

## PROMISING PRACTICES IN STATE UNEMPLOYMENT INSURANCE PROGRAM PARTNERSHIPS AMONGST H-1B READY TO WORK GRANTEES

State Department of Labor (DOL) Unemployment Insurance (UI) programs may be a great source of information to help H-1B Ready to Work (RTW) grantees with outreach and recruitment in a variety of ways. Determining whether you can partner with your state's UI office and the appropriate strategy for your program will depend on a variety of factors including your organization type, federal and state laws and regulations, confidentiality policies, interagency relations, available resources, and technical challenges. Specific federal laws governing the disclosure of state unemployment compensation (UC) information such as claimant data, employer data, and wage data should also be considered and are described in more detail below. In addition, UI offices are not required to pay for the costs of sharing their data; therefore, these costs must be taken into consideration as it is most likely that they will need to be covered by RTW grantees. Work with your grant's point of contact (POC), federal program officer (FPO), and state UI office contact to determine which UI program partnership costs are allowable by your grant and the best strategy for your organization to engage your state's UI office in a way that follows all applicable laws, regulations, and policies.

This strategy paper features promising practices from RTW grantees Anne Arundel Workforce Development Corporation (AAWDC), Nebraska Department of Labor (NDOL), and New Jersey Council of County Colleges (NJCCC), describing the techniques these organizations used for connecting with their state's unemployment insurance (UI) office, information available from the UI Office as a potential partner, and strategies for using this valuable data to reach out to employers and the LTU. These promising practices highlight a variety of different strategies and approaches, and in some instances may be specific to the type of organization. This paper does not purport to represent the views or the official policy of the U.S. Department of Labor's UI Program but serves as a resource for RTW grantees to consider the possibility of a UI program partnership. Each grantee's situation is different and individual results will vary.

By gaining a better understanding of the long-term unemployment landscape in their service delivery areas, RTW grantees may be able to find ways to partner with state Unemployment Insurance (UI) administrators to align and coordinate their resources for effective outreach to long-term unemployed and other unemployed workers.

## FEDERAL-STATE UNEMPLOYMENT INSURANCE (UI) PROGRAM, CONFIDENTIALITY, AND DISCLOSURE OF STATE UNEMPLOYMENT COMPENSATION (UC) INFORMATION

In general, confidential UC data, which includes claimant data, employer data, and wage data, is protected under 20 CFR 603<sup>i</sup> and is not subject to disclosure except in limited circumstances. In some cases, state laws regarding the confidentiality of UC data are even more restrictive than the regulation. Disclosure of confidential UC data is permissible under the following exceptions only if authorized by state law and if such disclosure does not interfere with the efficient administration of state UC law.

- Disclosure of public domain information
- Disclosure of UC appeals records and final decisions
- Disclosure of information about an individual or employer to that individual or employer
- Disclosure of information about an individual or employer to the agent of that individual or employer, on the basis of informed consent
- Disclosure of information about an individual or employer to a third party when the individual whose information is being sought has signed a written informed consent release
- Disclosure to a public official for use in the performance of his or her official duties – the recipient must fit the 603.2(d) definition of public official
- Disclosure to an agent or contractor of a public official
- Disclosure to BLS
- Disclosure in response to a court order or to an official with subpoena authority
- Disclosure for the purpose of UC program oversight and audits

If you have any questions related to the Federal UI program, confidentiality, and disclosure of State UC information, please contact your FPO, and, if appropriate, your state UI POC.

## STRATEGIES FOR ENGAGING YOUR STATE'S UI OFFICE

**Strategies described below are intended to serve as a guide and not as an indication of what your state UI office can or must do for you.** It's important to note that sharing private UC data varies with the type of entity that is requesting the information. In many cases, RTW grantees may not be able to directly access this information, therefore, partnering with a state UI office can take many forms including the development of a memorandum of understanding (MOU); the sharing of select information between a very small group of individuals on an as-need basis and in a manner that meets the requirements of 20 CFR 603.9(c); through legislation or existing institutional, professional, political, and legislative relationships, without a formal MOU; or leveraging existing relationships and resources with the state UI office. In many of these strategies, it may be necessary and/or appropriate for the RTW grantee to cover some or all associated costs, as allowable.

