabinet) <josh.benton@ky.gov>
Subject: RE: Pandemic Unemployment Assistance (PUA)

Administrator Gilbert:

In response to your question, we are paying people the minimum so that we can get them money while we collect their income and process it. As you pointed out on one of conference calls, gathering income information from individuals is extremely labor intensive and time consuming. We decided it best to pay the minimum and the \$600 to eligible PUA recipients so we could give them assistance as quickly as possible. If we then determine that they were entitled to more based on income statements we will pay them in arrears and make them whole. Given the volume of claims we have received it would likely be months before we could process claims with correct wage data. We are making system changes as well to ask for income data and we are working on an information sharing agreement with the Revenue Cabinet to get tax returns. Our goal is and has been to get support to those who need it as quickly as possible. The entire workforce side of the our cabinet has essentially been temporarily reassigned to assist with UI to deal with the volume of claims. Kentucky has the same number of claims as states with

far greater populations. We have basically increased UI staff by almost 8x, not including the 1000 plus people we added to the phones to handle the volume of calls we now receive, which averages about 80,000 per day and on certain days like Monday, peaks at around 200,000. We are also constantly making system changes to improve our process. We even had Google come and look at our system and the feedback we received from Google was that Kentucky is far ahead of any of the other states they have assisted in terms of our technology response.

Building on this, myself and the leadership here in our Cabinet, are extremely frustrated by how USDOL has handled the rollout of these programs. Especially as it applies to Kentucky. When the Families First Act passed and we received UIPL 10-20, we acted very quickly to implement waiver of the waiting week and begin getting benefits to those who lost employment due to COVID-19. We anticipated passage of the CARES Act and what it would contain, because we are in frequent contact with Senator McConnell's office. That allowed us to begin planning and then the Act passed we were able to quickly roll out the programs. I believe we have followed the CARES Act and the Families First Act. Our frustration is that USDOL has been slow to issue policy guidance. And when the guidance does come out it is often contrary to previous statutes and guidance from USDOL. For example, UIPL 10-20 (3/12/2020) encourages states to waive the waiting week, which we did immediately. Later, UIPL 13-20 (3/22/2020) states that federal funding of the waiting week does not begin until 3/18/2020. So there is a week left unfunded by the federal government even though USDOL's own guidance encouraged states to waive the waiting week prior to 3/18/2020. Additionally, UIPL 11-20 provided a minimum payment schedule that was scaled for each state. The payment schedule in UIPL 11-20 states that Kentucky's minimum rate is \$180. We began paying at this rate. However, it was not until the power point presentation given by your office that we discovered we are supposed to use UIPL 3-20 for the payment rate, which is \$174 for Kentucky. It almost seems like USDOL wants to pretend like Families First and UIPL 10-20, 11-20 don't exist. These may seem like minor things but given the volume of claims we have this represent a tremendous amount of money, and these are just two examples of which there are many.

Furthermore, for weeks we have asked our regional office for guidance on work-share and reimbursing employers. I have not received any answers and when I spoke with our regional office I was informed that they were told further guidance was coming on these topics, so they could not answer my questions. Frankly, I feel like Kentucky is being punished for acting quickly, as we were encouraged to do by the FF act, the CARES Act, Sen. McConnell's office and the Governor. I also think that USDOL keeps moving the goal line on implementation. I know most of the states in our area, Indiana for example, have not even started making PUA payments or FPUC payments and they "hope" to begin these payments by April 25th. First, I do not know how on earth they are handling the political fallout from not paying people these benefits. Second, I believe that approach, waiting for the dust to clear before acting, is both contrary to the role of government in these situations, and contrary to the mandates in the Families First and CARES Acts, which clearly wanted these benefits paid sooner rather than later in response to the closing of businesses nationwide. Third, as a result of their tardiness, people who live in Indiana and might be an independent contractor or self-employed doing business on both sides of the river are applying for PUA benefits in Kentucky, because we are making payments and Indiana isn't. So, that is another pool of applications we have to I suppose we could have taken our time waiting for USDOL to make up its mind on how it interprets these bills, but then our citizens would be rioting and our economy would be in the tank. We are trying to follow what guidance there is when we make decisions on implementing these programs, but often times the guidance is not there. When it is there it is often unclear or contradictory. It's a running joke on the NASWA calls that there needs to be guidance on the guidance.

So, respectfully, Kentucky is doing the best it can in these circumstances. Our goal is to get benefits out to eligible claimants as quickly as we can. However, I do not feel like USDOL is helpful right now. Frankly it is more of an obstacle. This is in no way a reflection of the staff in our local office. They have been as helpful as possible, but they cannot help us with issues of which they are not informed. Often times I am told they are waiting to hear from USDOL before they can offer guidance. I appreciate that you are trying to stay on top of all the states' responses, and I realize how difficult this time is for all of us. I hope you are well and staying healthy.

Sincerely,

Muncie L. McNamara
Executive Director
Office of Unemployment Insurance
Office: 502-782-5355
Cell: 502-352-8248
Muncie.mcnamara@ky.gov

CONFIDENTIALITY NOTICE

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From: Gilbert, Gay - ETA <Gilbert.Gay@dol.gov>
Sent: Monday, April 20, 2020 7:53 AM
To: McNamara, Muncie L (OUI) <muncie.mcnamara@ky.gov>
Cc: Tompoe, Winston - ETA <Tompoe.Winston@dol.gov>; Williams-Raysor, Rosemary - ETA <williams-raysor.rose@dol.gov>
Subject: Pandemic Unemployment Assistance (PUA)

Hi, Muncie – I'm checking in on Kentucky's processing of PUA claims. We received information that Kentucky may be providing all PUA claimants with the minimum weekly benefit amount plus the \$600, which would be contrary to the statute and our guidance. Hoping it's not the case, but can you please confirm?

