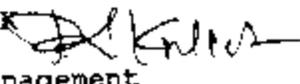


<b>U. S. Department of Labor</b> Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION <b>UI/EUC</b>
	CORRESPONDENCE SYMBOL <b>TEUMI</b>
	DATE July 9, 1992

**DIRECTIVE** : GENERAL ADMINISTRATION LETTER NO. 4-92,  
CHANGE 4

**TO:** : ALL STATE EMPLOYMENT SECURITY AGENCIES

**FROM** : DONALD J. KULICK   
Administrator  
for Regional Management

**SUBJECT** : Emergency Unemployment Compensation Act of 1991,  
As Amended by P.L. 102-318 (H.R. 5260)

1. Purpose. To provide amended operating instructions for States and State employment security agencies (SESAs) for the administration of the provisions of Title I of the "Emergency Unemployment Compensation Act of 1991", as amended by P.L. 102-318, the "Unemployment Compensation Amendments of 1992" (which was enacted into law with the President's signature on July 3, 1992).

2. References. Title I of the "Emergency Unemployment Compensation Act of 1991", P.L. 102-164, as amended by P.L. 102-182, P.L. 102-244, and the "Unemployment Compensation Amendments of 1992" (P.L. 102-318); the Federal-State Extended Unemployment Compensation Act of 1970 (the EB Act), as amended by the "Unemployment Compensation Amendments of 1992" (P.L. 102-318); 20 CFR Part 615; GAL 4-92 and Changes; UIPL 9-92 and Changes; the Trade Act of 1974 (19 U.S.C. 2271 et seq.); 20 CFR Part 617; and GAL 10-92.

3. Background.

a. Amendment of the Act. Title I of the "Emergency Unemployment Compensation Act of 1991" created the Emergency Unemployment Compensation (EUC) program. The "Unemployment Compensation Amendments of 1992" (P.L. 102-318), enacted on July 3, 1992, amended a number of the provisions of Title I of the EUC Act. These amendments and the various effective dates of the amendments to the EUC program are described in the Attachments to this GAL. The Employment and Training Administration issued controlling guidance for the States and State agencies in the operating instructions in GAL 4-92, dated November 27, 1991; GAL 4-92, Change 1, dated February 10, 1992; GAL 4-92, Change 2, dated February 13, 1992; and GAL 4-92, Change 3, dated June 4, 1992.

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> November 30, 1992
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Based on the enactment of P.L. 102-318, this Change 4 to GAL 4-92 includes changes to, and clarifications of, the operating instructions set forth in the Attachments to GAL 4-92.

b. Key Changes to the EUC Program in the Amendments.

P.L. 102-318, provides for the following changes to the EUC program:

(1.) Extension of the Program.

Section 101(a) of P.L. 102-318 amends Sections 102(f)(1) and 106(a)(2) of the EUC Act to extend the EUC from July 4, 1992, to March 6, 1993. This extension is effective for weeks of unemployment beginning after June 13, 1992.

(2.) Weeks of Benefits during the Extension.

Section 101(b) of P.L. 102-318 amends Section 102(b)(2)(A) of the EUC Act to provide, for new EUC claims effective for weeks beginning after June 13, 1992, a maximum of 20 or, in the case of a State triggered "on" a "high unemployment period," a maximum of 26, weeks of EUC through a week of unemployment including March 6, 1993. New claims effective prior to June 13, 1992, remain or are redetermined to the applicable limit (i.e., up to 26 or 33 weeks).

Section 101(b) of P.L. 102-318 also provides for reductions in the maximum number of weeks of EUC payable (new claims) when the average rate of total unemployment (seasonally adjusted) for all States declines to less than 7.0 percent and less than 6.8 percent but eliminates the two requirements of consecutive weeks of entitlement for a continuing claimant to avoid reduction of the maximum number of weeks of EUC entitlement.

(3.) Modification of EUC Program Phase-out.

Section 101(c) of P.L. 102-318 amends Section 102(f)(2) of the EUC Act to provide that the transition period for the phase-out of the EUC program will be from the first week beginning after March 6, 1993, to the week ending on June 19, 1993, and that no EUC will be payable for any week beginning after June 19, 1993.

(4.) Effect of Extended Benefits (EB) during the EUC Program Phase-out Period.

Section 101(d) of P.L. 102-318 amends Section 101(e) of the EUC Act to provide that the Governor's election to trigger "off" EB in a State in order to provide for the payment of EUC is not applicable with respect to any EB period beginning after March 6, 1993. Section 101(d) further amends Section 101(e) of the EUC Act to provide that an individual in a State that is triggered

"on" for EB after March 6, 1993, and who has a balance of EUC entitlement remaining after March 6, 1993, shall receive payments under the program (EUC or EB) in which the individual's entitlement is greater. This amendment is effective for weeks of unemployment beginning after March 6, 1993.

(5.) Effect of Subsequent Entitlement to Regular Compensation.

Section 102(a) of P.L. 102-318 amends Section 101 of the EUC Act by adding a new subsection (f) providing that an individual's rights to EUC shall be determined without regard to regular compensation for a subsequent benefit year if such individual does not file a claim for regular compensation for such subsequent benefit year. This amendment is effective for weeks of unemployment beginning after July 3, 1992.

(6.) Recovery of Certain Overpayments (Section 102(b)(2)(A) of P.L. 102-318).

Section 102(b)(2)(A) of P.L. 102-318 provides that, on and after July 3, 1992, no repayment of any outstanding EUC overpayment shall be required under Section 105 of the EUC Act if the individual would have been entitled to EUC had the amendment in paragraph 5. above been in effect for all weeks since the beginning of the EUC program.

(7.) Waiver of Rights to Certain Regular Benefits.

Section 102(b)(2)(B) of P.L. 102-318 provides that certain individuals may elect to defer their rights to regular compensation in a subsequent benefit year until they have exhausted their rights to EUC in respect of the previous benefit year. This section is effective for weeks of unemployment beginning after July 3, 1992.

(8.) Persian Gulf Reservists.

Section 104 of P.L. 102-318 provides that certain Persian Gulf Reservists called-up to active duty in a reserve status shall be entitled to receive an EUC weekly benefit amount not less than the weekly amount of the reservist's claim for regular compensation, EB, or trade readjustment allowances during the week of call-up to active duty.

(9.) Earnings Test.

Section 202(a)(1) of P.L. 102-318 amends Section 202(a)(5) of the EB Act to provide that States shall provide which one or more of the three specified methods of measuring employment and earnings for EB (and EUC) qualifying purposes shall be used in that State. The effective date of this amendment is for weeks of unemployment

beginning on or after July 3, 1992, "[n]otwithstanding any other provision of law."

(10.) Recovery of Certain Overpayments (Section 202(a)(2)(B) of P.L. 102-318.

Section 202(a)(2)(B) of P.L. 102-318 provides that on and after July 3, 1992, no repayment of any outstanding EUC overpayment shall be required under Section 105 of the EUC Act if the individual would have been entitled to EUC had the amendment in paragraph 9. above been in effect for all weeks since the beginning of the EUC program.