## DEVELOPING AN MOU

An MOU is the only way to address the organizational, financial, technical, and other challenges faced when attempting to share UC data for the purpose of participant outreach to long-term unemployed workers. These written agreements between federal, state, and local government agencies and the state UI office must contain safeguards to protect against unauthorized access, use, and disclosure, and provide for payment of the costs of the disclosure. These expenses, including the cost to develop and process an MOU, produce the data requested, and ensure that the confidentiality of disclosed is protected, cannot be covered by the UI office. New York State's Department of Labor has a sample MOU, [Data Sharing and Cost Reimbursement Memorandum of Understanding](#), that could be a great resource for grantees.

A successful MOU requires:

- **Ongoing support from agency leadership:** In agencies where administering the program is of utmost importance, the support of key leadership will play an important role in reaching and implementing a data-sharing agreement.
- **Narrow and flexible goals:** When developing an MOU, narrow goals can help address concerns about data stewardship and technical feasibility by stating which data elements will be shared and how the data will be used and protected. Flexibility will enable goals to evolve as needed to overcome barriers or be added as new data or uses for existing data become available.
- **The appropriate infrastructure:** This includes experienced and results-oriented staff that are able to collaborate; the computers and software needed to share the information; and policies and procedures conducive to data sharing and ensuring the integrity of the data.
- **Mutual interest:** Forming, maintaining, and deepening a partnership will be easier if the agreement not only benefits your agency, but also the UI Office. Although regulations do not require that every agreement reflect a benefit to the UI program, they do provide that *if* there is a reciprocal benefit, the recipient need not reimburse the UI agency for the cost of the disclosure. Any benefits must be clearly identified in the MOU and outweigh and address any perceived risks to sharing information.

RTW grantee Anne Arundel Workforce Development Corporation (AAWDC) of Maryland leveraged existing agreements with Maryland State's UI Office when developing an MOU regarding the sharing of information on UI claimants. In the MOU, which was approved by the Office of the Maryland Attorney General, the UI Office committed to sending mailings that included information on the grantee's RTW program to individuals receiving UI benefits for 19 weeks or more. UI claimant data is not shared directly with the grantee. The MOU also included confidentiality policies and RTW grantee AAWDC agreed to reimburse the UI Office for the cost of the mailings. Through this partnership, AAWDC learned that including wage verification access in the MOU is important. The UI Office is now sending mailings to a larger group of UI claimants.

*To learn more about Anne Arundel Workforce Development Corporation's success story, contact your TA coach or reach out to the grantee through the [RTW LinkedIn Group](#).*

## LEVERAGE EXISTING RELATIONSHIPS

### Shared Data System

Please note that the ability of an RTW grantee to successfully implement this strategy will depend on a variety of factors including organization type, federal and state laws and regulations, confidentiality policies, interagency relations, available resources, and technical challenges. If permissible, RTW grantees can work with their state UI offices to create a shared process for reaching out to potential RTW participants that links a UI claimant's data across the UI Office's datasets to form a more complete picture of his or her current employment situation while enabling the UI Office to retain control of its information. UI offices can then use this information to proactively identify unemployed and underemployed individuals that may qualify for RTW. Once potential RTW participants are identified using the shared data system, UI offices can use unique identifiers to share specific data with RTW grantees, which can crossmatch the information with other data sources to obtain their contact information and then provide targeted information and outreach.

## SUCCESS STORY: NEBRASKA DEPARTMENT OF LABOR

Since the RTW grantee is the state agency, Nebraska's State's UI office has been a key partner of the Nebraska Department of Labor's (NDOL) RTW program. At the grantee's request and expense, their quarterly reporting program queries individuals actively participating in the state's UI program, identifying those individuals at-or-nearing the 27 week LTU eligibility barrier. Quarterly reports include the following information about UI claimants:

- Exhaustion of UI benefits (yes or no)
- Contact information (name, address, home and cell phone numbers)
- County, city, and state of residence
- Education by grade level
- O\*Net code of last job
- Paid weeks of UI

To help NDOL identify underemployed individuals who may qualify for the RTW program, NDOL worked very closely with its UI office to establish parameters for a list of potential individuals who may meet the definition of "underemployed" under the very specific definition provided by this grant. NDOL and its UI office established search parameters that would target individuals who filed an unemployment claim during the Great Recession. Then, utilizing other available wage data from the UI Office, NDOL was able to crossmatch this list with individuals currently making less than 85 percent of their previous wage at the time of filing an unemployment claim. This list acts as a potential indicator that an individual may qualify as "underemployed" pursuant to the grant definition.

