

DIRECTIVE
WORKFORCE INVESTMENT ACT

Number: WIAD05-10

Date: October 21, 2005
69:170:jw:9518

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: RELEASE OF CONFIDENTIAL UNEMPLOYMENT INSURANCE
INFORMATION

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to provide guidance regarding the process for Workforce Investment Act (WIA) subgrantees to obtain Unemployment Insurance (UI) client data (UI wages and UI claim history) from the Employment Development Department (EDD) for WIA applicants and clients.

Scope:

This procedure may be used by all WIA subgrantees. This process is not mandatory; however, except for the data that are available through the Job Training Automation (JTA) system, this is the only process by which WIA subgrantees may receive UI information directly from the EDD.

Effective Date:

This directive is effective immediately.

REFERENCES:

- California Unemployment Insurance (UI) Code Section 1094, 2111.
- Information Practices Act (IPA), California Civil Code 1798-1798.78
- Workforce Investment Act of 1998, Public Law 105-220, August 7, 1998
- WIA Program Year (PY) 2004-05 Contract, Exhibit BB, Item 20

STATE-IMPOSED REQUIREMENTS:

This directive consists entirely of State-imposed requirements.

FILING INSTRUCTIONS:

This directive finalizes WIA Draft Directive WIADD-107, issued for comment on September 29, 2005. Retain this directive until further notice.

BACKGROUND:

The UI Code prohibits the disclosure of UI client information for purposes not related to the administration of the UI Program. However, the IPA permits release of personal information maintained by State agencies with the written consent from the individual who is the subject of the request. At the request of the California Workforce Association, the EDD chartered a work group for the purposes of meeting the information needs of the WIA subgrantees within these legal constraints. This work group included representatives from the Local Workforce Investment Areas (LWIA) and EDD staff from the Workforce Investment Division (WID), Unemployment Insurance Division, Job Service Division and the Information Security Office. Pursuant to their recommendations, this directive implements a new process for WIA subgrantees to obtain the UI claimant information from the UI Program.

POLICY AND PROCEDURES:

The EDD Job Service (JS) Offices will be directed to stop processing WIA subgrantee requests for UI client data as of November 21, 2005. Effective after that date, any WIA subgrantee wishing to obtain UI client data to determine eligibility for a WIA client or potential client or to evaluate service strategy must follow the procedures outlined in this directive.

The WIA subgrantees should make every attempt to obtain all required UI eligibility information directly from their client. The following table identifies information provided to a client through the UI program for verification of employment and claim status.

Data That Will Be Released Via the WIA UI-DCAF	Alternate Source Data Can Be Obtained
Quarterly Wages for the Most Recent Completed Three Quarters	Notice of Unemployment Insurance Award, DE 429; OR Job Training Automation (JTA) system, Print Base Wage Report
Effective and Ending Date of Claim	Notice of Unemployment Insurance Award, DE 429
	Notice of Unemployment Insurance Claim Filed, DE 1101CLMT
Claim Award	Notice of Unemployment Insurance Award, DE 429
	Notice of Unemployment Insurance Claim Filed, DE 1101CLMT
Last Employer/Address	Notice of Unemployment Insurance Claim Filed, DE 1101CLMT
Last Day Worked	
Reason for Separation	
Claim Balance	Automated UI Check Stub Message
Benefits Exhausted	

If the client is unable to provide sufficient information, WIA subgrantees may use the process outlined in this procedure to request data directly from the EDD UI Program. A WIA UI—Data Consent Authorization Form (DCAF), Attachment 1, will be required from the client to allow release of the UI claim status and wage information. With concurrence of the work group, the UI Program has agreed to process the WIA UI—DCAF within three business days of receipt.

Prior to submission of a data request for processing by the EDD UI Program, the subgrantee must fax or mail to EDD a completed *Request to Assign or Change Location Code* form (Attachment 3). The procedure for completing this form is outlined in Part A below. Because the information transmitted by the EDD in response to submission of a WIA UI—DCAF is confidential, the EDD must make a reasonable effort to assure that the information provided is faxed or mailed to a location authorized to receive confidential information and received by someone fully informed about the procedures for the use of confidential data as specified in the WIA Subgrant Agreement Exhibit BB Item 20.