Thank you.

Gay

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

COMMONWEALTH OF KENTUCKY
OFFICE OF UNEMPLOYMENT INSURANCE
500 MERO STREET, 4-SC
FRANKFORT, KY 40601-1958



Notice of Monetary Determination - Pandemic Unemployment Assistance (PUA)

Emergency Declaration Date: 03/06/2020

SSN: [REDACTED]
BYE: 02/27/2120
Mail Date: 04/03/2020

Weekly entitlement amount: \$180.00

Maximum Benefit Amount: \$4,680

Effective: 3/1/2020

PUA Benefits will end after 26 weeks or when the State of Emergency has been lifted.

PUA Benefits are paid every two weeks via the payment method selected while filing your claim.
There is no need to request benefits.

The \$600 Cares Act payments will be paid bi-weekly as an additional payment beginning the week ending April 4, 2020. There is no need to request these benefits.

Any unemployment compensation you receive is fully taxable.

Appeal Rights

If you believe this determination is contrary to fact of law, you have the right to file a written appeal of this determination. Include the reason for appealing, your name and the last 4 digits of your social security number. The appeal may be submitted U.S. Mail to: Appeals Branch 500 Mero Street 4-SC, Frankfort KY 40601, by email at uiappeals@ky.gov, or by FAX to 502-564-7850. You may also submit your appeal through document upload on your UI account home page at www.kewes.ky.gov. The written appeal must be received or postmarked with 60 days from the date shown in the upper right hand corner of the determination. If the due date of the appeals falls on a day that the office or post office is closed, the next day the office or post office is open shall be considered the due date.
(787 KAR 1:110 and 787 KAR 1:230)

(IMPORTANTE) Este documento(s) contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento.

INMEDIATAMENTE: Si necesario, por favor de ir a la oficina de Kentucky Career Center, si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, puede encontrar su oficina local en: www.kentuckycareercenter.com



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02/27/2120

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Equal Education and Employment Opportunities M/F/D

12715552 : 51003830

Program code: 06

BYE: 02/27/2120

From: Gilbert, Gay - ETA
Sent: Tue, 14 Jul 2020 22:52:39 +0000
To: Larry.Roberts@ky.gov
Cc: Garner, Jim - ETA; Beebe, Michelle E - ETA; Garcia, Stephanie - ETA; Jacobs-Simmons, L - ETA; Tompoe, Winston - ETA; Williams-Raysor, Rosemary - ETA
Subject: Weekly Certifications

Larry – I am writing to clear up what may have been a misunderstanding by Kentucky of the Department’s guidance on weekly certifications. We have never said that it is not permissible for states to use a bi-weekly certification process. We have said that if a state uses a bi-weekly certification process that it must enable the claimant to certify for each individual week separately. If there is any remaining confusion on this issue, we are happy to get on the phone to discuss further.

I hope this is helpful.

Gay

Gay M. Gilbert, Administrator
Unemployment Insurance
U.S. Department of Labor
Employment and Training Administration
(202) 693-3029
gilbert.gay@dol.gov

United States Senate

November 13, 2019

The Honorary Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW, Room N4716
Washington, DC 20210

Dear Secretary Scalia:

I write on behalf of my constituents with the University of Louisville (UofL) regarding their competitive grant application with the Department of Labor (DOL) Employment and Training Administration's "Apprenticeships: Closing the Skills Gap" program (EOA-ETA-19-09).

It is my understanding UofL will use this funding for their Modern Apprenticeship Pathways to Success (MAPS) program to advance the economic wellbeing and global competitiveness of the workforce. I am told UofL's MAPS program will meet the objectives of the DOL program through numerous ways, such as building on long running collaborations with the region's manufacturing, healthcare, and information technology industries, leveraging current federal and local workforce investments, and supporting apprentices.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure every tax dollar is spent wisely. It is with this in mind that I draw your attention to UofL's application, which I believe merits your full and fair review.

Thank you for your attention to this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd

From: Executive Secretariat
To: Fraterman, Matthew - EXECSEC
Cc: Cassidy, Sybil - EXECSEC
Subject: FW: DOL Support Letters--Apprenticeships, Closing the Skills Gap Grant Program
Date: Thursday, November 14, 2019 8:51:34 AM
Attachments: UofL DOL Support Letter 11.13.2019.pdf

From: ExecSec, DOL <ExecSecDOL@dol.gov>
Sent: Thursday, November 14, 2019 8:42 AM
To: Executive Secretariat <m-Executive.Secretaria@dol.gov>
Subject: DOL Support Letters--Apprenticeships, Closing the Skills Gap Grant Program

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Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd

From: Donaldson, Steve (McConnell)
To: Pallasch, John P - ETA; Wheeler, Joe - OCIA
Subject: Re: PUA/Quit due to COVID
Date: Thursday, April 02, 2020 12:11:37 PM

Thank you, I may reach out shortly.

From: "Pallasch, John P - ETA" <Pallasch.John.P@dol.gov>
Date: Thursday, April 2, 2020 at 12:02 PM
To: Steve Donaldson <Steve_Donaldson@mcconnell.senate.gov>, "Wheeler, Joe - OCIA" <Wheeler.Joe@dol.gov>
Subject: RE: PUA/Quit due to COVID

(b)(5)

Happy to discuss further if needed.

John Pallasch
202-693-2772

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Thursday, April 2, 2020 11:35 AM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: PUA/Quit due to COVID

John,

Thanks for your continued help in keeping us informed. I understand that the largest area of consternation among our conference is whether someone who is otherwise employed can quit their job to draw unemployment at the increased rate.

