

## Questions

### from the Mass Community Colleges and Vendors for the July 2024 Training

1. Can a college email address be the main contact for providers on the application versus phone number? This is a better contact method, especially during busy times or when short-staffed, and creates documentation for both TOP and the Colleges.

A: Inclusion of a phone number is recommended should the DUA need to contact the school directly. The use of DUA staff email is typically for internal use only, and most staff working on TOP applications do not provide their direct email address. However, an email address can be included on the application, and you may note that your preferred contact is via email. The DUA will attempt to honor the request but cannot guarantee it.

2. New applications are requested of students for minor errors such as a missing date in one area (but the date is listed within the application.) If there is an issue with the application information, can TOP contact the person listed as completing the application so this can quickly be remedied, by email?

A: It is the responsibility of the claimant to fully and completely fill out the TOP application, including ensuring all requested information is provided, before submitting the TOP application. Since it is the claimant's obligation to ensure the DUA receives a completed TOP application, only the claimant may be contacted, and it is the claimant's obligation to provide it. Claimants who submit incomplete applications may upload the completed pages to the TOP issue on their UI Online claim, in lieu of submitting an entirely new application by mail.

3. The applications have Summer 1 and Summer 2 listed, but students often take a combination of full semester and one or both of shorter summer session classes. Academically, and for student success, it is not recommended for students to take more than 6-8 academic credits in a summer semester due to the shorter duration (fewer weeks = more intensive hours and learning). Can 6 credits or a 4-credit science with a lab be the considered full time for Summer, or accelerated Fall and Spring terms?

A: The DUA uses the definition of "full-time" as provided by Law and this definition cannot be changed without revisions to the law. We cannot consider any alternative definition than what the Law defines as "full-time". However, the Law defines "full-time" as "the equivalent of" 12 credits per academic term. The DUA considers an academic term to be between 15 and 17 weeks. For any term less than 15 or more than 17 weeks the TOP unit considers the claimant in full-time status if the total number of credits is equal to or greater than 0.75 times the number of weeks of the shortened (or lengthened) term

4. Page 8, question 12 of the TOP application asks, "If any of the above semesters will have part time attendance, attach a letter to the application explaining why the student will be part time." Can there be clarification as to which situations for part-time are eligible for approval?

A: The TOP regulations allow for the approval of a part-time student if the claimant meets the definition of a "disabled individual" under the Americans with Disabilities Act as Amended, and their

part-time schedule is a necessary reasonable accommodation, or the training provider is unable to provide a full-time schedule of training due to providing a necessary reasonable accommodation.

5. If the College writes a statement that the student is attending part-time but are taking all available credits for their program in that semester, will this be approved? If so, would this exception apply only for summer, last semester before completing the program, or for any semester throughout their program (although summer and intersession is more likely because of limited course offerings) for students to maintain full-time status.

A: TOP will not approve a claimant for any semester in which they are taking a less-than-full-time course load, regardless of course availability. Ongoing attendance in full-time training is required by Law in order to approve TOP benefits. The only exceptions to this rule are:

1) When the reason for a claimant's less-than-full-time course load is due to their disability, and the part-time course load is a part of, or a consequence of, a reasonable accommodation to the student.

2) When the claimant is attending part-time in the final semester or term, and taking all necessary courses to complete their training, certificate, or degree program. The DUA will not require a claimant take unnecessary electives simply to maintain full-time status in their final term, provided the claimant has maintained full-time status in all prior regular academic terms covered by their TOP application, and the claimant's TOP application covers at least one full-time term. Summer sessions are typically not considered "regular" academic terms, and claimants will not lose this exception if they were part-time in past Summer sessions, or did not take course work during past optional summer sessions. However, claimants who did not attend full-time during Summer sessions will not be eligible for TOP during those sessions, unless they are the final term and attending part-time.

6. If a student is under a WIOA ITA contract, only the required courses for that approved program are funded. Students may not have the means to pay for additional classes. Can claimants be approved for TOP under these circumstances?

