



Paul R. LePage
 GOVERNOR

Jeanne S. Paquette
 COMMISSIONER

**MAINE WORKFORCE INVESTMENT SYSTEM
 POLICY & PROCEDURES**

ISSUED & EFFECTIVE	October 21, 2013
POLICY NUMBER:	13-03
REVISED	October 28, 2013
RESCINDED	

TO: Local Board Directors
 CareerCenter Managers (WIA/WP)
 Workforce Program Directors
 BUC Adjudicators / Claim Processors

FROM: Peter Pare, Director BES
 Laura Boyette, Director BUC

SUBJECT: Waiver of UI Job Search for Individuals in Approved Training

PURPOSE: To clarify the requirements, procedures, and responsibilities of workforce system program managers submitting requests for Job Search Waivers on behalf of UI claimants enrolled in approved workforce-funded training.

REFERENCES:

- MRSA Title-26, Chapter-13, Subchapter-6, §1192 6A (TAA), 6D (GTI & CSSP), 6E (WIA)
- UI Commission Agency Rules Chapters 1 and 24

BACKGROUND:

Active UI claimants who are eligible for enrollment in specific federal or state-funded training programs may be approved for a waiver of the job search requirement *if* work search activity will impede their ability to successfully complete training funded through one of the approved programs.

CareerCenter/Workforce Program managers will use the revised [Notification of Job Training Participation Form \(NJTPF\) \(Attachment-A\)](#) to validate the status of enrollment in approved training for the purposes of requesting a work search waiver on behalf of active UI claimants enrolled, or about to be enrolled, in training funded through the specific federal and state funded workforce programs.

The primary goal for participants enrolled in these programs is *gainful employment*; therefore, it is essential that the [NJTPF](#) requesting a work-search waiver be submitted only on behalf of those participants whose ability to complete their training will be significantly impeded by work search activity and consequently result in the forfeiture of state or federal training investments being made on their behalf.

Approved Training: For the purpose of submitting a work search waiver request, approved training is training for eligible participants who are enrolled (or who will be enrolled within less than 30 days) in one of these federal or state-funded workforce programs:

- Workforce Investment Act (WIA)
- Trade Adjustment Act (TAA)

- Competitive Skills Scholarship Program (CSSP)
- Governor’s Jobs Initiative (GJI)
- Registered Apprenticeship (MAP)
- WIA Discretionary Grants (HGJT, H1B, SECTOR, WIF, etc.)

For: Occupational training for jobs that are currently in demand and will result in the participant:

- Earning an industry-recognized credential, degree, diploma or occupational license, **or**
- Attaining job-related skills training that will result in direct-entry into paid employment upon completion.

And: That will involve a minimum of twelve (12) hours of training-related activity per week.

Workforce System CareerCenter and Program Managers must use their professional judgment regarding individual circumstances in which a job search waiver would impede successful completion of training or attainment of a credential and result in forfeiture of investment. While every individual set of circumstances cannot be addressed in a policy format a list of FAQs (**Attachment B**) is attached as further guidance. A revised **NJTPF** must be submitted on behalf of enrolled participants if their training continues beyond the period identified on the initial **NJTPF** form. CareerCenter Managers may designate alternate staff to submit waivers on their behalf.

Workforce System CareerCenter/Program Manager Responsibility: When a workforce system program manager submits an **NJTPF** on behalf of an eligible participant/UI claimant the workforce program manager is validating that:

The UI Claimant/Training Participant:

- Has been determined eligible for and will be, or is, actively enrolled in training funded through one of the federal or state workforce programs listed above;
- Requires a waiver of work search in order to successfully complete the funded training;
- Has been informed that a job search waiver requires that she/he submit a weekly report of training activity to the workforce program manager submitting the **NJTPF** on his/her behalf; and
- Has been informed of the consequences of not submitting a weekly tracking sheet or not informing workforce program staff of withdrawal from, or completion of, approved training and has read and signed a disclaimer to that effect (*see note below*).

Note: The weekly hours tracking sheet (**Attachment C**) may be substituted with tracking sheets already in use by the system as long as the participant has signed a disclaimer that she/he is aware of the consequences to their UI Job Search Waiver Status for not informing program staff of changes in training activity and that this is included in the participant file.