(11.) Suspension of Certain EB Eligibility Requirements.

Section 202(b) of P.L. 102-318 suspends the requirements of EB work search (including suitable work) provisions and the EB reemployment requirement to purge certain disqualifications (Sections 202(a)(3) and (4) of the EB Act). These suspensions are effective for weeks of unemployment beginning after March 6, 1993, and before January 1, 1995, and no provision of State law in conformity with paragraphs (3) and (4) of Section 202(a) of the EB Act shall be applied during the period of suspension. This provision of P.L. 102-318 is applicable to EUC claimants for weeks of unemployment beginning after March 6, 1993, and before June 19, 1993.

c. Controlling Guidance.

The provisions in Titles I and II of P.L. 102-318, as interpreted in these operating instructions, supersede the prior provisions of Federal law, regulations at 20 CFR Parts 615 and 617, and prior operating instructions issued by this Department to the extent that they are inconsistent with Titles I and II of P.L. 102-318 or these operating instructions.

The operating instructions in GAL 4-92, GAL 4-92, Change 1, Change 2, Change 3, and this Change 4 (including Attachments A, B, and C) are issued to the States and the cooperating State agencies and constitute the controlling guidance provided by the Department of Labor in its role as the principal in the EUC program. As agents of the United States, the States and the cooperating State agencies may not vary from the operating instructions in GAL 4-92 and GAL 4-92, Change 1, Change 2, Change 3, or this Change 4 (or any subsequent or supplemental operating instructions) without the prior approval of the Department of Labor.

d. State Agreements.

The EUC agreement entered into pursuant to P.L. 102-164 (as modified) between a State and the Secretary of Labor under which the State agency makes payments of EUC in accordance with the Act as interpreted by the Secretary or the Department of Labor as set forth in instructions issued by the Department remains in effect and further modification is not required.

4. Attachment A--Changes to Section I.

a. On page 1 of Attachment A, change the heading of Section I. to read:

"I. Section-by-Section Explanation of Title I of Public Law 102-164, as amended by Public Laws 102-182 and 102-244 and further amended by P.L. 102-318."

b. In Section I.B.5. of Attachment A, entitled "Election.", strike such heading and insert the following new heading, "Election by States; Weeks of Benefits During Phase-Out.". In addition, add the following new paragraph heading before the word "Subsection"; "a. Election by States.-- (i)", and add the following new subparagraph (ii) and the following new paragraph b.:

"(ii) The preceding sentence shall not be applicable with respect to any EB period which begins after March 6, 1993, nor shall the special rule in Section 203(b)(1)(B) (i.e., no EB period may begin before the fourteenth week after the end of a previous EB period) of the Federal-State Extended Unemployment Compensation Act of 1970 (or similar provision of State law) operate to preclude the beginning of an EB period after March 6, 1993, because of the ending of an earlier EB period under the preceding sentence (i.e., Governor's waiver).

"b. Weeks of Benefits During Phaseout.--

"Notwithstanding the requirement that an individual must have no rights to compensation under Section 101(b)(1)(B) of the EUC Act or any other provision of law, if for any week beginning after March 6, 1993, an EB period is triggered on with respect to a State, an individual entitled to EB, whether claiming benefits or not, in the State for such week and any following week shall be paid either EUC or EB under the State law, whichever is greater, but in no case may both be paid."

c. In Section I.B. of Attachment A, add the following new paragraph 6. before Section I.C.

"6. Certain Rights to Regular Compensation Disregarded.

"If an individual exhausts his/her rights to regular compensation for any benefit year, such individual's eligibility to receive EUC with respect to such benefit year shall be determined without regard to any rights to regular compensation for a subsequent benefit year if the individual does not file a claim for regular compensation for such subsequent benefit year.

"NOTE: The individual is given the choice after explanation of the advantages and disadvantages of filing for regular compensation for a subsequent benefit year. An individual who does file such a claim for regular compensation will not be eligible for any further EUC based on the previous benefit year. This amendment applies to all weeks of unemployment beginning after July 3, 1992."

d. In Section I.C.3. of Attachment A, entitled "Applicable Limit.", replace paragraph c. and the flush paragraph (at the end) with the following new paragraph c. and add new paragraphs d., e., f. and g.

"c. Reduction For Weeks After June 13, 1992.--In the case of weeks beginning after June 13, 1992--

"(i) substitute 26 for 33 in paragraph a. and 20 for 26 in paragraph b., and

"(ii) substitute 100 percent for 130 percent in paragraph a. in Section I.C.2.

"d. Reduction For Weeks In 7-Percent Period.--In the case of weeks beginning in a 7-percent period--

"(i) paragraph c. shall not apply,

"(ii) substitute 15 for 33 in paragraph a. and 10 for 26 in paragraph b., and

"(iii) substitute 60 percent for 130 percent in paragraph a. in Section I.C.2.

"e. Reduction for Weeks in 6.8-Percent Period.--In the case of weeks beginning in a 6.8-percent period--

"(i) paragraphs c. and d. shall not apply,

"(ii) substitute 13 for 33 in paragraph a. and 7 for 26 in paragraph b., and

"(iii) substitute 50 percent for 130 percent in paragraph a. in Section I.C.2.

"f. 7-Percent Period; 6.8-Percent Period.--For purposes of this paragraph--

"(i) A 7-percent period means a period which begins with the second week after the first week for which the requirements of clause (ii) are met, and a 6.8-percent period means a period which begins with the second week after the first week for which the requirements of clause (iii) are met.

"(ii) The requirements of this clause (ii) are met for any week if the average rate of total unemployment (seasonally adjusted) for all States for the period consisting of the most recent 2-calendar month period (for which data are published before the close of such week) is at least 6.8 percent, but less than 7 percent.

"(iii) The requirements of this clause (iii) are met for any week if the average rate of total unemployment (seasonally adjusted) for all States for the period consisting of the most recent 2-calendar month period (for which data are published before the close of such week) is less than 6.8 percent.

"In no event shall a 7-percent period occur after a 6.8-percent period occurs, and a 6.8-percent period, once begun, shall continue in effect for all weeks thereafter for which benefits are provided under the EUC Act.

"g. Limitations on Reductions.--In the case of an individual who is receiving EUC for a week preceding the first week for which a reduction applies under paragraphs c., d. or e., such reduction shall not apply to such individual for any week thereafter for which the individual is otherwise eligible for EUC.

"NOTE: The above provision means that if an individual is eligible for EUC for any week prior to the week a reduction is to occur, his or her account balance is not reduced thereafter except for amounts actually paid, even though the individual is not paid for every week. If the individual claims a week for which he/she is not eligible, such individual's account is not subject to reduction unless there is an overpayment. But depending on the circumstances, the individual may be subject to an applicable disqualification and liable for any overpayment."

e. In Section I.C.4. of Attachment A, entitled "No Reduction of Applicable Limit.", change the phrase "Except as provided in 3.c.," to read "Except as provided in paragraphs 3.c. d. and e. in Section I.C.3.,".

f. In Section I.C.10. of Attachment A, entitled "Effective Dates.", replace the language in paragraph b. with the following:

"b. No new EUC claims may be made effective for any week which begins after March 6, 1993. In the case of an individual who is receiving EUC for a week prior to or including March 6, 1993, EUC shall continue to be payable to such individual for any week thereafter for which the individual is otherwise eligible. No EUC shall be payable, however, for any week beginning after June 19, 1993.