A: WIOA approval does not alter or exempt the full-time requirements for TOP claimants, as WIOA is a separate law. Claimants must meet the definition of "full-time" as provided in 430 CMR 9 in order to be approved for TOP, regardless of their WIOA approval.

7. How often and when should Section 30 TOP applications be revised and resubmitted? The Colleges had been told only to do so when asked, but there has been conflicting information given as to whether a new or updated application must be submitted for each semester. What is the procedure?

A: The DUA has recently updated the procedure on this topic. TOP approvals will cover the entire anticipated duration of training and once approved, claimants are not obligated to submit subsequent TOP applications for following terms. However, the DUA can require, at any time, that the claimant provide adequate proof of:

- 1) Continued enrollment.
- 2) Satisfactory attendance.
- 3) Sufficient academic progress.

Subsequent applications will not be required, but claimants should promptly provide any and all documentation necessary to establish enrollment, attendance, and progress when requested by the DUA. This does not need to be in the form of a new application.

Additionally, if the approval period extends beyond the end date of the current UI claim, the claimant must file a new claim within the week following the expiration of the old claim and contact the TOP unit to have approval transferred over to the new claim, if this is eligible.

8. Grades are sometimes requested of students (and with an updated application), but final grades with academic standings may not be available until early or mid-January for some schools. The request for an updated verification may not be within the same time limit.

A: When a claimant is unable to provide the requested information to the DUA in the timeline required, due to the training provider not having this information available, the claimant should submit a letter from the training provider on letterhead explaining this. Grace periods may be allowed until such time as the information requested is available, however TOP benefits may be held during this time.

9. Should students always submit a transcript and/or a schedule each semester? Some are asked to do so, and others are not. The Colleges would recommend to students that they do, but also tell them that they can contact Section 30 for more clarification as to what is needed.

A: Claimants should always respond timely to all requests for information received from the DUA and supply the DUA with all requested documentation.

10. If a student can complete a program within the two-year time limit, would Section 30 consider our expertise in determining if it would be better for a student to start part-time (particularly if summer is their first semester)?

A: In general claimants cannot be approved for TOP in their first term if they begin part-time. The regulations require a training program to be full-time. If a claimant begins part-time and later transitions or plans to transition to full-time in a subsequent term, their TOP approval will begin with the first full-time term.

11. For students that are requesting training approval for programs not in the most recent field of employment, what are reasons that would meet approval?

A: Individuals who seek training in a field unrelated to their most recent employment may be approved for TOP if:

- The onset or worsening of an illness or disability prevents their continued employment in their usual occupation.
- Their usual occupation is in a declining industry such that the claimant would be unlikely to obtain new employment in that field in their local labor market; or
- The claimant is seeking “basic skills” training such as a High School equivalency or English as a Second Language.
- The claimant is approved to attend the training program under the Workforce Innovation and Opportunity Act (WIOA).

- The claimant has become permanently separated from a declining occupation and is training for an in-demand occupation.

12. Programs that fall within the completion rates for the current unemployment rates required have been denied. Are those posted rates not current or in use for the approval process?

A: TOP regulations do not use completion rates to determine the approvability of a course. We utilize post-completion employment rates. The minimum employment rate is based on the most recent unemployment rate in Massachusetts. The default minimum post-completion employment rate is 70%.

13. Do claimants continue to receive benefits during vacations and breaks between terms?

A: If a vacation or break between terms is three consecutive calendar weeks or less, claimants are eligible to continue to receive benefits provided they promptly return to training following the break. For any vacation or training break longer than three week the answer depends on whether the claimant is still collecting regular unemployment benefits or has transitioned to the RED benefits (Section 30) extension. For claimants who still have regular UI benefits remaining, they may be eligible to continue claiming if they meet the normal criteria for unemployment, including looking for suitable work. Claimants on the RED benefits extension will be ineligible for any week that is part of a vacation or training break that, in total, is longer than three weeks.