That provision, which is in Section 2102 of the bill and as I read it, only under the PUA program, is for the gig workers/self-employed/nonprofit folks. Not those that would typically be working for a traditional employer and quit that job to receive unemployment.

The section is 2102(3)(A)(ii)(I) and, when read as a whole, states:

"An individual who is not eligible for regular compensation or extended benefits under State or Federal law... and provided self-certification that the individual is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially employed, or unable or unavailable to work because ... the individual has to quit his or her job as a direct result of COVID-19."

Members are hearing from their larger employers that this section would allow someone who is

otherwise unable to get benefits--because they quit and were not laid off--to receive benefits.

Right now, the two that I have heard from are Senators Cotton and Johnson.

It may be helpful for you or someone on your team to walk through with staff and potentially members as they express these concerns. They are seeking reassurance from off the Hill since implementation is in the hands of the administration.

Thanks,
Steve Donaldson
Policy Advisor/Counsel
Office of Senate Majority Leader Mitch McConnell

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To: Steve Donaldson <Steve_Donaldson@mcconnell.senate.gov>, "Wheeler, Joe - OCIA" <Wheeler.Joe@dol.gov>
Subject: RE: PUA/Quit due to COVID

(b)(5)

John Pallasch
202-693-2772

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Thanks,
Steve Donaldson
Policy Advisor/Counsel
Office of Senate Majority Leader Mitch McConnell

From: Pallasch, John P - ETA
To: Donaldson, Steve (McConnell); Wheeler, Joe - OCIA
Subject: RE: Quick question on KY issues
Date: Friday, May 01, 2020 10:02:00 AM
Attachments: 20200417195825219.pdf

Per your call...

John Pallasch
202-693-2772

-----Original Message-----

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Thursday, April 30, 2020 2:54 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: Quick question on KY issues

(b)(6)
John,

I had a colleague raise a question they've heard from back in the state. Was wondering if we could touch base. My cell is (b)(6)

Thanks,
Steve

COMMONWEALTH OF KENTUCKY
OFFICE OF UNEMPLOYMENT INSURANCE
500 MERO STREET, 4-SC
FRANKFORT, KY 40601-1958



Notice of Monetary Determination - Pandemic Unemployment Assistance (PUA)

Emergency Declaration Date: 03/06/2020

SSN: [REDACTED]
BYE: 02/27/2120
Mail Date: 04/03/2020

Weekly entitlement amount: \$180.00

Maximum Benefit Amount: \$4,680

Effective: 3/1/2020

PUA Benefits will end after 26 weeks or when the State of Emergency has been lifted.

PUA Benefits are paid every two weeks via the payment method selected while filing your claim.
There is no need to request benefits.

The \$600 Cares Act payments will be paid bi-weekly as an additional payment beginning the week ending April 4, 2020. There is no need to request these benefits.

Any unemployment compensation you receive is fully taxable.

Appeal Rights

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(787 KAR 1:110 and 787 KAR 1:230)

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Equal Education and Employment Opportunities M/F/D

[REDACTED]

[REDACTED]

[REDACTED]

From: Pallasch, John P - ETA
To: Donaldson, Steve (McConnell); Wheeler, Joe - OCIA
Subject: RE: Quick question on KY issues
Date: Friday, May 01, 2020 10:02:00 AM
Attachments: 20200417195825219.pdf

Per your call...

John Pallasch
202-693-2772

-----Original Message-----

From: Donaldson, Steve (McConnell) <Steve_Donaldson@mcconnell.senate.gov>
Sent: Thursday, April 30, 2020 2:54 PM
To: Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
Subject: Quick question on KY issues

(b)(6)
John,

I had a colleague raise a question they've heard from back in the state. Was wondering if we could touch base. My cell is (b)(6)

Thanks,
Steve

COMMONWEALTH OF KENTUCKY
OFFICE OF UNEMPLOYMENT INSURANCE
500 MERO STREET, 4-SC
FRANKFORT, KY 40601-1958



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Equal Education and Employment Opportunities M/F/D

[REDACTED]

[REDACTED]

[REDACTED]

From: McGuire, Denzel E. EOP/OMB
To: Martin, Ryan (Finance)
Cc: Pallasch, John P - ETA; Donaldson, Steve (McConnell); Wrase, Jeff (Finance); Bomberger, Melissa B. EOP/OMB; Branson, Michael D. EOP/OMB
Subject: Re: Wyden Proposal - TA Needed
Date: Friday, March 20, 2020 2:15:11 PM

+ my labor peeps

Sent from my iPhone

On Mar 20, 2020, at 1:58 PM, Martin, Ryan (Finance)
<Ryan_Martin@finance.senate.gov> wrote:

Don't worry about the long-term stuff in here, but we need to know if there are other problems—like if what's in here doesn't mirror DUA or if there are other provisions that are actually policy changes instead of just turning on DUA but via a new program in the Social Security Act.

Long-term stuff would come out, and we'd add these as well (not the "in person or by phone correction here, too):

SEC. ____ . ADDITIONAL EMERGENCY TRANSFER FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION AND TECHNICAL CORRECTION.

Subsection (h) of section 903 of the Social Security Act (42 U.S.C. 1103), as added by section 4102 of the Emergency Unemployment Stabilization and Access Act of 2020 (contained in division D of the Families First Coronavirus Response Act) is amended

- (1) in paragraph (1)(B), by striking "\$1,000,000,000" and inserting "[TBD]"; and
- (2) in paragraph (2)(B), by striking "in at least two of the following:".

Also this one:

SEC. ____ . STATE FLEXIBILITY FOR EMERGENCY STAFFING.

Section 4102(b) of the Emergency Unemployment Stabilization and Access Act of 2020 (contained in division D of the Families First Coronavirus Response

Act) is amended by striking “or employer experience rating” and inserting “employer experience rating, or personnel standards on a merit basis”.