Workforce Program Staff:

- Has determined there are no similar or equivalent training programs available to the participant that would not conflict with normal working hours or ability to seek or accept employment, or that would not impede his or her ability to successfully complete training;
- Has determined that the participant is eligible for and will be actively enrolled in training funded through one of the federal or state funded programs listed above, for training for occupations that are in demand;
- Has ensured the participant’s weekly training status will be adequately documented, by:
 - Requiring participant to submit a weekly tracking sheet
 - Ensuring tracking sheets are properly completed and endorsed
 - Maintaining copies of weekly tracking sheets in hard or scanned files
 - Entering a case note in the participant’s record documenting that a request for job search waiver has been submitted on her/his behalf.
- Will notify the BUC of any changes in the participant’s training status or ability to attend training.

UI Claimant/ Training Participant Responsibility:

Participants for whom an **NJTPF** has been submitted:

- Must provide a weekly tracking sheet to the workforce program that:
 - Has been signed by both the UI claimant and the training provider, and that
 - Identifies the number of hours spent in weekly training activity.
- Must provide assurance that she/he understands:
 - The consequences of misuse of a UI Job Search Waiver,
 - The requirement to inform the workforce program staff of any/all reasons for disruption in weekly training activity, including: semester breaks, failure to attend classes, and/or completion of or withdrawal from training; and
 - That failure to provide a weekly tracking sheet may result in denial of UI benefits for that week.

Exception: The TAA program has an existing procedure/form in place with BUC which will continue as is.

Attachments:

A: Revised NJTPF - Notification of Job Training Participation Form

B: FAQ's

C: Example of Weekly Training Hours Tracking Sheet

Direct Inquiries to:

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Recap:

- The policy pertains to waiver requests submitted by Workforce System Program Managers on behalf of UI claimants who are enrolled in our programs.
- The revised Job Training Participant Notification Form (NJTPF) replaces all older versions
- We should submit an NJTPF on behalf of participants that will be enrolled in our programs/services ONLY
- Exception: TAA managers will continue using the forms they have always used for TAA clients
- Any individual who is not, or will not be, enrolled in our training programs must seek a waiver on his/her own from the UI claim center and not through us
- The BUC will automatically approve a waiver submitted by our system managers - because we have agreed to the assurances outlined in the attached policy
- BUC will provide guidance to individuals interested in waivers but who will not be enrolled in our system. BUC will request that unenrolled participants complete a B-17; the forms will differentiate between enrolled and unenrolled claimants requesting waivers. B-17's will be disseminated ONLY by BUC to individuals who will not be enrolled with us.
- It is incumbent upon us to submit the NJTPF on behalf of individuals who will be enrolled in training through our programs.

Attachment A: Notification of Job Training Participation

The purpose of this notification is to request a waiver of work search for the UI claimant enrolled in approved training.

TO: Maine Bureau of Unemployment Compensation FAX Numbers: Augusta.....207-287-5905 Bangor..... 207-561-4665 Presque Isle...207-764-2142	FROM: Lewiston CareerCenter 5 Mollison Way Lewiston, ME 04240 Phone: 207-																								
UI Claimant/Training Participant Name: <i>(First MI Last)</i>	ID: XXX-XX- <input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/>																								
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If Unpaid Work-Based Training – Please Describe:																									
Enrollment Date: Term of Enrollment:	Training Start Date: Training End Date: <i>Note: A new NJTPF must be submitted for each additional semester or training term.</i>																								
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<ul style="list-style-type: none"> • The UI Claimant for whom this notification and request is being submitted: <ul style="list-style-type: none"> ○ Is enrolled in approved training funded under an approved grant program. ○ Would be unable to successfully complete training if required to conduct work search activities. ○ Understands the requirement to document time in class and consequences of not doing so. • A record of weekly training attendance will be maintained by our staff. • BUC will be notified of any changes in the claimant's training status. • If the above training date expires and claimant's training will be extended a new notification form will be submitted to BUC prior to the last day of previously approved training. <p>Questions concerning this claimant's enrollment status can be addressed to:</p> <p>CC Case Manager: _____ Phone: _____</p> <p>Workforce Program/CareerCenter Manager: _____ Date: ___/___/___ <i>Print Name & Title of Manager Under This Signature</i></p>																									

Attachment B: REQUEST FOR U.I. JOB SEARCH WAIVER FREQUENTLY ASKED QUESTIONS

The FAQs are based on questions submitted by field staff in relation to the **Workforce System Policy 13-03** and are to be used as a guide when requesting a UI job search waiver on behalf of UI claimants enrolled in training funded through: WIA, TAA, CSSP, GJI, MAP, and WIA discretionary grants.