14. If a student in a pre-nursing or pre-dental “holding” degree completing prerequisites pending acceptance to a Nursing or Dental Hygiene program, would the student then be determined as ineligible for TOP if they are accepted to and would start the career program?

A: Claimants may be approved for TOP only once per claim. A claimant who was approved for TOP for a prerequisite program would not be TOP eligible on the same unemployment claim for a subsequent training that requires the prerequisite program.

15. If the student is denied permission to change their program, can they appeal that denial and are they eligible to reapply?

A: All TOP denials are appealable. New applications are allowed, however, if there has been no change in the facts and circumstances related to their application the DUA will not issue a second denial with new appeal rights on an application already denied.

16. Please address a concern of the Colleges as to the timing for submitting Section 30 TOP applications as required prior to the 20<sup>th</sup> week of regular benefits. Colleges do not complete and sign off on applications where the student has not applied, been accepted and is enrolled, or ready to enroll. This is a process that can take a few weeks and may impact that time limit or need to take place before an application can be accurately completed and signed by the Colleges.

- a. Student is pending or just received approval for WIOA ITA funding.
- b. New students, and those returning after a length of time, require the process of applying through admissions, academic assessment testing or transfer credit evaluation for

placement into college level or developmental level courses or meeting prerequisites, completing the FAFSA for financial aid determination to know if they can afford to attend school if not under WIOA ITA approval, advising, and then enrollment in classes.

- c. A program submitted to TrainingPro for approval has not yet been approved.

A: Section 30 Regulations require, to be potentially eligible for up to the additional 26 weeks of benefits, for applications to be filed by the claimant's 20<sup>th</sup> payable week. Claimants will be able to provide justification (good cause) for submitting late applications and DUA will make a determination if there was good cause for the late application.

17. Can colleges submit applications for students in programs that are NOT in TrainingPro?

A: All "hours based" training programs from Massachusetts providers must be entered into TrainingPro for the TOP application to be considered. "Credit-based" degree programs, and hours-based training from providers outside of Massachusetts do not need to be entered into TrainingPro. However, applying to attend a program not listed in TrainingPro may delay the application process.

18. How are Section 30 TOP applications to be submitted?

A: Initial TOP applications must be mailed. If additional information is requested by the DUA, this information may be mailed or uploaded to the TOP application issue on the claim. The DUA does not accept information submitted by email unless the claimant is explicitly instructed to do so by a DUA staff member in the TOP unit. Claimants who need assistance uploading documents to their UI Online portal may visit their local career center. Can you share some examples of what info applicants should include to show that they need new skills to get a job?

A: Applicants are encouraged to make justifications based on labor market information, for example, job ad skills listed as required and how the training will lend to attaining those skills.

19. When you say approved through WIOA, do you mean referred by the MassHire Career Center?  
WIOA = ITA?

A: If a customer has been approved for WIOA funding to assist with training costs, they may indicate so under the justification section "funded with assistance through WIOA)".

20. Should the provider not complete/sign the TOP form prior to WIOA approval?

A: We cannot recommend any specific timeline for completion of the TOP form. The TOP process has strict deadlines, and we recommend claimants interested in training complete all necessary applications in advance.

21. Regarding a TOP Extension request, what is acceptable for the TOP form submittal?

A: Claimants seeking extensions should contact 617-626-5521.

22. Can providers still electronically sign the applications? knowing that the participant will print out and mail.

A: We do not mandate a manual signature and accept any signature from the provider that the provider considers a binding signature on their part.

23. Would Section 30 cover full-time ESOL/Job readiness coursework not connected to a particular training?

A: Claimants can be approved for TOP to attend "Basic Skills" training such as ESOL, HiSET, GED, and other basic remedial education.

24. Is it a 70% placement rate? The web site says 60% if unemployment rate is under 8%

A: The placement rate figure shifts based on the current unemployment rate. Presently the requirement is 70%

25. Please clarify, do associate degrees need a 70% placement? I have been told yes and no by DUA staff. Need clarification since students have been denied and then appeal and get approved.