Ryan T. E. Martin, Senior Human Services Advisor
U.S. Senate Finance Committee
219 Dirksen Senate Office Building
Ryan_Martin@finance.senate.gov
202-224-4515

<GOE20335 3.20 125pm.docx>

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[REDACTED]

[REDACTED]

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Equal Education and Employment Opportunities M/F/D

[REDACTED]

[REDACTED]

[REDACTED]

From: Donaldson, Steve (McConnell)
To: Pallasch, John P - ETA
Subject: UI Language
Date: Wednesday, July 22, 2020 8:34:25 AM
Attachments: GOE20872.docx

Wanted you to see before it is introduced. Please keep this in the building until introduction.

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

Subtitle A—Unemployment Insurance Provisions

SEC. 12001. IMPROVEMENTS TO FEDERAL PANDEMIC
UNEMPLOYMENT COMPENSATION TO BETTER MATCH
LOST WAGES.

(a) Extension. Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) Improvements to Accuracy of Payments.

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(A) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended

(i) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

(ii) by adding at the end the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—The amount specified in this paragraph is, with respect to an individual, for weeks of unemployment

“(A) beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600;

“(B) beginning after the last week under subparagraph (A) and ending before October 5, 2020; \$50; and

“(C) beginning after the last week under subparagraph (B) and ending before December 31, 2020, an amount equal to 25 percent of the amount determined under paragraph (1)(A) (determined prior to any reductions or offsets) for the individual.”.

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS. Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) short-time compensation under section 2108 or 2109.”.

(2) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following:

1 “(4) SPECIAL RULE FOR APPLICATION OF FEDERAL PANDEMIC UNEMPLOYMENT
2 COMPENSATION. In applying subsection (b)(3)(C) of section 2104

3 “(A) to paragraph (1)(A)(ii) of this subsection, the amount of Federal Pandemic
4 Unemployment Compensation under section 2104 shall be an amount equal to 25
5 percent of the amount described in paragraph (1)(A)(i) of this subsection (determined
6 prior to any reductions or offsets) for the individual; and

7 “(B) to paragraph (2) of this subsection, the amount of Federal Pandemic
8 Unemployment Compensation under section 2104 shall be an amount equal to 25
9 percent of the amount of assistance calculated in accordance with paragraph (2) of this
10 subsection (determined prior to any reductions or offsets) for the individual.”.

11 (3) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief
12 for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of
13 the CARES Act (Public Law 116–136)) is amended

14 (A) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after
15 “section 2104”; and

16 (B) in subsection (b)(2), by inserting “with respect to the individual” after “section
17 2104”.

18 (c) Consistent Treatment of Earnings and Unemployment Compensation. Section 2104(h) of
19 the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division
20 A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new
21 sentence: “The preceding sentence shall not apply to any Federal Pandemic Unemployment
22 Compensation paid to an individual with respect to a week of unemployment ending on or after
23 October 5, 2020.”.

24 (d) Requirement for Return to Work Notification and Reporting. Section 2104(b) of the
25 Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A
26 of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new
27 paragraph:

28 “(3) Beginning 30 days after the date of enactment of this paragraph, any agreement
29 under this section shall require that the State has in place a process to address refusal to
30 return to work or refusal of suitable work that includes the following:

31 “(A) Providing a plain-language notice to individuals at the time of applying for
32 benefits regarding State law provisions relating to each of the following:

33 “(i) Return to work requirements.

34 “(ii) Rights to refuse to return to work or to refuse suitable work.

35 “(iii) How to contest the denial of a claim that has been denied due to a claim
36 by an employer that the individual refused to return to work or refused suitable
37 work.

38 “(B) Providing a plain-language notice to employers through any system used by
39 employers or any regular correspondence sent to employers regarding how to notify
40 the State if an individual refuses to return to work.

“(C) Other items determined appropriate by the Secretary of Labor.”.

SEC. 12002. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) In General.—Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking “one-half” and inserting “75 percent”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2103 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 12003. CONFIRMATION OF ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) In General. Section 2102(a)(3) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “and” at the end; and

(B) by inserting after clause (ii) the following:

“(iii) provides documentation substantiating employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the date on which the individual submits an application for assistance under this section or is directed by the State agency to submit such documentation or has shown good cause under applicable State law for failing to submit such documentation by the deadline, in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such documentation shall not be required if the individual previously submitted such information to the State agency for the purpose of obtaining regular or other unemployment compensation; and”; and

(2) in subparagraph (B)—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(iii) in accordance with section 625.6(e)(2) of title 20, Code of Federal Regulations, or any successor thereto, an individual who does not provide a statement of earnings under subparagraph (A)(iii).”.

(b) Applicability. The amendments made by subsection (a) shall apply to

(1) any individual who applies for pandemic unemployment assistance under section 2102 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title

II of division A of the CARES Act (Public Law 116–136)) on or after the date of enactment of this Act;

(2) any individual who applied for pandemic unemployment assistance under such section 2102 before the date of enactment of this Act and, as of such date of enactment, has not yet received a pandemic unemployment assistance payment; and

(3) beginning not later than 90 days after the date of enactment of this Act, any individual who began receiving pandemic unemployment assistance under such section 2102 before the date of enactment of this Act and is still receiving such assistance after the date of enactment of this Act.

SEC. 12004. IMPROVEMENTS TO STATE UNEMPLOYMENT SYSTEMS AND STRENGTHENING PROGRAM INTEGRITY.