Because the policy cannot identify and respond to every specific situation that might occur for individuals in approved training, the professional judgment of the program managers must be relied on when requesting a waiver.

Q. Do certificate programs such as C.N.A. or one year certificate programs from the Maine Community College System count as “industry recognized credentials”.

A. Yes as long as the credential meets the definition of industry recognized credential in accordance with WIA, please refer to TEGL 15-10 which explains the criteria for credential in full, short version below:

A credential is awarded in recognition of an individual’s attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation. These technical or occupational skills are generally based on standards developed or endorsed by employers. Certificates awarded by workforce investment boards (WIBs) are not included in this definition, nor are work readiness certificates because neither of them document measurable technical or occupational skills necessary to gain employment or advance within an occupation.” TEGL 15-10

Q. Can hands-on training for which the employee does not earn a wage be considered training time?

A. Yes, as long as the training is being funded by one of the programs listed above, involves 12-15 hours or more of training and the trainee is not earning a stipend or wage while attending. (Example: the North Star Alliance paid for welding training for participants that was 100% hands-on and the training contract stipulated that Cianbro would hire all those who successfully completed training and passed a welding test).

Q. What is included in “training activity”?

A. Training activity relates to time in class or in hands-on learning that is funded by one of the approved programs. In rare instances it may also include travel time if the individual lives in a rural area and at a great distance from the training facility. It **does not include homework or study time.**

Q. Where did the 12 hour per week minimum criteria come from?

A. These hours are based on the definition of a full-time college status. A three credit course takes three hours per week or 45 hours per semester. Most full time students take five classes per semester for an average of 15 hours per week in class; however, students taking four classes a semester may also be considered full-time for the purposes of student financial aid approval which is where the 12 hours per week criteria came from.

Q. What if the trainee has to travel a great distance to get to class, can any part of their travel time to and from class count in the hours per week criteria?

A. The general rule is 12 hours of training activity (class time) but it is understood that some participants live in extremely rural locations. In such instances it is incumbent upon the manager to ensure that all aspects of the individuals training plan will lead to success, including the overall length of time it will

take the individual to attain a credential and the amount of resources the individual will have to survive on throughout the overall timeframe.

Q. What if, through no fault of their own, the participant doesn't get the full 12 hours per week?

A. If some classes are cancelled one week, it is unlikely that missing these would jeopardize their waiver. It is important to understand that claimants must be *able and available* for work - unless they are in approved training. Therefore, if a participant simply chooses not to attend classes for personal reasons they may not be deemed able or available.

Q. What about regular semester breaks such as the week off during spring and the gap between fall and winter semesters, what about summer breaks?

A. The waiver would not be affected by short term breaks such as spring or winter holiday weeks; however, Chapter 24 of the UI Rule approval of waivers shall not be effective more than 30 days before a training course start date and that the approval will terminate immediately upon completion of the training program or when the claimant fails to make satisfactory progress, fails to begin participation, or ceases participation. It further states: "the waiver of work search may not apply to periods which are more than eight (8) weeks in duration."

Q. Many adult education certificate programs don't require 12 hours a week, would they count?

A. If the individual is only taking one or two evening classes a week and it is likely they would be able to seek and accept employment without impeding their ability to complete the classes a waiver *should not be requested*. It is expected program managers will use their professional judgment in such matters, if the classes will lead to employment and significant funds have already been invested and the requirement to seek employment will impede the individual's ability to successfully complete training or earning the credential then the waiver can be requested.

Q. Must all criteria apply, i.e.: in training for occupations that are in demand and in formal class or hands-on training activity for at least 12 hours per week?

A. Yes; however, the policy is also to ensure that significant investments are not forfeited, so if one semester of an individual's overall course of training takes slightly less than 12 hours per week, but job search activity would impede their ability to complete the training and earn the credential, then a request for a waiver for that semester would be appropriate.

Q. What if the individual was involved in both classroom and related experiential practice in the occupation for which they are attending training, would both components count toward the 12 hours per week?