A: At this time degree granting programs (Associate's, Bachelor's, or graduate degrees) do not mandate a specific placement, however all TOP programs must demonstrate that they prepare the claimant for a "marketable skill". A 70% or higher placement rate does demonstrate this, but we also consider other labor market information.

26. Are there any resources or benchmarks accessible to us so we can try to determine the likelihood of you considering something "in-demand?" or "antiquated"?

A: Labor market information and resources are available through your local MassHire Career Center.

27. What if the students require developmental coursework to enroll in college level courses for their program? Typically, 6-9 credit hours.

A: Part-time pre-requisite programs are not eligible for TOP approval.

28. Do individuals who have been underemployed or working at jobs that do not offer family-sustaining wages qualify for Section 30? Say dishwashers or factory workers. We get a lot of people who are above basic skill but not skilled.

A: Although in general we do not consider a desire to earn a higher income to be a valid need for training, inability to earn a living wage without additional education may be considered a need for training.

29. Who can we contact in the future if we are helping our students with their applications, and we have questions?

A: 617-626-5521

30. For people who want to pursue a career change but don't want to lose unemployment due to a declined TOP can they still attend College 11 credits or less without fear of losing an active UI claim?

A: All claims are assessed based on several factors, we cannot advise on what a claimant should or should not do.

31. What does Monetary mean?

A: A “monetary” determination indicates what benefit amount a claimant may be eligible for each week of unemployment, and how many weeks these benefits will last.

32. For a MA training provider, is it required to be on the MA ETPL list?

A: Yes

33. Q: For training providers outside of MA, what is the requirement for offering training to MA unemployment claimants?

A: Providers outside of MA must be listed on the relevant state’s ETPL and demonstrate that the program prepares the claimant for a marketable occupation.

34. Majority of Colleges have a 4-week break between Fall and Spring semesters. For students unable to attend intersessions, do they receive 3 weeks paid, and one week denied?

A: No, all 4 weeks are not payable if on RED/Section 30 benefits. If a claimant is still on regular UI benefits, they can potentially continue to claim if meeting UI benefit requirements, e.g. looking for work.

35. What should be our expectation of how long a review of our academic programs should take?

A: We cannot provide timelines as submissions vary based on time of year and participation in the program.

36. What is the format of communication to students - just email or also through their UI online account?

A: Claimants who have opted into electronic communication will receive notices on their UI Online account and receive an email alert that new correspondence is available.

37. Are TOP students told in advance that they need to look for work during breaks of 4 weeks or more to keep collecting UI?

A: The TOP brochure sent to all claimants upon filing of their UI claim contains information regarding the TOP program.

38. What if the WIOA approved training is not FT?

A: Section 30 requires training to be full time. WIOA approval does guarantee TOP approval.

39. If we don't have robust placement data, can we provide state LMI instead?



A: Hours-based training from Massachusetts based providers must provide placement data.

40. Community colleges must rely on surveys to gather placement information from graduates. As is the case with surveys (of all sorts) only a small percentage of graduates fill out surveys. Also, not all community college students have a goal of graduating. Some are non-matriculating students. Therefore, this would also throw off reduced placement data. That is why being able to provide state or regional LMI is a helpful and often necessary back up option. Would supplying grades/transcripts be one way to demonstrate that?

A: Degree granting programs may provide labor market information or other evidence to demonstrate that the program prepares students for an in-demand occupation.

41. Do you consider the date of receipt or the date post marked (for those who are pushing the deadline)?

A: Postmark date.

42. Is every student receiving regular UI benefits required to file the TOP application IF they are still completing a work search weekly and intend to accept employment if offered?

A: No claimant is ever required to apply for TOP. In general, individuals attending school on a full-time basis are not eligible for UI without TOP approval, but there are some exceptions.

43. Students who were working and attending school prior to the loss of employment. Majority were in low paying fields and have been attending high demand/high pay programs to better their situation and meet career goals. If denied TOP (because of “career switch” reason or any reason), are they able to continue in their current program adhering to work search etc.?