(a) Unemployment Compensation Systems.—

(1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(A) in the matter preceding paragraph (1), by striking “provision for—” and inserting “provision for each of the following:”;

(B) at the end of each of paragraphs (1) through (10) and paragraph (11)(B), by striking “; and” and inserting a period; and

(C) by adding at the end the following new paragraph:

“(13) The State system shall, in addition to meeting the requirements under section 1137, meet the following requirements:

“(A) The system shall be capable of handling a surge of claims that would represent a twentyfold increase in claims from January 2020 levels, occurring over a one-month period.

“(B) The system shall be capable of—

“(i) adjusting wage replacement levels for individuals receiving unemployment compensation;

“(ii) adjusting weekly earnings disregards, including the ability to adjust such disregards in relation to an individual’s earnings or weekly benefit amount; and

“(iii) providing for wage replacement levels that vary based on the duration of benefit receipt.

“(C) The system shall have in place an automated process for receiving and processing claims for disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)), with flexibility to adapt rules regarding individuals eligible for assistance and the amount payable.

“(D) In the case of a State that makes payments of short-time compensation under a

short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986), the system shall have in place an automated process of receiving and processing claims for short-time compensation.

“(E) The system shall have in place an automated process for receiving and processing claims for

“(i) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

“(ii) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code; and

“(iii) trade readjustment allowances under sections 231 through 233 of the Trade Act of 1974 (19 U.S.C. 2291–2293).”.

(2) EFFECTIVE DATE. The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2023.

(b) Electronic Transmission of Unemployment Compensation Information.—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end the following new subsection:

“(n) Electronic Transmission of Unemployment Compensation Information.

“(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration of the State law shall use a system developed (in consultation with stakeholders) and designated by the Secretary of Labor for automated electronic transmission of requests for information relating to unemployment compensation and the provision of such information between such agency and employers or their agents.

“(2) USE OF APPROPRIATED FUNDS.—The Secretary of Labor may use funds appropriated for grants to States under this title to make payments on behalf of States as the Secretary determines is appropriate for the use of the system described in paragraph (1).

“(3) EMPLOYER PARTICIPATION.—The Secretary of Labor shall work with the State agency charged with administration of the State law to increase the number of employers using this system and to resolve any technical challenges with the system.

“(4) REPORTS ON USE OF ELECTRONIC SYSTEM. After the end of each fiscal year, on a date determined by the Secretary, each State shall report to the Secretary information on

“(A) the proportion of employers using the designated system described in paragraph (1);

“(B) the reasons employers are not using such system; and

“(C) the efforts the State is undertaking to increase employer’s use of such system.

“(5) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law,

1 finds that there is a failure to comply substantially with the requirements of paragraph (1),
2 the Secretary of Labor shall notify such State agency that further payments will not be made
3 to the State until the Secretary of Labor is satisfied that there is no longer any such failure.
4 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
5 to the Secretary of the Treasury with respect to the State.”.

6 (c) Unemployment Compensation Integrity Data Hub.—

7 (1) IN GENERAL. Section 303(a) of the Social Security Act (42 U.S.C. 503(a)), as
8 amended by subsection (a), is amended by adding at the end the following new paragraph:

9 “(14) The State agency charged with administration of the State law shall use the system
10 designated by the Secretary of Labor for cross-matching claimants of unemployment
11 compensation under State law against any databases in the system to prevent and detect
12 fraud and improper payments.”.

13 (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of
14 unemployment beginning on or after the earlier of

15 (A) the date the State changes its statutes, regulations, or policies in order to comply
16 with such amendment; or

17 (B) October 1, 2022.

18 (d) Use of National Directory of New Hires in Administration of Unemployment
19 Compensation Programs and Penalties on Noncomplying Employers.—

20 (1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by
21 subsection (b), is amended by adding at the end the following new subsection:

22 “(o) Use of National Directory of New Hires.—

23 “(1) IN GENERAL. Not later than October 1, 2022, the State agency charged with
24 administration of the State law shall—

25 “(A) compare information in the National Directory of New Hires established under
26 section 453(i) against information about individuals claiming unemployment
27 compensation to identify any such individuals who may have become employed, in
28 accordance with any regulations or guidance that the Secretary of Health and Human
29 Services may issue and consistent with the computer matching provisions of the
30 Privacy Act of 1974;

31 “(B) take timely action to verify whether the individuals identified pursuant to
32 subparagraph (A) are employed; and

33 “(C) upon verification pursuant to subparagraph (B), take appropriate action to
34 suspend or modify unemployment compensation payments, and to initiate recovery of
35 any improper unemployment compensation payments that have been made.

36 “(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and
37 opportunity for hearing to the State agency charged with the administration of the State law,
38 finds that there is a failure to comply substantially with the requirements of paragraph (1),
39 the Secretary of Labor shall notify such State agency that further payments will not be made
40 to the State until the Secretary of Labor is satisfied that there is no longer any such failure.

1 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
2 to the Secretary of the Treasury with respect to the State.”.

3 (2) PENALTIES.—

4 (A) IN GENERAL.—Section 453A(d) of the Social Security Act (42 U.S.C. 653a(d)),
5 in the matter preceding paragraph (1), is amended by striking “have the option to set a
6 State civil money penalty which shall not exceed” and inserting “set a State civil
7 money penalty which shall be no less than”.

8 (B) EFFECTIVE DATE. The amendment made by subparagraph (A) shall apply to
9 penalties assessed on or after October 1, 2022.

10 (e) State Performance.