"NOTE: The above provision means that if an individual is eligible for EUC for any week prior to or including March 6, 1993, his or her account balance is not reduced thereafter except for amounts actually paid even though the individual is not paid for every week. If the individual claims a week for which he/she is not eligible, such individual's account is not subject to reduction unless there is an overpayment. But depending on the circumstances, the individual may be subject to an applicable disqualification and liable for any overpayment."

g. In Section I.E.2. of Attachment A, entitled "Authorization.", add the following sentence at the end of the paragraph:

"New Subsection (e) directs the Secretary of Treasury to transfer general revenue funds from the Treasury to the EUCA account to make payments under the EUC Act by reason of the amendments made to Sections 101 and 102 of the EUC Act of 1991 and to the employment security administration account such sums as may be necessary for purposes of assisting States in meeting administrative costs by reason of the amendments made by Sections 101, 102, 201 and 202 of the "Unemployment Compensation Amendments of 1992" (P.L. 102-318)."

h. In Section I.G.2. of Attachment A, entitled "Period of Eligibility.", change the date in paragraph b. from "July 4, 1992" to "March 6, 1993".

i. In Section I. of Attachment A, add the following new Subsection H.:

"H. Other Provisions of the "Unemployment Compensation Amendments of 1992" (P.L. 102-318).

"1. Section 102(b)--Modification of Eligibility Requirements--Transition Rules.

"a. Prohibition of Recovery of Certain Overpayments.

"On and after the date of enactment of P.L. 102-318 (July 3, 1992), no repayment of any EUC shall be required under Section 105 of the EUC Act of 1991 if the individual would have been entitled to EUC had the amendment to the requirement that a new claim for regular compensation be filed (now changed by the addition of paragraph (f) to Section 101) been in effect since the beginning of the EUC Act of 1991.

"NOTE: The application of Section 102(b)(2)(A) creates a statutory bar prohibiting the States from taking action under Section 105 to enforce recovery of outstanding overpayment balances as of July 3, 1992, for individuals who would have been entitled to EUC had the amendment made by Section 102(a) of P.L. 102-318 been in effect since the start of the EUC program. Any overpayment determinations issued by the States to individuals under the law as in effect before the amendment in Section 102(a) are valid and shall not be changed. This means that liability for the overpayment remains unchanged, but that enforcement of the liability to repay the balance of the outstanding overpayment on and after July 3, 1992, is changed. The application of Section 102(b)(2)(A), in actuality, is not a waiver in that there are no "equity and good conscience" tests applied to each individual's situation; rather it is a blanket withdrawal of authority to enforce recovery of the overpaid amount. Overpayments for which enforcement of recovery is prohibited will be reflected as write-offs on line 205 of the ETA 227 report.

"Section 102(b)(2)(A) prohibits the recovery of EUC non-fraudulent overpayments solely if the individual would have been entitled to EUC had the amendment made by Section 102(a) of P.L. 102-318 been in effect since the start of the EUC program. States should apply the following guidelines and procedures in implementing this provision--

"o No EUC overpayment determination for any reason other than for the amendment made by Section 102(a) of P.L. 102-318 is subject to the write-off because of Section 102(b)(2)(A).

"o Recovered amounts received by the State before July 3, 1992, are not subject to the write-off in Section 102(b)(2)(A) and will not be returned to the individual by the State.

"o As of July 3, 1992, States shall cease all Section 105 actions to enforce recovery of outstanding balances of overpayments which are subject to the prohibition in Section 102(b)(2)(A) of P.L. 102-318. This means that States shall return any repayments received from an individual on and after July 3, 1992, if the individual is subject to the amendment made by Section 102(a) and the individual has not been notified that repayment is not required. If an individual subject to the amendment made by Section 102(a) voluntarily repays the State, all or part of the outstanding overpayment balance on or after July 3, 1992, after notification that repayment is not required, the State shall accept the repayment for return to the EUCA. In no event shall an individual receive duplicate payments under different programs for the same week.

"o States shall not issue a redetermination implementing the amendment made by Section 102(a) if a previous determination waiving the recovery of an overpayment under Section 105(b) of the EUC Act was issued to an individual who is subject to the amendment made by Section 102(a) of P.L. 102-318.

"b. Waiver of Rights to Certain Regular Benefits. If--

"(i) before the date of enactment of P.L. 102-318, an individual exhausted his/her rights to regular compensation for any benefit year, and

"(ii) such individual was not eligible to receive EUC because of being entitled to regular compensation for a subsequent benefit year, such individual may elect to defer his/her rights to regular compensation with respect to weeks beginning after the date of enactment of P.L. 102-318 until such individual has exhausted his/her rights to EUC. Such individual shall be entitled to receive EUC for such weeks in the same manner as if he/she had not been entitled to regular compensation on the subsequent benefit year claim.

"2. Section 104-- Persian Gulf Reservists.

"a. Application.

"This section is a free-standing addition not affecting any other provision of law. This section is only applicable to reservists called-up to active duty in a reserve status in the Armed Forces after August 2, 1990 and before March 1, 1991, and, subject to the provisions in this section, affects the reservist's EUC weekly benefit amount payable after exhaustion of regular UCX benefits, and for weeks beginning after enactment of P.L. 102-318. The application of this section has no effect on the reservist's maximum amount of EUC payable as determined under the provisions of Section 102(b)(1) of the EUC Act.

"b. Provisions.

"If a reservist, as described in paragraph a. above, was receiving regular compensation, extended compensation, or trade readjustment allowances for the week he/she was called-up to active duty (for at least 90 continuous days), and, if the reservist was entitled to regular compensation on the basis of such active duty in the Armed Forces at a weekly amount that was less than the amount to which he/she was entitled for the week of call-up, the reservist will receive an EUC weekly benefit amount (after exhaustion of the regular compensation based on the active duty) equal to the weekly amount of the claim in effect during the week of call-up to active duty.

"NOTE: The provisions discussed above in new paragraph b. of Section I.B. of Attachment A and new Section I.H.1.b. of Attachment A shall also be applicable to such Persian Gulf Reservists.

"3. Section 202--Modification of Extended Benefits Eligibility Requirements.

"a. Earnings Test.

Section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to provide that a State may use one or more of the three specified methods of determining extended benefits eligibility, i.e., 20 weeks of work, 1 and 1/2 times high quarter wages or 40 times the individual's weekly benefit amount. Prior to July 3, 1992, only one specified method was permitted.

"b. Application to EUC.

"Notwithstanding any other provision of law (which includes Section 101(d)(2) of the EUC Act of 1991 and corresponding provisions of State law), the provisions of paragraph a. are applicable to EUC for weeks of unemployment beginning after the date of enactment of P.L. 102-318 (July 3, 1992).