A: The TOP application process considers whether the claimant requires training to become re-employed in a suitable occupation. This analysis is independent of any existing enrollment. A claimant found not to require training to become re-employed in a suitable occupation will be denied TOP. However, claimant who can demonstrate a past history of working full-time and attending school may continue to be eligible for regular UI provided they maintain an active work search.

44. We are not sure why full-time students are considered “not available for work.”

A: As a matter of general policy, individuals who are attending school or training on a full-time basis and are not approved for TOP are ineligible for UI as their full-time status interferes with their availability for full-time work, though some exceptions may apply.

45. Could they write a letter, along with the Section 30 application, stating that they are continuing to look for work and will take work if it becomes available to them?

A: Whether a claimant qualifies for TOP and whether a non-TOP claimant may still qualify for UI despite being enrolled in full-time school or training are separate evaluations. Often an investigation into a claimant's UI eligibility will be conducted if the TOP application is denied. Including this information with the TOP application may expedite this review, but the claimant should resubmit this



information if requested, as this investigation may not be done by the same staff member who reviewed the TOP application.

46. And could we know definitively that if they did this, it would be okay while they are waiting for a decision? This is really a critical issue for students, because if they are denied, they can't just drop their classes without penalties.

A: All determinations are handled based on the information provided to the DUA and we cannot make any guarantees about results.

47. Or do you recommend that we advise them to start in the next semester? (Note: this would still be a problem for students who become unemployed while attending school.)

A: We cannot advise claimants on when to apply for TOP or to begin full-time training. We recommend claimants complete and submit their TOP application as early as possible to avoid any

48. Can we have some leeway on the 20<sup>th</sup> week compensable deadline?

A: The application deadline is set by law and cannot be modified. Claimants who submit a late TOP application will be issued a questionnaire asking for a reason for the late application. Claimants who demonstrate that were unable to submit their application timely due to circumstances beyond their control and promptly submitted their application as soon as reasonably possible may be eligible for a waiver of the deadline.

49. Also, is there anyway the application can be emailed?

A: At this time, all initial TOP applications must be mailed.

50. Also, quick check – if a student submits their Section 30 (has not started classes, yet), but then changes their mind about their program, how should they proceed?

A: They should contact the TOP unit at 617 626-5521 to request their application be withdrawn and voided. All complete and submitted applications will be processed unless the DUA is contacted by the claimant who requests withdrawal of the application.

51. If these are new rules/guidelines, can they be added on the TOP/MassHire webpage and/or on the Section 30 application?

A: All applicable laws are published on the Mass.gov website

52. Will programs that are part-time be approved for Section 30? Sometimes a program might be part-time, but if a student needs developmental reading, writing and/or math, it might mean that for that particular student, they could be full-time one or more semesters for the program.

A: If remedial or secondary education is required in conjunction with the underlying program, and the total of all required coursework meets our full-time definition, the training will be considered full-time.

53. Also, if students are close to their 20th week, but we will not be registering students for spring until 11/13/24 – do you recommend that the student wait until registered (but likely they will be denied based on submitting past their 20th week) or can we submit a letter explaining that we will be registering them for spring as soon as registration opens? We could also put that they will submit a schedule as soon as they are registered. (I had one recently and we put a note stating that we will register them as soon as spring registration opens.)

A: Claimants should apply as soon as possible. Claimants who apply for TOP prior to the start of training may be granted provisional approval pending demonstration of enrollment by the time training begins.

54. Many of us are submitting Section 30 applications each semester. (I usually wait until the student comes to me letting me know they need a revised application for the next semester.) However, what is the standard procedure here?

A: The DUA has recently modified our process to end semester by semester approval. Approved applications will be approved for the duration, but approvals are audited for attendance and progress.

55. Should we submit new applications just when students say it has been requested by Section 30?

A: Students should gather all information requested from the DUA upon request.

56. How does Section 30 communicate that request to the student, and what is the timeline for providing that information?

A: Requests for documentation are given 10 days to respond. The notice is sent to their UI Online account or by mail.