

MEMORANDUM

TO: UI FIELD OPERATIONS DIRECTOR, CAREER CENTER FIELD OPERATIONS DIRECTOR, UITCC DIRECTORS, UITCC MANAGERS, AREA DIRECTORS & WALK-IN CENTER MANAGERS

FROM: SUSAN CLARK, SECTION 30 PROGRAM DIRECTOR

SUBJECT: SECTION 30 LAW CHANGES

DATE: OCTOBER 1, 2009

BACKGROUND

This memorandum summarizes some of the recent law and regulatory changes related to the Section 30 Program.

The first change, increasing the maximum duration of extended training benefits from 18 to 26 weeks, has been in effect since July 5, 2009. Additional regulations detailed below are effective October 4, 2009.

Employees from both the Division of Career Services and Division of Unemployment Assistance need to be informed of these changes so they can respond to inquiries from the public. Some changes affect when Unemployment Insurance claimants may apply for approval to attend educational and vocational training programs. Other changes effect the duration of approvable training programs. Some of these changes are permanent while others are temporary and will remain in effect only as long as federal extended benefit programs [Emergency Unemployment Compensation (EUC), Federal-State Extended Benefits (EB)] are available.

I. NEW CLAIMANT ELIGIBILITY CHANGES

Change in the 15-Compensable-Week Application Deadline

When an extended benefit program, such as the current EUC or EB program, is available, the timely application filing deadline is extended beyond the 15th compensable week to the end of the claimant's benefit year. A claim benefit year ends 52 weeks after the effective date of the claim. This change will allow claimants to apply for training at any time during their benefit year.

Claimants are still permitted to participate in only one training program per benefit year. A basic skills program paired with an approved vocational or industrial training component will be considered as one program. A certificate program will be considered one training program.

In no case may attendance in a training program commence after the expiration of a claimant's benefit year.

The applicable regulatory text is as follows:

9.06: (3) The 15 week application period shall be tolled or extended, except that in no event shall the 15 week period be tolled or extended beyond the claimant's benefit year, if any of the following conditions occur:

(d) If economic circumstances permit the provision of extended benefits or any other emergency unemployment benefits funded in whole or in part by the federal government, the 15 week application period shall be extended until the end of the claimant's benefit year.

Claimant Approval – Disability

A new regulatory change extends eligibility for Section 30 approval to claimants when a disability does not allow the claimant to perform the "*essential functions of jobs in the claimant's previous occupation.*"

The applicable regulatory text is as follows:

9.04:(1)(b) A claimant will be deemed to be unlikely to obtain suitable employment and in need of training to become re-employed, if any the following apply:

(3) The claimant requires training to realize suitable employment in a new occupation, because the claimant's existing skills are obsolete due to technological change or because there is currently no demand for his or her skills in his or her Labor Market Area, or because a disability has made the claimant unable to perform the essential functions of jobs in the claimant's previous occupation.

Other Claimant Eligibility Requirements Are Unchanged

While some changes have been made to the program eligibility requirements, many claimant eligibility criteria for approved training are unchanged.

Claimants must:

- Have an eligible claim for unemployment compensation benefits
- Be permanently separated from work with no or an indefinite recall date
- Be unlikely to obtain suitable employment based on their most recently utilized skills which are deemed obsolete or for which there is no current demand.
- Possess sufficient aptitude and skills to successfully complete and benefit from approved training
- Maintain attendance and make satisfactory progress in the selected training are required for their continued eligibility in the training program

II. NEW PROGRAM ELIGIBILITY FOR SECTION 30 TRAINING COURSES

Approval of Training Programs

Criteria that are used to determine whether training programs are eligible for Section 30 approval have also been changed. Some changes are permanent while others are temporary.

Duration of Approvable Training Programs - Permanent Changes

Previously regulations required that training had to be completed within 1 year. New regulations require that training programs must be completed within 2 years or within 3 years if the program combines a basic skills component with vocational or industrial training.

The applicable regulatory text is as follows:

9.05:(2) Training programs must meet certain measurable standards as set forth in 430 CMR 9.05(2)(a) through (e):

(c)Be completed within 2 years, or within 3 years if the program combines Basic Skills with vocational or industrial training. No single ESOL program shall be denied approval exclusively because it is not in combination with another program.

E.S.O.L. courses with a schedule of less than 20 hours per week may be approved on a case-by-case basis when no program with a minimum schedule of 20 hours per week is available within a reasonable commuting distance from claimant's residence.

The applicable regulatory text is as follows:

9.05:(2) Training programs must meet certain measurable standards as set forth in 430 CMR 9.05(2)(a) through (e):

(b) Be a full time course, providing a minimum of at least 20 hours of supervised classroom training per week; provided, however, that:

3. if the program is an E.S.O.L. program that is less than 20 hours, and no program of 20 or more hours is available within a reasonable distance from the claimant's residence, the Director may waive the 20 hour limitation.

Acceptable Placement Rate - Temporary Change

Effective October 4, 2009, if the unemployment rate is greater than 8%, any training courses seeking Section 30 approval must attain a placement rate of 50 % or better for the most recent 12-month period for which such data is available. Currently the unemployment rate in Massachusetts is over 8%, therefore a 50% or better placement rate applies.

The applicable regulatory text is as follows:

9.05:(2) Training programs must meet certain measurable standards as set forth in 430 CMR 9.05(2)(a) through (e):

(a) Have achieved or, if a new program, show reasonable expectation of achieving an average placement rate in full time or part time (20 hours per week or more) training related employment of 70% during the most recent 12 month period for which such data is available, except that if the statewide total unemployment rate is greater than 7.0% at the time of application, the placement rate shall be no less than 60% during the most recent 12 month period for which such data is available. If the unemployment rate is greater than 8.0%, the Director shall determine a lower, appropriate placement rate. Other evidence that successful completion of the program is likely to lead to reemployment may also be provided and shall be considered.

For reference the applicable minimum placement rates for Section 30 program approval are as follows:	
Course Placement Rate	MA Unemployment Rate
70%	7.0% or less
60%	7.1 % to 8.0%
50%	8.1% or more

Other Training Program Eligibility Requirements Are Unchanged

While some changes have been made to the program eligibility requirements, many training program eligibility criteria for approval are unchanged.

Training programs must:

- Provide a minimum of at least 20 hours of supervised classroom training per week; however, that:
- If a program is offered a by a community college, college or university, this requirement shall be met if the program provides a minimum of 12 credits each semester or the equivalent further that:
- If the program is offered as part practicum or internship and part classroom hours, the program will be approved only for the time needed to complete state or federal certification or licensing requirements, or the time deemed necessary by the Director to allow the claimant to become employable in the occupation for which the training has been provided;
- Be offered by a training institution which has paid all contributions, payments in lieu of contributions, and interest or penalty charges due under M.G.L. c. 151A.
- Any training program approved under WIA shall be deemed an approved training program under 430CMR 9.00.

INQUIRIES: Please contact the Section 30 Unit at 617-626-5375 with any questions you may have regarding these program changes.