The first time the list was generated, it produced 17,000 names. The grantee cross-references these names with educational and employment-related information found within its State Labor Exchange system to help coordinate outreach efforts to potentially eligible grant participants and to increase the likelihood that outreach efforts are made to individuals that are actually program eligible. This system also provides NDOL with potentially updated contact information including addresses, phone numbers, and email addresses. After cross-referencing the list with available data filters, NDOL contacts the individuals that still remain on the list via email or phone call to determine if they may be good candidates for RTW.

*To learn more about Nebraska Department of Labor's success story, contact your TA coach or reach out to the grantee through the [RTW LinkedIn Group](#).*

## **Direct Contact**

Another option is for RTW grantees to pay the UI Office's costs to contact UI claimants directly through their central and field offices or by mail, phone, or the internet. By stating in the agreement that the RTW grant would pay for the costs of postage, the UI Office may be open to sending out a mass email encouraging the LTU to register as potential candidates for RTW. This can work very well when a long-standing or trusting,

mutually beneficial relationship already exists. For example, RTW grantees can work with their state's UI Office to develop a guide for the UI office to distribute that informs individuals close to exhausting their UI benefits about the RTW program and community resources such as housing, food assistance programs, and health care.

## **SUCCESS STORY: NEW JERSEY COUNCIL OF COUNTY COLLEGES**

The long-standing relationship that RTW grantee New Jersey Council of County Colleges (NJCCC) has had with New Jersey State's Department of Labor and Workforce Development has been invaluable to its RTW program. Instead of developing a formal data sharing agreement, the state's UI Office contacts UI claimants on behalf of NJCCC. At the grantee's expense, the UI Office has emailed information about NJCCC's RTW program to more than 50,000 of the state's 130,000 LTU initially and then periodically thereafter to any new LTU. The LWD Office also shares the RTW program's on-the-job training (OJT) opportunities with employers as a complement or supplement to its own program. An added benefit of this approach is that it removed any challenges or concerns the LWD Office may have had about directly sharing UI data with the grantee.

*To learn more about New Jersey Council of County Colleges' success story, contact your TA coach or reach out to the grantee through the [RTW LinkedIn Group](#).*

## **OUTCOMES OF EFFECTIVE UI PARTNERSHIPS**

RTW grantees are successfully using the information gained through their UI partnerships for targeted outreach to potential participants and business partners. RTW grantees are using referrals from their UI offices to identify individuals who have exhausted their UI benefits, current claimants, and formerly LTU individuals that may have dropped out of the workforce to tell them about RTW. Some grantees are conducting these efforts on their own, while others are working with their UI offices and other partners to jointly promote RTW to individuals and businesses. Below are a few promising practices from RTW grantees for participant and employer outreach.

### **PARTICIPANT OUTREACH STRATEGIES**

- **Conduct targeted outreach:** Tecumseh Area Partnership, Inc., d.b.a. Region 4 Workforce Board, is working with the UI Office and local One Stops, who act on behalf of the grantee to target RTW recruitment to individuals that have utilized these services, the unemployed, and those that have dropped out of the workforce system. Through classified ads, radio advertising, CareerBuilder, Craigslist, and Facebook, the grantee has successfully promoted the benefits of RTW and increased social engagement with these individuals.

- **Seek out referrals:** NDOL program coordinators actively recruit participants and seek out referrals by presenting to individuals and case managers at local community-based organizations, NDOL field offices, local One Stop centers, and other organizations that serve the LTU.
- **Conduct joint outreach with partners:** NJCCC has minimized marketing expenses by partnering with the New Jersey Department of Labor, One Stop Career Centers, colleges and universities, Neighbors Helping Neighbors, and industry partners (associations, previous H-1B grantees, libraries, and nonprofits) to reach out to potential RTW participants.