11 (1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by
12 subsections (b) and (d), is amended by adding at the end the following new subsection:

13 “(p) State Performance.—

14 “(1) IN GENERAL.—For purposes of assisting States in meeting the requirements of this
15 title, title IX, title XII, or chapter 23 of the Internal Revenue Code of 1986 (commonly
16 referred to as ‘the Federal Unemployment Tax Act’), the Secretary of Labor may

17 “(A) consistent with subsection (a)(1), establish measures of State performance,
18 including criteria for acceptable levels of performance, performance goals, and
19 performance measurement programs;

20 “(B) consistent with subsection (a)(6), require States to provide to the Secretary of
21 Labor data or other relevant information from time to time concerning the operations
22 of the State or State performance, including the measures, criteria, goals, or programs
23 established under paragraph (1);

24 “(C) require States with sustained failure to meet acceptable levels of performance
25 or with performance that is substantially below acceptable standards, as determined
26 based on the measures, criteria, goals, or programs established under subparagraph
27 (A), to implement specific corrective actions and use specified amounts of the
28 administrative grants under this title provided to such States to improve performance;
29 and

30 “(D) based on the data and other information provided under subparagraph (B)—

31 “(i) to the extent the Secretary of Labor determines funds are available after
32 providing grants to States under this title for the administration of State laws,
33 recognize and make awards to States for performance improvement, or
34 performance exceeding the criteria or meeting the goals established under
35 subparagraph (A); or

36 “(ii) to the extent the Secretary of Labor determines funds are available after
37 providing grants to States under this title for the administration of State laws,
38 provide incentive funds to high-performing States based on the measures, criteria,
39 goals, or programs established under subparagraph (A).

40 “(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and

1 opportunity for hearing to the State agency charged with the administration of the State law,
2 finds that there is a failure to comply substantially with the requirements of paragraph (1),
3 the Secretary of Labor shall notify such State agency that further payments will not be made
4 to the State until the Secretary of Labor is satisfied that there is no longer any such failure.
5 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
6 to the Secretary of the Treasury with respect to the State.”.

7 (2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the
8 date of enactment of this Act.

9 (f) Funding.—Out of any money in the Treasury of the United States not otherwise
10 appropriated, there are appropriated to the Secretary of Labor \$5,000,000,000 to assist States in
11 carrying out the amendments made by this section, which may include regional or multi-State
12 efforts. Amounts appropriated under the preceding sentence shall remain available until
13 expended.

From: Donaldson, Steve (McConnell)
To: Pallasch, John P - ETA
Subject: UI Language
Date: Wednesday, July 22, 2020 8:34:25 AM
Attachments: GOE20872.docx

Wanted you to see before it is introduced. Please keep this in the building until introduction.

--

Steve Donaldson
Policy Advisor/Counsel
US Senate Majority Leader Mitch McConnell

Subtitle A—Unemployment Insurance Provisions

SEC. 12001. IMPROVEMENTS TO FEDERAL PANDEMIC
UNEMPLOYMENT COMPENSATION TO BETTER MATCH
LOST WAGES.

(a) Extension. Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) Improvements to Accuracy of Payments.

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(A) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended

(i) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

(ii) by adding at the end the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—The amount specified in this paragraph is, with respect to an individual, for weeks of unemployment

“(A) beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600;

“(B) beginning after the last week under subparagraph (A) and ending before October 5, 2020; \$50; and

“(C) beginning after the last week under subparagraph (B) and ending before December 31, 2020, an amount equal to 25 percent of the amount determined under paragraph (1)(A) (determined prior to any reductions or offsets) for the individual.”.

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS. Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) short-time compensation under section 2108 or 2109.”.

(2) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following:

1 “(4) SPECIAL RULE FOR APPLICATION OF FEDERAL PANDEMIC UNEMPLOYMENT
2 COMPENSATION. In applying subsection (b)(3)(C) of section 2104

3 “(A) to paragraph (1)(A)(ii) of this subsection, the amount of Federal Pandemic
4 Unemployment Compensation under section 2104 shall be an amount equal to 25
5 percent of the amount described in paragraph (1)(A)(i) of this subsection (determined
6 prior to any reductions or offsets) for the individual; and

7 “(B) to paragraph (2) of this subsection, the amount of Federal Pandemic
8 Unemployment Compensation under section 2104 shall be an amount equal to 25
9 percent of the amount of assistance calculated in accordance with paragraph (2) of this
10 subsection (determined prior to any reductions or offsets) for the individual.”.

11 (3) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief
12 for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of
13 the CARES Act (Public Law 116–136)) is amended

14 (A) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after
15 “section 2104”; and

16 (B) in subsection (b)(2), by inserting “with respect to the individual” after “section
17 2104”.

18 (c) Consistent Treatment of Earnings and Unemployment Compensation. Section 2104(h) of
19 the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division
20 A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new
21 sentence: “The preceding sentence shall not apply to any Federal Pandemic Unemployment
22 Compensation paid to an individual with respect to a week of unemployment ending on or after
23 October 5, 2020.”.

24 (d) Requirement for Return to Work Notification and Reporting. Section 2104(b) of the
25 Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A
26 of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new
27 paragraph:

28 “(3) Beginning 30 days after the date of enactment of this paragraph, any agreement
29 under this section shall require that the State has in place a process to address refusal to
30 return to work or refusal of suitable work that includes the following:

31 “(A) Providing a plain-language notice to individuals at the time of applying for
32 benefits regarding State law provisions relating to each of the following:

33 “(i) Return to work requirements.

34 “(ii) Rights to refuse to return to work or to refuse suitable work.

35 “(iii) How to contest the denial of a claim that has been denied due to a claim
36 by an employer that the individual refused to return to work or refused suitable
37 work.

38 “(B) Providing a plain-language notice to employers through any system used by
39 employers or any regular correspondence sent to employers regarding how to notify
40 the State if an individual refuses to return to work.

“(C) Other items determined appropriate by the Secretary of Labor.”.