"NOTE: This means that conforming amendments to State laws are not necessary to put this provision into effect for EUC.

"c. Prohibition of Recovery of Certain Overpayments

"On and after July 3, 1992, no repayment of any EUC shall be required under Section 105 of the EUC Act if the individual would have been entitled to benefits had the "earnings test" amendment mentioned in paragraph a. of this section applied to all weeks beginning on or before July 3, 1992.

"NOTE: The application of Section 202(a)(2)(B) creates a statutory bar prohibiting the States from taking action under Section 105 to enforce recovery of outstanding overpayment balances as of July 3, 1992, for individuals who would have been entitled to EUC had the amendment made by Section 202(a)(1) of P.L. 102-318 been in effect since the start of the EUC program. Any overpayment determinations issued by the States to individuals under the law as in effect before the amendment in Section 202(a)(1) are valid and shall not be changed. This means that liability for the overpayment remains unchanged, but that enforcement of the liability to repay the balance of the outstanding overpayment on and after July 3, 1992, is changed. The application of Section 202(a)(2)(B), in actuality, is not a waiver in that there are no "equity and good conscience" tests applied to each individual's situation; rather it is a blanket withdrawal of authority to enforce recovery of the overpaid amount. Overpayments for which enforcement of recovery is prohibited will be reflected as write-offs on line 205 of the ETA 227 report.

"Section 202(a)(2)(B) prohibits the recovery of EUC non-fraudulent overpayments solely if the individual would have been entitled to EUC had the amendment made by Section 202(a)(1) of P.L. 102-318 been in effect since the start of the EUC program. States should apply the following guidelines and procedures in implementing this provision--

"o No EUC overpayment determination for any reason other than for the amendment made by Section 202(a)(1) of P.L. 102-318 is subject to the write-off because of Section 202(a)(2)(B).

"o Recovered amounts received by the State before July 3, 1992, are not subject to the write-off in Section 202(a)(2)(B) and will not be returned to the individual by the State.

"o As of July 3, 1992, States shall cease all Section 105 actions to enforce recovery of outstanding balances of overpayments which are subject to the prohibition in Section 202(a)(2)(B) of P.L. 102-318. This means that States shall return any repayments received from an individual on and after July 3, 1992, if the individual is subject to the amendment made by Section 202(a)(1) and the individual has not been notified that repayment is not required. If an individual subject to the amendment made by Section 202(a)(1) voluntarily repays the State, all or part of the outstanding overpayment balance on or after July 3, 1992, after notification that repayment is not required, the State shall accept the repayment for return to the EUCA. In no event shall an individual receive duplicate payments under different programs for the same week.

"o States shall not issue a redetermination implementing the amendment made by Section 202(a)(1) if a previous determination waiving the recovery of an overpayment under Section 105(b) of the EUC Act was issued to an individual who is subject to the amendment made by Section 202(a)(1) of P.L. 102-318."

5. Attachment A--Changes to Section II.

At the end of Section II.F.2., entitled "Trigger Notice Format.", add the following:

"In addition, the national seasonally adjusted total unemployment rates (TUR) for the applicable two months will be shown. The change to a 7-percent period or to a 6.8-percent period begins with the second week after the first for which rates are published. Therefore, the TURs shown will have the appropriate lag."

6. Attachment A--Changes to Section III.

a. In Section III.A., definition 1, "Act", delete "approved November 15, 1991, as amended by H.R. 1724" and insert "as amended by Public Laws 102-182 and 102-244, and further amended by P.L. 102-318".

b. In Section III.A., definition 3, "Period of Eligibility", change the date of "July 4, 1992" to "March 6, 1993".

c. In Section III.B., "Beginning and Ending of the EUC Program", change the dates in the first sentence of the third paragraph from "July 4, 1992" to "March 6, 1993." and substitute the following for the second sentence in paragraph three: "Individuals who became eligible for EUC before March 6, 1993 will continue to be eligible for any week thereafter for which the individual is otherwise eligible for EUC. However, no EUC shall be payable for any week beginning after June 19, 1993."

d. In Section III.C.1, "Basic Eligibility Requirements.", replace existing paragraph b. with the following:

"b. have no rights to any compensation with respect to that week under such law or any other State unemployment compensation law, the Railroad Unemployment Insurance Act, or, under any other Federal law administered by the State agency.

"An individual will be considered to meet the requirements of the above paragraph if the week began subsequent to July 3, 1992 and such individual has not filed a claim for regular unemployment benefits to establish a subsequent benefit year which included such week, or

"An individual who exhausted his rights to regular compensation for any benefit year before July 3, 1992 and after such exhaustion, such individual was not eligible to receive EUC by reason of being entitled to regular compensation for a subsequent benefit year, and elects to defer his rights to regular compensation for such subsequent benefit year with respect to weeks beginning after July 3, 1992, such an individual is entitled to receive EUC until his rights to EUC are exhausted in respect to the previous benefit year. No EUC is payable for any week the individual is paid any amount as regular compensation."

In addition, replace existing paragraph e. with the following:

"e. have at least 20 weeks of employment (as defined in State law) during the base period, or during such base period earned its equivalent under State law of at least one and one-half times the high quarter wages, or of forty times the most recent weekly benefit amount. For purposes of this requirement, "weekly benefit amount" means the weekly benefit amount, including dependents' allowances, payable for a week of total unemployment (before any reductions because of earnings, pensions or other requirements) which applied to the most recent week,".

Also, delete the period at the end of paragraph i. and add the following:

"except as provided in these operating instructions with regard to the amendments in P.L. 102-318.

"NOTE: The requirements of Section 202(a)(3) (and corresponding provisions of State law) referenced in paragraphs g. and h. above are not applicable for weeks of unemployment beginning after March 6, 1993."

e. In Section III.C.2., entitled "Determining Exhaustees.", at the end of paragraph b. insert the following language:

"Provided that, an individual shall be considered to be an exhaustee for the purposes of EUC if the individual had sufficient employment and wages on the basis of which a subsequent benefit year could be established under any State or Federal law after July 3, 1992, and the individual elects not to file a new claim for regular benefits to establish such a subsequent benefit year, after being fully informed of his/her rights, or

"An individual who exhausted all rights to regular compensation for any benefit year before July 3, 1992 and after such exhaustion, such individual was not eligible to receive EUC by reason of being entitled to regular compensation for a subsequent benefit year, and elects to defer his rights to regular compensation for such subsequent benefit year with respect to weeks beginning after July 3, 1992 until such individual has exhausted his rights to EUC in respect to the previous benefit year. No payment of EUC may be made for any week for which an individual is paid any amount as regular compensation."

f. In Section III.C.3., entitled "Determination of "Period of Eligibility"."; change the date of "July 4, 1992" to "March 6, 1993".

g. In Section III.C.4, entitled "20-Weeks of Work Requirement.", change the heading to read "Work Qualifying Requirements." and insert at the beginning of the first paragraph the following language: "For weeks of unemployment beginning before July 3, 1992," and insert the following at the end of the Section:

"Provided that effective for weeks of unemployment beginning after July 3, 1992, Section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 has been amended to provide for States to utilize one or more specified methods of determining an individual's monetary eligibility for extended benefits (and now EUC):

"a. one and one-half times the high quarter wages; or

"b. forty times the most recent weekly benefit amount, and if this alternative is adopted, it shall use the weekly benefit amount (including dependents' allowances) payable for a week of total unemployment (before any reductions because of earnings, pensions or other requirements) which applied to the most recent week; or

"c. twenty weeks of full-time insured employment as defined in the State law.

