



DEPARTMENT OF UNEMPLOYMENT ASSISTANCE
UI POLICY & PERFORMANCE
INTEROFFICE MEMORANDUM

DATE: July 9, 2015

RESCISSION(s): All earlier policy statements and memoranda relating to the subject-matter of this memorandum are rescinded, including, but not necessarily limited to:

- Memorandum dated January 8, 2010 from UI Policy & Performance, entitled "UI Eligibility for Enrollees in Apprentice Training Programs", and
- Memorandum dated February 2013 from Director of Benefits entitled "UI Eligibility for Enrollees in Apprentice Training Programs"

REFERENCE NO.: UIPP 2015.05

TO: All Senior Staff Directors, DUA Managers, Career Center Field Operations Directors, Review Examiners, Job Service Representatives, Compliance Officers, and Call Center Staff

FROM: Jennifer Lavin, Director, UI Policy and Performance

SUBJECT: UI Eligibility Requirements and Enrollees in DAS-Approved Apprentice Training Programs

1. **PURPOSE.**

To clarify the applicability of the availability requirements of G. L. c. 151A, § 24 (b) for enrollees in training programs approved by the Division of Apprenticeship Standards (formerly, the Division of Apprentice Training) as well as union members attending required skills enhancement training.

2. **REFERENCES.**

- G. L. c. 151A, § 24(b)
- G. L. c. 151A, § 25(c)
- G. L. c. 151A, § 30(c)

3. **ATTACHMENTS.**

- January 2010 Memo "UI Eligibility for Enrollees in Apprentice Training Programs"

•February 2013 Memo “UI Eligibility for Enrollees in Apprentice Training Programs”

4. **BACKGROUND.**

Since 2009 it has been DUA policy that any apprentice who is participating in a DAS approved apprentice training program, or a union member participating in short term union membership required skills enhancement training, who is otherwise eligible for unemployment insurance benefits, is eligible to receive such benefits for any week during which he or she is otherwise unemployed and actually participating in such a training program. Under this policy, G. L. c. 151A, § 24(b), and its requirements relating to the individual's availability for work or active search for work, have not been enforced. These claimants have not been subject to disqualification under § 25(c) for refusing to accept an offer of suitable work made while participating in such a training program or skills enhancement training.

5. **ACTION.**

Effective immediately, a claimant in training who has not been approved to participate under the DUA Training Opportunities Program (Section 30 approved programs) ***is subject to disqualification*** under G. L. c. 151A, § 24(b), for each week that the claimant is not available for work. Attendance/participation in apprentice training or union-required skills enhancement training shall be deemed as failing to meet the availability standards under G. L. c. 151A, § 24(b). Section 1051 of the Service Representatives Handbook (Vacation Shutdown or Brief Layoff) shall **not** be applied to claimants in these circumstances.

Claims staff who, during the course of assisting in filing a claim, encounter union affiliated claimants, should ask claimants:

- if they are currently attending an apprentice training program or a union-required skills enhancement training and
- what the duration of the training is, and
- where the training is taking place, and
- whether the claimant plans on returning to work with an employer at the end of the training period, and
- if the claimant has been approved by the DUA Training Opportunities Program to attend the training program

If the claimant indicates they are attending one of the union-affiliated skills enhancement trainings or apprentice training programs, claims staff should

create an "Availability/Other" issue on the claim with a note that includes details of the training program the claimant is attending, whether the claimant is a union member or in the apprentice training program, where the training is taking place, as well as the duration of the training program and whether the claimant has a return to work date with an employer.

Adjudication/Hearings staff should find claimants ineligible for benefits for the week(s) they are in attendance at the skills enhancement/apprentice trainings for failing to satisfy the availability requirements of § 24(b) of Chapter 151A.

6. QUESTIONS.

If you have any questions please contact the UI Policy & Performance Department at (617) 626-6422.