SEC. 12002. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) In General.—Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking “one-half” and inserting “75 percent”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2103 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 12003. CONFIRMATION OF ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) In General. Section 2102(a)(3) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “and” at the end; and

(B) by inserting after clause (ii) the following:

“(iii) provides documentation substantiating employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the date on which the individual submits an application for assistance under this section or is directed by the State agency to submit such documentation or has shown good cause under applicable State law for failing to submit such documentation by the deadline, in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such documentation shall not be required if the individual previously submitted such information to the State agency for the purpose of obtaining regular or other unemployment compensation; and”; and

(2) in subparagraph (B)—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(iii) in accordance with section 625.6(e)(2) of title 20, Code of Federal Regulations, or any successor thereto, an individual who does not provide a statement of earnings under subparagraph (A)(iii).”.

(b) Applicability. The amendments made by subsection (a) shall apply to

(1) any individual who applies for pandemic unemployment assistance under section 2102 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title

1 II of division A of the CARES Act (Public Law 116–136)) on or after the date of enactment
2 of this Act;

3 (2) any individual who applied for pandemic unemployment assistance under such
4 section 2102 before the date of enactment of this Act and, as of such date of enactment, has
5 not yet received a pandemic unemployment assistance payment; and

6 (3) beginning not later than 90 days after the date of enactment of this Act, any individual
7 who began receiving pandemic unemployment assistance under such section 2102 before
8 the date of enactment of this Act and is still receiving such assistance after the date of
9 enactment of this Act.

10 SEC. 12004. IMPROVEMENTS TO STATE 11 UNEMPLOYMENT SYSTEMS AND STRENGTHENING 12 PROGRAM INTEGRITY.

13 (a) Unemployment Compensation Systems.—

14 (1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is
15 amended—

16 (A) in the matter preceding paragraph (1), by striking “provision for—” and
17 inserting “provision for each of the following:”;

18 (B) at the end of each of paragraphs (1) through (10) and paragraph (11)(B), by
19 striking “; and” and inserting a period; and

20 (C) by adding at the end the following new paragraph:

21 “(13) The State system shall, in addition to meeting the requirements under section 1137,
22 meet the following requirements:

23 “(A) The system shall be capable of handling a surge of claims that would represent
24 a twentyfold increase in claims from January 2020 levels, occurring over a one-month
25 period.

26 “(B) The system shall be capable of—

27 “(i) adjusting wage replacement levels for individuals receiving unemployment
28 compensation;

29 “(ii) adjusting weekly earnings disregards, including the ability to adjust such
30 disregards in relation to an individual’s earnings or weekly benefit amount; and

31 “(iii) providing for wage replacement levels that vary based on the duration of
32 benefit receipt.

33 “(C) The system shall have in place an automated process for receiving and
34 processing claims for disaster unemployment assistance under section 410(a) of the
35 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)),
36 with flexibility to adapt rules regarding individuals eligible for assistance and the
37 amount payable.

38 “(D) In the case of a State that makes payments of short-time compensation under a

short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986), the system shall have in place an automated process of receiving and processing claims for short-time compensation.

“(E) The system shall have in place an automated process for receiving and processing claims for

“(i) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

“(ii) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code; and

“(iii) trade readjustment allowances under sections 231 through 233 of the Trade Act of 1974 (19 U.S.C. 2291–2293).”.

(2) EFFECTIVE DATE. The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2023.

(b) Electronic Transmission of Unemployment Compensation Information.—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end the following new subsection:

“(n) Electronic Transmission of Unemployment Compensation Information.

“(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration of the State law shall use a system developed (in consultation with stakeholders) and designated by the Secretary of Labor for automated electronic transmission of requests for information relating to unemployment compensation and the provision of such information between such agency and employers or their agents.

“(2) USE OF APPROPRIATED FUNDS.—The Secretary of Labor may use funds appropriated for grants to States under this title to make payments on behalf of States as the Secretary determines is appropriate for the use of the system described in paragraph (1).

“(3) EMPLOYER PARTICIPATION.—The Secretary of Labor shall work with the State agency charged with administration of the State law to increase the number of employers using this system and to resolve any technical challenges with the system.

“(4) REPORTS ON USE OF ELECTRONIC SYSTEM. After the end of each fiscal year, on a date determined by the Secretary, each State shall report to the Secretary information on

“(A) the proportion of employers using the designated system described in paragraph (1);

“(B) the reasons employers are not using such system; and

“(C) the efforts the State is undertaking to increase employer’s use of such system.

“(5) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law,

1 finds that there is a failure to comply substantially with the requirements of paragraph (1),
2 the Secretary of Labor shall notify such State agency that further payments will not be made
3 to the State until the Secretary of Labor is satisfied that there is no longer any such failure.
4 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
5 to the Secretary of the Treasury with respect to the State.”.

6 (c) Unemployment Compensation Integrity Data Hub.—

7 (1) IN GENERAL. Section 303(a) of the Social Security Act (42 U.S.C. 503(a)), as
8 amended by subsection (a), is amended by adding at the end the following new paragraph:

9 “(14) The State agency charged with administration of the State law shall use the system
10 designated by the Secretary of Labor for cross-matching claimants of unemployment
11 compensation under State law against any databases in the system to prevent and detect
12 fraud and improper payments.”.

13 (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of
14 unemployment beginning on or after the earlier of

15 (A) the date the State changes its statutes, regulations, or policies in order to comply
16 with such amendment; or

17 (B) October 1, 2022.