"NOTE: This change shall be applied to all EUC claims "[n]otwithstanding any other provisions of [State or Federal] law."

h. In Section III.D., entitled "Weekly Benefit Amount.", add a new Subsection as follows:

"3. Persian Gulf Reservists.

Subject to the provisions of Section 104 of P.L. 102-318, the EUC weekly benefit amount of a Persian Gulf Reservist will be not less than the weekly benefit amount to which the individual was entitled for regular compensation, extended compensation, or trade readjustment allowances for the week in which the reservist was called-up to active duty in the Armed Forces. Section 104 of P.L. 102-318 is effective for EUC payments for weeks beginning after July 3, 1992.

Therefore, States and cooperating State agencies will make monetary redeterminations on the claims of reservists who have established EUC entitlement before the effective date of Section 104 of P.L. 102-318 and who have an EUC monetary balance remaining for a week beginning after the effective date of this Section. The application of this Section to the reservist's EUC claim affects only the computation of the weekly benefit amount and has no affect on computation of the maximum benefit amount.

"NOTE: The application of this section requires SESAs to increase the eligible reservist's EUC weekly benefit amount for all weeks of unemployment beginning after July 3, 1992, but SESAs shall not increase the eligible reservist's EUC maximum amount. The result is that the eligible reservist will exhaust EUC entitlement sooner.

The contents of Section 102(b)(1) of the EUC Act and Section 104 of P.L. 102-318 do not permit an increase to the reservist's EUC maximum amount. Section 102(b)(1) prescribes that the EUC weekly and maximum amounts are to be based on the claim for regular compensation in respect to the benefit year to which the EUC claim is based. In the application of Section 104 of P.L. 102-318, the reservist's

EUC claim is based on regular compensation (including UCX) based all or in part on the reservist's Persian Gulf "Federal service" and is not based on the claim in effect at the time of the reservist's call-up to active duty. Section 104 of P.L. 102-318 only provides that the reservist's EUC weekly benefit amount be increased, not the reservist's EUC maximum amount. Consequently, there is no statutory authority for an increase in the reservist's EUC maximum amount to effect the application of Section 104 to Persian Gulf Reservists."

i. In Section III.E.1, entitled "Accounts.", add new paragraphs c. and d. as follows:

"c. "For EUC claims filed for a week after a National 7- percent period is in effect."

"(i) 60 percent of the total entitlement to regular benefits (including dependents' allowances) payable to the individual with respect to the most recent benefit year, from which the individual received benefits, or

"(ii) The maximum EUC payable in the State as prescribed by the applicable limit.

"d. "For EUC claims filed for a week after a National 6.8- percent period is in effect."

"(i) 50 percent of the total entitlement to regular benefits (including dependents' allowances) payable to the individual with respect to the most recent benefit year, from which the individual received benefits, or

"(ii) The maximum EUC payable in the State as prescribed by the applicable limit amount."

j. In Section III.E.2., entitled "Maximum EUC Payable in a State - Applicable Limit.", amend subparagraph (a)(iii), and paragraph b. and add new paragraphs c., d., e., f. and g. as follows:

"(iii) No Reduction after June 13, 1992. An individual who has established an EUC account effective with respect to a week which ends on or before June 13, 1992, shall not be subject to any reduction in the maximum amount in such account by reason of the amendments to Section 102(b)(2)(A). Any individual whose account was reduced by reason of the prior provisions of clause (ii) of Section 102(b)(2)(A) shall be redetermined and the account restored to the appropriate level as of June 14, 1992.

"b. For EUC Claims Filed for a Week Beginning after June, 13, 1992.

"(i) Thirteen Weeks. The maximum amount of EUC payable is up to 20 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that are not in a high unemployment period.

(ii) Twenty-six Weeks. The maximum amount of EUC payable is up to 26 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that are in a high unemployment period.

"c. For EUC claims filed for weeks after a National 7-percent period is in effect.

"(i) Ten weeks. The maximum amount of EUC payable is up to 10 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that are not in a State "high unemployment" period.

"(ii) Fifteen weeks. The maximum amount of EUC payable is up to 15 times the individual's weekly benefit amount as computed under 20 CFR 615.6, in all States that are in a State "high unemployment" period.

"d. For EUC claims filed for weeks after a National 6.8-percent period is in effect.

"(i) Seven weeks. The maximum amount of EUC payable is up to 7 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that are not in a State "high unemployment" period.

"(ii) Thirteen weeks. The maximum amount of EUC payable is up to 13 times the individual's weekly benefit amount as computed under 20 CFR 615.6, in all States that are in a State "high unemployment" period.

"e. 7-percent Period; 6.8-percent Period. In no event shall a 7-percent period occur after a 6.8-percent period occurs, and a 6.8-percent period, once begun, shall continue in effect for all weeks thereafter for which benefits are provided under the EUC.

"f. Limitations on Reductions. In the case of an individual who is receiving EUC for a week preceding the first week for which a reduction applies under paragraphs b., c. or d., such reduction shall not apply to such individual for any week thereafter for which the individual is otherwise eligible for EUC.

"g. Modification to Final Phase-out. If an individual is receiving EUC for a week prior to or including March 6, 1993, and meets the eligibility requirements of the EUC Act, as amended, the individual shall continue to be paid EUC for any week thereafter for which the individual meets the eligibility requirements of the Act until the individual's account is exhausted or until June 19, 1993. No EUC is payable for any week beginning after June 19, 1993, even if the individual still has a balance."

k. In Section III.E.4., entitled "Beginning of an Extended Benefit Period After the Effective Date of the Act.", designate the existing first two paragraphs beginning with the word "States" as "a. States", and delete the phrase "in a 13-week period or 20-week period", and add the following new paragraph b.:

"b. If for any week beginning after March 6, 1993, an extended benefit period is triggered on with respect to a State, individuals claiming benefits in such State for such week and any following week shall be eligible to receive compensation under this Act or extended compensation benefits under State law, whichever is greater.

"The election by the Governor, as described in paragraph a., is neither authorized nor in effect for any EB period beginning after March 6, 1993."

l. In Section III.E.7, entitled "Combined Wage Claims.", between the second and third paragraphs, insert the following heading:

"a. Procedures before July 1, 1992."