## EMPLOYER OUTREACH STRATEGIES

- **Create RTW participant profiles:** NDOL uses data gathered through the shared data system described above and from other sources to present generalized profiles of RTW participants to employers. The profiles include a variety of information that can be useful to current and potential partners, such as the percent of RTW participants that possess an undergraduate degree or have completed coursework that is transferrable to an information technology program.
- **Forecast employer needs:** Worksystems, Inc. uses data obtained through an MOU with the UI Office and gathered by sector teams to forecast employer needs and job growth. This information helps the grantee place RTW participants with employers and create a talent pipeline that meets the needs of local businesses.

## QUICK TIPS

**Direct access to confidential data is not required for a UI partnership to be successful.** If the requested data is inaccessible, it may be beneficial to seek the development of a contract in which the UI Office maintains control of its information and contacts claimants directly on your behalf. The UI Office could provide RTW program and contact information to the LTU, underemployed, and other potential program participants. Costs should be minimal and may be allowable under the RTW grant.

**An effective strategy for identifying and reaching out to the unemployed and underemployed could include referrals to UI claimants, coordinated outreach, and resources for front line service providers.** By learning about motivational interviewing, job search preparation, local community resources, and other relevant topics, front line staff can enhance their ability to serve and engage these prospective clients.

**Be patient and take confidentiality seriously.** If allowable, developing a data sharing agreement that follows all laws and regulations while meeting the needs of the UI Office and your agency takes time and care. A signed MOU is usually required.

**Use a variety of methods (email, phone calls, social media, etc.) and partners, including the UI Office, to ensure that UI claimants are aware of programs and services.** For example, RTW grantees can cover the UI

Office's costs of providing information about RTW when claimants call the office directly and including it with information sent to new claimants or those about to exhaust their benefits.

## CONCLUSION

UI partnerships can be a very effective way of identifying potential RTW candidates and promoting the program among employers and the LTU, but every situation is unique. Consider the strategies and success stories presented in this resource as a starting point to creating the partnership that is right for you. Work with your state's labor market information divisions and their legal counsel to address any challenges in engaging your state's UI office. Your Regional Employment and Training Administration (ETA) Office can provide additional guidance on complying with federal and state laws and regulations.

For even more information about how you may be able to partner with your state's UI office, contact your assigned RTW technical assistance coach today!

## ADDITIONAL RESOURCES

### [UI Insurance Legislation](#)

This U.S Department of Labor webpage includes links to state laws, interstate agreements, and federal laws, regulations, and guidance related to unemployment insurance.

### [A National Call for Innovation: Rethinking Reemployment Services for UI-Claimants](#)

This document highlights the work and recommendations of a national workgroup formed by the National Association of State Workforce Agencies' Center for Employment Security Education and Research and the Information Technology Support Center to develop a national vision for improving the Unemployment Insurance and workforce systems' connection and integration.

### [Partnering with the Unemployment Insurance Office for LTU Outreach and Recruitment](#)

This PowerPoint presentation from the 2015 H-1B Ready to Work (RTW) Conference describes how RTW grantees are forming partnerships with state UI offices and using information on long-term unemployed (LTU) individuals that have exhausted their UI benefits as part of their outreach strategies.

### [UI Data Sharing in New York](#)

Developed by the State of New York after passage of a state bill that allows expanded access to UI program data, this website provides a range of data sharing resources including standard data request forms and sample data sharing agreements.

### [When Unemployment Insurance Runs Out: An Action Plan to Help America's Long-Term Unemployed](#)

This guide seeks to provide federal, state and local officials with a roadmap of programs, benefits and services that can be implemented without delay to serve unemployed workers now. It includes strategies for the targeted

outreach and tracking of workers about to exhaust their UI benefits. The material is organized by program area, along with a step-by-step checklist for state officials to share with planners and program staff across agencies.

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<sup>i</sup> Section 303(a)(1) of the Social Security Act has been interpreted to require confidentiality of claimant and employer UC information. The basis for this requirement is that disclosure could:

- Deter individuals claiming benefits from exercising their rights under the law;
- Deter employers from furnishing information necessary for UC program operations;
- Impede the proper and efficient administration of the UC program; and
- Create notoriety for the UC program if the information were misused.

As a result, information obtained in the administration of the state's UC law (that is, employer, claim and wage information) is, with some exceptions, not subject to disclosure.

Confidentiality of UC information is governed by 20 CFR Part 603. [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title20/20cfr603\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title20/20cfr603_main_02.tpl)