A. Yes if the volunteer or unpaid experiential component is identified in the individual's ETP or ISS and allows him/her to apply classroom learning to an actual occupational setting then it can be included in the 12 hour requirement.

Q. What if the individual is involved in more than 12 hours of classes the first week and slightly less in the second week of a regular training cycle, would they still be deemed appropriate for job search waiver request?

A. If the training cycle is such that most weeks the individual would not be able to seek or accept employment without jeopardizing the training investment or the individual's ability to successfully complete the training, then the overall training schedule must be taken into consideration and a waiver request would be appropriate.

Q. How will tracking of hours in on-line classes be endorsed?

A. TEGL 17-07 provides guidance to workforce professionals regarding technology-based learning. It also states that most on-line courses utilize tracking systems that automatically track student participation time in the class. Therefore, the requirement that some method of tracking be identified in order to approve time in on-line training activity for the purposes of requesting a waiver must be adhered to.

Q. The TAA program already has a process and forms in place for requesting job search waiver on behalf of trainees will staff have to follow this procedure in addition to the one already approved?

A. No, the TAA program has an alternate agreement with the BUC and UI commission TAA staff should continue using the approved process that is already in place.

Q. We already have trainees complete a tracking sheet; do we have to have the trainee fill out the additional sheet?

A. No, if the tracking sheet in place is sufficient to document time-in-training there is no need to require a duplicate record for files; however, it is important that the participant sign a statement showing they understand the status of their UI job search waiver may be affected by not providing a weekly record of time in training. Staff may use the trainee disclaimer box on the Weekly Hours Tracking sheet to meet this purpose.

Q. Who will be responsible for submitting the names of individuals to UI Call Center of those who are not eligible for, or who will not be enrolled in training funded by one of the approved sources, but who would still like to request a job search waiver?

A. CareerCenter staff may inform individuals who will not be enrolled in the above training programs that they must request a waiver on their own by contacting their UI claims center.

Q. Who will be responsible for oversight of the individuals requesting a waiver who will not be enrolled in programs or who will not receive a request of waiver from a workforce program manager?

A. The BUC will be responsible for approving job search waivers for those who will not be enrolled in one of the approved programs.

Q. What happens if a CareerCenter manager approves a waiver and someone higher up in the chain of command questions it, will the participant be penalized?

A. It is the understanding of the BUC that submittal of a NJTPF on behalf of a participant means that due diligence has been applied by the CareerCenter or Program Manager that:

- The participant has been assessed for eligibility and appropriateness for training
- The training is for an occupation for which there is a demand
- A significant investment has been made and would be forfeited
- The participant's ability to successfully complete the training and earn the credential would be significantly impeded by the requirement to seek employment.

Attachment C: WEEKLY TRAINING HOURS TRACKING SHEET

The purpose of this tracking sheet is to document the number of hours the trainee spends in formal classroom training per week. Hours in training must be validated by the signature of a bona fide training instructor from the training institution identified below.

Trainee Name: _____

Training Institution: _____

Program of Study: _____

Week Ending Saturday _____ / _____ / _____

Classes Taken	SUN Hrs	MON Hrs	TUE Hrs	WED Hrs	THU Hrs	FRI Hrs	SA T Hrs	Totals

Training Institution:

I confirm that this student attended the classes identified during the time frames documented above.

Instructor/Training Institution Official

Printed Name & Title: _____

Signature: _____ Date: _____

_____/_____/_____

Trainee Disclaimer: *I confirm that I have attended the classes listed above during the time frames identified. I also confirm that I understand: that I am required to submit a training tracking sheet on a weekly basis to the workforce training official listed below; that should I neglect to do so my ability to claim unemployment benefits without conducting an active job search may be affected; that on average I am expected to attend at least 12-15 hours of training activity per week in order to continue to be eligible to claim UI benefits without conducting an active job search; that I must inform the workforce training official listed below of any changes in training attendance or of withdrawal from training; and that falsification of attendance in training may result in a rescission of my job search waiver, penalties including the requirement to repay UI benefits, or criminal prosecution.*

Student/Trainee Signature: _____

Date: ____/____/_____

Submit this form to: Workforce Program/CareerCenter Name
Address: Street, City, State, Zip

Attention: Workforce Manager/Case Manager Name
Phone: (207)-_____