Before the last sentence in the fourth and last paragraph insert the following heading and text:

"b. Procedures on and after July 1, 1992. The paying State will bill all benefits paid on or after July 1, 1992, directly to the Federal government. The transferring State will not charge the EUCA account for benefits paid on or after July 1, 1992, by the paying State."

m. After Section III.E.8, "Changes in Account.", insert a new Section III.E.9. which reads as follows:

"9. Changes Due to Provisions in P.L. 102-318. The EUC maximum amount payable to a claimant may change as the result of the following sections of P.L. 102-318, which amend provisions of P.L. 102-164 (as amended by P.L. 102-182 and P.L. 102-244):

- "- Section 101(b), which amends Section 102(b)(2)(A) of P.L. 102-164, as amended;
- "- Section 202(a)(2)(A), which is applicable to EUC claimants via Section 101(d)(2) of P.L. 102-164, as amended.

"The application of these sections of P.L. 102-318 may result in the issuance of monetary redeterminations changing the maximum amount of EUC payable to a claimant."

n. In Section III.F.1., entitled Trade Readjustment Allowances (TRA).", add the following new paragraph after the second paragraph:

"The controlling guidance and operating instructions for implementing the amendment to Section 231(a)(2) of the Trade Act of 1974 contained in Section 106 of P.L. 102-318 are included in GAL 10-92, dated July 6, 1992."

o. In Section III.H.2., entitled "Interstate Initial Claims.", delete the first paragraph which reads "Interstate EUC claimants are filed on the same forms..." and insert the following:

"Interstate EUC claims are filed on the same forms and in the same manner as interstate claims for EB. Before accepting an initial EUC claim, the agent State must review the claimant's work history, examine potential entitlement and advise the claimant of all filing options. If the claimant has sufficient employment and wages to establish a new benefit year under any State or Federal program or under the combined wage arrangement, the right to file under the EUC program must be explained. At the time of the initial EUC claim, the agent State will:"

In addition, replace the existing paragraph b. with the following:

"Review the claimant's work history and advise the claimant of all filing options;"

p. In Section III.K., entitled "Applicability of State Law Provisions.", change the period at the end of the first sentence (after the word "State") to a comma, and add, "except that any State law provision limiting computation of monetary eligibility to one method under Section 202(a)(5) (20 weeks of work or equivalent), is not applicable for weeks of unemployment beginning after July 3, 1992. More than one of the methods specified in such Section may be utilized for EUC purposes."

g. In Section III.L., entitled "Claimstaking Procedures.", change the heading of Section III.L.1. to read "Notification.". Then insert the following heading before the words "The SESA" that begin the existing paragraph:

"a. Notification of Potential EUC Claimants.".

In addition, add the following new paragraph b.:

"b. Notification of Media.

In order to assure public knowledge of the status of the EUC program, the SESA shall notify all appropriate news media having coverage throughout the State of the beginning of, or changes to, the EUC program. This includes, but is not limited to, changes in benefit levels because of "triggering" up or down; the effects of law changes, such as an extension of the EUC program; and the effects of termination of the program."

r. In Section III.L.2., entitled Initial Claim., add the following phrase at the end of paragraph b. after the comma:

"including rights to EUC while not filing a claim to establish regular benefit entitlement, and/or rights to elect to defer rights to regular compensation until exhaustion of EUC,".

s. In Section III.L.3., "Notification of Responsibility.", insert the following heading before the existing first paragraph:

"a. General EUC Notification to Claimants.".

In addition, add the following new paragraph b. after the existing second paragraph:

"b. Claimant Notification -- Election to Defer Rights to Regular Compensation in a Subsequent Benefit Year. In order to effect the implementation of Section 102(b)(2)(B) of P.L. 102-318 for weeks of unemployment beginning after July 3, 1992, the SESAs will provide individuals with a full explanation of their rights to EUC and regular compensation before the individuals elect whether or not to defer their rights to regular compensation until they have exhausted their rights to EUC in respect to the previous benefit year. This explanation shall include the proviso that once the individual makes the election whether or not to defer the rights to regular compensation, that election shall not be retracted by the individual until he/she has exhausted all rights to benefits under the choice made (EUC or regular compensation). This proviso means that, if the individual elects to claim regular compensation in the subsequent

benefit year, the individual shall not be eligible to later receive EUC in respect to the previous benefit year. However, this election scenario would not preclude the individual from receiving EUC after exhaustion of all rights to unemployment compensation in respect to the current benefit year. Alternatively, if the individual elects to claim EUC, the individual may be entitled to receive regular compensation in the subsequent (current) benefit year after exhaustion of EUC. However, under no circumstances will an individual receive both EUC and regular compensation for the same week.

"SESAs may wish to consider implementing this required notification procedure as part of the SESA's on-going EUC eligibility review program."

t. In Section III.L.4., entitled "EUC Eligibility Requirements", add the following "NOTE" at the end of the Section:

"NOTE: The amendments made by Section 202(b)(1) of P.L. 102-318, which suspend, for the period beginning after March 6, 1993 and before January 1, 1995, the EB active search for work requirements and the requirement for subsequent employment to satisfy a regular compensation denial before an individual may be determined eligible for EB, also apply to any weeks of unemployment for EUC eligibility that overlaps such dates. During such period of time, State law provisions for regular compensation apply to both the EB and EUC programs."

u. In Section III.L.5., entitled "Work Registration", add the following sentence at the end of the first paragraph:

"Also, registration requirements apply to individuals for which the State is acting as an agent State under the IBPP."

v. In Section III.M.2., entitled "Recovery of Overpayments", delete the first paragraph and insert the following in its place:

"Under Section 105(b) of the Act each State shall require repayment from individuals who have received any payment of EUC to which they are not entitled (whether fraudulent or non-fraudulent), unless such repayment is prohibited by Section 102(b)(2) or Section 202(a)(2)(B) or unless the State, under the optional language of Section 105(b), elects to have a program under which it will waive recovery of overpayments. A State may elect to have an EUC waiver program even if it has no waiver provisions under State law

for regular compensation. If the State elects to have an EUC waiver program and has a waiver program under State law, no State law waiver provisions for regular compensation apply to EUC, and the State shall follow the guidelines outlined in this section III.M.2.

"The recovery of certain overpayments is now prohibited. On and after July 3, 1992, no recovery of any EUC shall be required under Section 105 if the individual would have been entitled to receive such compensation had the amendment made to the EB earnings test applied to all weeks beginning on or before July 3, 1992. Under Section 102(b)(2) overpayments are required to be established; and those overpayments should be written off."

In addition, insert "or recovery prohibited" after "or is waived under paragraph (2) of this Section" in paragraph M.2.b.(4) and "or prohibited" after "is waived" in paragraph M.2.b.(9).

w. After Section III.M.2., entitled "Recovery of Overpayments.", insert a new Section III.M.3., which reads as follows:

"3. P.L. 102-318--Prohibition on Recovery of Certain Overpayments.

"Sections 102(b)(2)(A) and 202(a)(2)(B) of P.L. 102-318 prohibit the enforcement of recovery of certain non-fraudulent overpayments. States are reminded that these sections only apply to outstanding balances of non-fraudulent overpayments as of July 3, 1992. See Sections I.H.1.a. and I.H.3.c.."

x. In Section III.N., entitled "Payment to States.", add a new heading after the second paragraph:

"1. Determination and Billing Requirements for CWC Claims Before July 1, 1992."