A. Procedure to Request to Assign or Change a Location Code

1. Each subgrantee wishing to use the WIA UI—DCAF to receive UI information for WIA applicants or program participants must complete the *Request to Assign or Change Location Code* form (Attachment 3). The subgrantee will assign a Location Code to each business location (mailing address and fax number) where UI information may be transmitted. In order to comply with the computer process developed, the Location Code must consist of the three-letter WIA subgrantee code, a dash, and then a two-digit number to identify each physical location. For example, if subgrantee “XYZ” provides only one address and fax number for responses, the Location Code could be XYZ-01. If subgrantee XYZ assigns multiple Location Codes for receipt of UI data the codes might be XYZ-01, XYZ-02, and so on. The two digit numeric code is required to be sequential. Please limit the number of designated Location Codes to the minimum necessary to effectively transact business.
2. The LWIA or subgrantee administrator or the individual designated in the PY 2005–06 Subgrant Agreement is responsible for the administration of confidential information (PY 2005–06 Subgrant Agreement, Exhibit BB, Item 20.f) must sign the *Request to Assign or Change Location Code* form.
3. The subgrantee must adopt administrative, technical, and physical safeguards to protect the privacy and confidentiality of the UI data. This includes ensuring that the UI data is sent to securely located fax machines—*housed in areas without public access*. Subgrantees have the option, and are encouraged, to use fax modems (i.e., fax numbers that transport directly into a personal computer) rather than traditional fax machines. However, a traditional fax machine located in an area not accessible to the public is acceptable.

4. The Request to Assign or Change Location Code form should be mailed or faxed to:

**ATTN: Performance Management Unit
Workforce Investment Division, MIC 69
Employment Development Department
PO BOX 826880
Sacramento, CA 94280-0001**

OR

Fax (916) 654-9586

The WID should be notified immediately of any change of address or fax number associated with an assigned Location Code.

B. Procedure to Request UI Claim Status or Wage History on a WIA Client

1. The subgrantee may fax or mail the attached WIA UI—DCAF to the UI Program at the fax number or address indicated on the form. Please note, within the next four to six weeks there will be a change in the mailing address associated with this process. Because the UI Program is uncertain about the workload volume associated with this process, initially, this process will be administered through the UI Central Office. Once this pilot period has ended, the address for mailed requests will be changed. The fax number will not change.

The WIA UI—DCAF authorizes the EDD to release records pertaining to the WIA client's UI status. The client completes the top half of the WIA UI—DCAF and the caseworker completes the bottom half. Line Item instructions for the WIA UI—DCAF are included with this Directive as Attachment 2.

2. The subgrantee must add their own letterhead to the attached WIA UI—DCAF template. The UI Program will not accept or process WIA UI—DCAFs that are not on WIA subgrantee letterhead.
3. The WIA client must indicate on the WIA UI—DCAF if the response to the data request will be sent via fax or mail.
4. The EDD will only respond to WIA subgrantee data requests submitted on WIA UI—DCAF forms signed and dated by the WIA client. The UI Program will verify that the Social Security Number on the WIA UI—DCAF is valid and matches the name provided.
5. The WIA UI—DCAF must include a valid Location Code.
6. In the lower right hand corner of the WIA UI—DCAF form the subgrantee should be marked to indicate whether the information is needed for "Pre" or "Post" enrollment. Pre-enrollment responses will vary based on the clients UI claim status. Sample response forms are included in this directive as Attachment 4.

If pre-enrollment data is selected, the following data will be provided, as appropriate, based on the client's UI status:

- Wage information for the most recent three completed quarters.
- Current claim information (claim award, claim balance, if benefits are exhausted, last employer name/address, date last worked, and if reason for separation was laid off due to lack of work.
- If no current claim on file, available information on any claim in the last nine months.

If post-enrollment data is selected—if available, the UI response will include:

- Wage and Employer information for the most recent three completed quarters.
7. Upon receipt of the WIA UI-DCAF, the UI Program will process the request and, as requested by the client, fax or mail the response to the location identified by the Location Code. The original, if faxed, or a copy, if mailed, of the WIA UI—DCAF must be kept in the client's file and is subject to audit.
 8. A signed WIA UI—DCAF is valid for 12-months. If 12-months have passed and WIA subgrantees wish to obtain updated UI client information, a new WIA UI—DCAF must be obtained from the client.

ACTION:

Each WIA subgrantee wishing to receive UI client data from the EDD must submit the *Request to Assign, or Change Location Code* form attached to this directive. In order to avoid any disruption in your access to this UI information for your clients, please submit forms by November 14, 2005. Adds, changes, or deletions to this initial list may be submitted at any time.

Immediately call the change in this procedure to the attention of the affected staffs.

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#) at (916) 654-7799.

/S/ BOB HERMSMEIER
Chief
Workforce Investment Division

Attachments are available on the Internet:

1. [WIA UI—Data Consent Authorization Form](#) (DOC)
2. [Line Item Instructions for WIA UI—DCAF](#) (PDF)
3. [Request to Assign or Change Location Code Form](#) (DOC)
4. [Sample Responses](#) (PDF)