18 (d) Use of National Directory of New Hires in Administration of Unemployment
19 Compensation Programs and Penalties on Noncomplying Employers.—

20 (1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by
21 subsection (b), is amended by adding at the end the following new subsection:

22 “(o) Use of National Directory of New Hires.—

23 “(1) IN GENERAL. Not later than October 1, 2022, the State agency charged with
24 administration of the State law shall—

25 “(A) compare information in the National Directory of New Hires established under
26 section 453(i) against information about individuals claiming unemployment
27 compensation to identify any such individuals who may have become employed, in
28 accordance with any regulations or guidance that the Secretary of Health and Human
29 Services may issue and consistent with the computer matching provisions of the
30 Privacy Act of 1974;

31 “(B) take timely action to verify whether the individuals identified pursuant to
32 subparagraph (A) are employed; and

33 “(C) upon verification pursuant to subparagraph (B), take appropriate action to
34 suspend or modify unemployment compensation payments, and to initiate recovery of
35 any improper unemployment compensation payments that have been made.

36 “(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and
37 opportunity for hearing to the State agency charged with the administration of the State law,
38 finds that there is a failure to comply substantially with the requirements of paragraph (1),
39 the Secretary of Labor shall notify such State agency that further payments will not be made
40 to the State until the Secretary of Labor is satisfied that there is no longer any such failure.

1 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
2 to the Secretary of the Treasury with respect to the State.”.

3 (2) PENALTIES.—

4 (A) IN GENERAL.—Section 453A(d) of the Social Security Act (42 U.S.C. 653a(d)),
5 in the matter preceding paragraph (1), is amended by striking “have the option to set a
6 State civil money penalty which shall not exceed” and inserting “set a State civil
7 money penalty which shall be no less than”.

8 (B) EFFECTIVE DATE. The amendment made by subparagraph (A) shall apply to
9 penalties assessed on or after October 1, 2022.

10 (e) State Performance.

11 (1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by
12 subsections (b) and (d), is amended by adding at the end the following new subsection:

13 “(p) State Performance.—

14 “(1) IN GENERAL.—For purposes of assisting States in meeting the requirements of this
15 title, title IX, title XII, or chapter 23 of the Internal Revenue Code of 1986 (commonly
16 referred to as ‘the Federal Unemployment Tax Act’), the Secretary of Labor may

17 “(A) consistent with subsection (a)(1), establish measures of State performance,
18 including criteria for acceptable levels of performance, performance goals, and
19 performance measurement programs;

20 “(B) consistent with subsection (a)(6), require States to provide to the Secretary of
21 Labor data or other relevant information from time to time concerning the operations
22 of the State or State performance, including the measures, criteria, goals, or programs
23 established under paragraph (1);

24 “(C) require States with sustained failure to meet acceptable levels of performance
25 or with performance that is substantially below acceptable standards, as determined
26 based on the measures, criteria, goals, or programs established under subparagraph
27 (A), to implement specific corrective actions and use specified amounts of the
28 administrative grants under this title provided to such States to improve performance;
29 and

30 “(D) based on the data and other information provided under subparagraph (B)—

31 “(i) to the extent the Secretary of Labor determines funds are available after
32 providing grants to States under this title for the administration of State laws,
33 recognize and make awards to States for performance improvement, or
34 performance exceeding the criteria or meeting the goals established under
35 subparagraph (A); or

36 “(ii) to the extent the Secretary of Labor determines funds are available after
37 providing grants to States under this title for the administration of State laws,
38 provide incentive funds to high-performing States based on the measures, criteria,
39 goals, or programs established under subparagraph (A).

40 “(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and

1 opportunity for hearing to the State agency charged with the administration of the State law,
2 finds that there is a failure to comply substantially with the requirements of paragraph (1),
3 the Secretary of Labor shall notify such State agency that further payments will not be made
4 to the State until the Secretary of Labor is satisfied that there is no longer any such failure.
5 Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification
6 to the Secretary of the Treasury with respect to the State.”.

7 (2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the
8 date of enactment of this Act.

9 (f) Funding.—Out of any money in the Treasury of the United States not otherwise
10 appropriated, there are appropriated to the Secretary of Labor \$5,000,000,000 to assist States in
11 carrying out the amendments made by this section, which may include regional or multi-State
12 efforts. Amounts appropriated under the preceding sentence shall remain available until
13 expended.

United States Senate

November 13, 2019

The Honorary Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW, Room N4716
Washington, DC 20210

Dear Secretary Scalia:

I write on behalf of my constituents with the University of Louisville (UofL) regarding their competitive grant application with the Department of Labor (DOL) Employment and Training Administration's "Apprenticeships: Closing the Skills Gap" program (EOA-ETA-19-09).

It is my understanding UofL will use this funding for their Modern Apprenticeship Pathways to Success (MAPS) program to advance the economic wellbeing and global competitiveness of the workforce. I am told UofL's MAPS program will meet the objectives of the DOL program through numerous ways, such as building on long running collaborations with the region's manufacturing, healthcare, and information technology industries, leveraging current federal and local workforce investments, and supporting apprentices.

As our nation continues on a path of unsustainable debt, it is more important than ever that we in Congress, and you in the Administration, work to ensure every tax dollar is spent wisely. It is with this in mind that I draw your attention to UofL's application, which I believe merits your full and fair review.

Thank you for your attention to this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd

From: Executive Secretariat
To: Fraterman, Matthew - EXECSEC
Cc: Cassidy, Sybil - EXECSEC
Subject: FW: DOL Support Letters--Apprenticeships, Closing the Skills Gap Grant Program
Date: Thursday, November 14, 2019 8:51:34 AM
Attachments: UofL DOL Support Letter 11.13.2019.pdf

From: ExecSec, DOL <ExecSecDOL@dol.gov>
Sent: Thursday, November 14, 2019 8:42 AM
To: Executive Secretariat <m-Executive.Secretaria@dol.gov>
Subject: DOL Support Letters--Apprenticeships, Closing the Skills Gap Grant Program

United States Senate

November 13, 2019

The Honorary Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW, Room N4716
Washington, DC 20210

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Thank you for your attention to this matter.

Sincerely,



MITCH McCONNELL
UNITED STATES SENATOR

MM/sd