After the fourth paragraph, add a new heading:

"2. Determination and Billing Requirements for CWC Claims On or After July 1, 1992."

and add the following paragraph:

"Effective after June 30, 1992, the paying State will not bill the transferring State for its full pro rata share for all EUC paid on CWC claims, including UCFE and UCX. Instead, the paying State will bill the Federal Government for sufficient monies to cover its pro rata share and that

of the transferring State. See the revised fiscal reporting instructions provided in Attachment B to this GAL."

7. Attachment B--Changes to Fiscal Instructions.

a. In Section 1.a., entitled "EUC (Benefits).", delete the last paragraph which begins "Under the interstate arrangement for combining employment and wages (CWC),..." and add the following new paragraphs:

"Funds to pay EUC benefits authorized by Public Law 102-164, as amended by Public Law 102-182 and Public Law 102-244, except for benefits for employees of non-profit and governmental entities, are paid from Federal unemployment trust funds in EUCA. Funds for benefits for employees of non-profit and governmental entities, and the new EUC benefits authorized by P.L. 102-318 will be appropriated from general revenue funds in the U.S. Treasury and transferred to EUCA.

"From a State perspective, although the source of funds differs, all EUC benefit funds are withdrawn from EUCA and State drawdown procedures from EUCA are not impacted (except for funds for benefits paid under the interstate arrangement for combining employment and wages (CWC) as addressed below). However, beginning with the July reporting period, States will be required to identify separately on the ETA 2112 EUC payments for weeks of unemployment attributable to initial claims filed on or before July 4, 1992, and for weeks of unemployment attributable to initial claims filed after July 4, 1992 so that the appropriate general revenue reimbursement to EUCA can be estimated and requested. (See Attachment C, Reporting Instructions.)

"Under the CWC, a State should include in EUC drawdowns 100 percent of the amount it expects to disburse to claimants (as a paying State) and the amount necessary to reimburse other States (as a transferring State) for benefits paid through June 30, 1992. (Only the paying State will drawdown for CWC EUC benefits paid after June 30, 1992.) All future requisitions must be adjusted for reimbursement received from other States under the CWC program."

b. In Section 1.b., entitled "EUC Administrative Funds.", delete the second and third paragraphs and insert the following paragraphs in their place:

"Funds to pay UI administrative costs related to the processing of EUC workloads resulting from Public Law 102-164 as amended by Public Law 102-182 and Public Law 102-244 are provided through the FY 1992 Labor/HHS Appropriations Act using the new contingency reserve language which made

available additional funds automatically based on a formula tied to the Average Weeks of Insured Unemployment (AWIU) level. Funds to pay UI EUC administrative costs resulting from P.L. 102-318 are provided through general revenue funds in the U.S. Treasury and appropriated to the Employment Security Administration Account (ESAA) in the Unemployment Trust Fund.

"The amount of funds to be transferred from general revenues to the ESAA account will be estimated by the Employment and Training Administration. Thus, even though the funding sources are different, the process is designed to make it transparent to the States. No separate or different reporting or accounting for administrative workload costs associated with this legislation will be required.

"The procedures for handling all above-base workload, including that generated by this new legislation, are the same from the States' perspective; administrative costs associated with EUC claims will be paid out of contingency through the regular process. States may request increases in their contingency advances for the 4th quarter, based on the impact of this legislation.

"Since both the contingency reserve fund and the "such sums" language in P.L. 102-318 provide for the availability of the necessary funds without going through the Congressional appropriations process, adequate and timely administrative funding is assured, regardless of the workload level."

In addition, in paragraph 4, add "and P.L. 102-318" after "P.L. 102-244".

c. In Section 2.c., entitled "Accounting for EUC Payments (Benefits)", replace existing subparagraph (1) with the following:

"(1) EUC advances to the States' UTP accounts, amounts received as reimbursement from other States for EUC-CWC payments made prior to July 1, 1992, and disbursements for EUC benefit payments will be reported on the monthly ETA 2112. Do not use a separate form for this report. (See Attachment C, Reporting Instructions.) Accurate reporting of advances, reimbursements and payments is important due to the monthly reconciliation of balances with UIS records; balances are subject to constant congressional and public inquiries."

8. Attachment C--Changes to Reporting Instructions.

a. In Section 1., entitled "General.", insert "Except for the ETA 2112," at the beginning of the third sentence of paragraph 1.

b. In Section 2.c., entitled "ETA 227.", insert at the end thereof, the following sentence: "Overpayments for which recovery is prohibited by Section 102(b)(2) or Section 202(a)(2)(B) of P.L. 102-318 should be reflected as write-offs on line 205."

c. Section 2.f., entitled "ETA 2112.", is amended to read as follows:

"Do not use a separate form for this report. Amounts received as advances for EUC should be reported on line 22 in columns C and E. Amounts received as reimbursement from other States for EUC-CWC payments made prior to July 1, 1992 should be included on either line 24 or 25 in columns C and F with an explanation under "Comments".

"Total disbursements for EUC payments are to be included on line 39 in columns C and F with explanations under "Comments" as follows:

**"1. Disbursements for weeks of unemployment attributable to initial claims filed on or before July 4, 1992.**

"Amounts included on line 39 are to be broken out by four categories and shown in the "Comments" section. For example: "EUC weeks attributable to initial claims filed on or before 7/4/92, line 39: Regular = \$1,473, UCFE = \$452, UCX = \$389, Other = \$122.

**"2. Disbursements for weeks of unemployment attributable to initial claims filed after July 4, 1992.**

"Because of the common funding source for all weeks of unemployment attributable to initial claims filed after July 4, 1992, regardless of program category, a breakout by program for such weeks is not required. Amounts included on line 39 should be noted in the "Comments" section. For example: "EUC weeks attributable to initial claims filed after 7/4/92, line 39 = \$1,000,000."

"NOTE: Residual activity from previous Federal emergency programs must continue to be reported on line 39 and, therefore, must also be noted in the "Comments" section.

Because of limited space in the comments section of the ETA 2112, clear abbreviations may be used. For example:  
Ln.39-EUC on/before 7/4/92: Reg=\$1,473, FE=\$452, X=\$389,  
Other=\$122; Ln.39-EUC after 7/4/92: \$1,000,000;  
Ln.39-FSC: \$107."

9. Redeterminations. The authority to issue redeterminations to EUC claimants covered under Sections 101(b), 104, and 202(a)(2)(A) of P.L. 102-318 is contained in Federal law and the operating instructions contained in this GAL, and any supplemental operating instructions issued by this Department, rather than applicable provisions of State law. This means that State law redetermination time limitation provisions are not applicable to the redetermination of EUC claims to implement the above sections of P.L. 102-318 contained in this section of this directive.

Redeterminations of EUC claims will continue to be made in the established manner, applying State law on procedural matters (except where inconsistent with the provisions of Federal law, applicable regulations at 20 CFR Part 615, and the operating instructions issued by this Department), and applying the provisions of Federal law on substantive matters, including the regulations at 20 CFR Part 615 and operating instructions issued by this Department.

For these purposes, the State UI law includes judicial decisions of the courts of the State in comparable UI cases as well as State statutory provisions, and thus is the same as the "State law" which is relevant for conformity and compliance purposes under Title III of the Social Security Act and the Federal Unemployment Tax Act. However, the authority to issue redeterminations applying the provisions of the above sections of P.L. 102-318 contained in this directive derives from the Federal law rather than State law. No departure from these rules shall be undertaken in any circumstances without prior approval of the Department of Labor.

10. Action Required. States are required to implement the Unemployment Compensation Amendments of 1992 (P.L. 102-318) in accordance with the operating instructions contained in this GAL. States are required to:

a. Inform all appropriate staff of the requirements of this GAL.

b. Take appropriate actions to implement the operating instructions contained in this directive for all EUC claims, including claims for weeks beginning on June 14, 1992, and thereafter.

c. As of July 3, 1992, cease all Section 105 actions to enforce recovery of outstanding balances of overpayments which are subject to prohibitions in Sections 102(b)(2)(A) and 202(a)(2)(B) of P.L. 102-318.

d. Take appropriate actions to identify and inform EUC claimants of the provisions of P.L. 102-318 that will result in the redeterminations of certain categories of EUC claims. It is important that all claimants subject to the statutory prohibition against the use of Section 105 actions to enforce recovery of certain overpayment balances (Sections 102(b)(2)(A) and 202(a)(2)(B) of P.L. 102-318), be promptly and fully informed of the appropriate statutory prohibition in order to avoid repayment of outstanding overpayments that the State cannot legally enforce after July 3, 1992.

e. Announce in a newspaper of general circulation and appropriate media the enactment and the effective dates of Sections 101(b), 104, and 202(a)(2)(A), of P.L. 102-318 which will result in the redeterminations of EUC claims to applicable claimants. The announcements shall include the effect that these provisions have on previously determined EUC claims, including changes made to benefit levels because of the amendments made to Section 102 of the EUC Act. It is important that the newspaper and media announcements include information that State law redetermination time limitation provisions are not applicable to EUC claims redeterminations involving claimants affected by the sections of P.L. 102-318 mentioned in this paragraph.

f. Take appropriate actions to redetermine the EUC claims of claimants covered under the sections of P.L. 102-318 mentioned in paragraph e. above.

g. Take appropriate action to review the three specified earnings test methods and select one or more for EUC eligibility purposes. Inform the Regional Office, within 30 days after receipt of this directive, of the State's election.

11. Inquiries. Direct questions to the appropriate Regional Office.

*Wm. King*

ech		6/17/92		CORRESPONDENCE CONTROL RECORD		1200-92		
CONTROL	ORGANIZATION	ETLS		CONTROL OFFICE TELEPHONE NUMBER	PERSON TO CONTACT	CONTROL NUMBER 02-01615		
	FROM (Originator of correspondence)	Jones		DATE OF CORRESPONDENCE	6/17/92			
IDENTIFICATION	SUBJECT/REMARKS	PUB. GAL 4-92, Ch 3		ACTION REQUIRED				
					<input type="checkbox"/> Prepare reply for the signature of _____ <input type="checkbox"/> Acknowledge for _____ <input type="checkbox"/> Respond on behalf of _____ <input type="checkbox"/> For direct reply <input type="checkbox"/> Return with comments <input type="checkbox"/> Send materials <span style="float: right;"> <input type="checkbox"/> Telegram  <input type="checkbox"/> Telephone                 </span>			
ROUTING	TO	CDR <i>ck</i>	TO	JEW <i>JW</i>	TO	HAK	TO	AMB
	DATE	6/17/92 <i>4/17</i>	DATE	6/18	DATE		DATE	6-18-92
	DUE		DUE		DUE		DUE	
ACTION	TO FR				ACTION COMPLETED DATE		FILE DESIGNATION	
					6-18-92			

U.S. Department of Labor

DL 1475 (REV. FEB. 1976)

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## DEPARTMENT OF LABOR

## Employment and Training Administration

## EMERGENCY UNEMPLOYMENT COMPENSATION

General Administration Letter for Implementing Title I  
of the Emergency Unemployment Compensation Act of 1991

On November 15, 1991, the President signed into law the Emergency Unemployment Compensation Act of 1991 (P.L. 102-164), which in Title I created the Emergency Unemployment Compensation (EUC) program. On December 4, 1991, the President signed into law P.L. 102-182, which provided amendments to the Emergency Unemployment Compensation Act of 1991, as if such amendments were included in that Act, as of its effective date (weeks of unemployment beginning on and after November 17, 1991). On February 7, 1992, the President signed into law P.L. 102-244, further amending the Emergency Unemployment Compensation Act of 1991, effective for weeks of unemployment beginning after the date of enactment.

In its role as principal in the EUC program, the Department of Labor issued controlling guidance for the States and cooperating State agencies in the operating instructions set forth in the Attachments to GAL 4-92, dated November 27, 1991. Based on issues raised by the States and cooperating State agencies, GAL 4-92, Change 1 was issued February 10, 1992, providing changes to, and clarifications of, the operating

instructions set forth in the Attachments to GAL 4-92. In order to assure knowledge to the public of these operating instructions, both of these documents were published in the Federal Register on February 14, 1992 (57 FR 5472).

GAL 4-92, Change 2 was issued February 13, 1992, providing changes to the operating instructions set forth in the Attachments to GAL 4-92 because of the amendments enacted February 7, 1992 (P.L. 102-244). GAL 4-92, Change 2 was published in the Federal Register on March 11, 1992 (57 FR 8683). In publishing GAL 4-92, Change 2, the preamble and contents of the document are correct, however, the Federal Register publication inadvertently reflected Change 3, rather than Change 2, in the printing of the actual directive title line. This minor typographical error does not change the substance or sequence of the controlling guidance issued in the form of the GALs.

GAL 4-92, Change 3 was issued June 4, 1992, which revised Section III.M., Fraud and Overpayment, in Attachment A to GAL 4-92. Changes and clarifications were needed in order to assure uniform application of the provisions by the States and cooperating State agencies.

Therefore, GALs 4-92; 4-92, Change 1; 4-92, Change 2; and 4-92, Change 3 (or any subsequent or supplemental operating instructions) provide the essential operating instructions to the States, which administer the EUC program pursuant to agreements between the States and the Secretary of Labor.

Since the States and cooperating State agencies may not vary from the operating instructions in GALs 4-92; 4-92, Change 1; 4-92, Change 2; and 4-92, Change 3 (or any subsequent or supplemental operating instructions) without the prior approval of the Department of Labor, GAL 4-92, Change 3 is published below as a continuation of assuring public notification of the required procedures.

Signed at Washington, D.C. on June 17, 1992.



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ROBERTS T. JONES  
Assistant Secretary of Labor