

U.S. Department of Labor

Office of Inspector General—Office of Audit

REPORT TO THE
EMPLOYMENT AND TRAINING
ADMINISTRATION



**COVID-19: ETA COULD HAVE
DONE MORE TO ENSURE STATES
HAD SUFFICIENT STAFFING TO
DELIVER TIMELY PANDEMIC
UNEMPLOYMENT BENEFITS**

Carolyn R. Hanley

DATE ISSUED: NOVEMBER 22, 2024
REPORT NUMBER: 19-25-002-03-315



BRIEFLY...

COVID-19: ETA COULD HAVE DONE MORE TO ENSURE STATES HAD SUFFICIENT STAFFING TO DELIVER TIMELY PANDEMIC UNEMPLOYMENT BENEFITS

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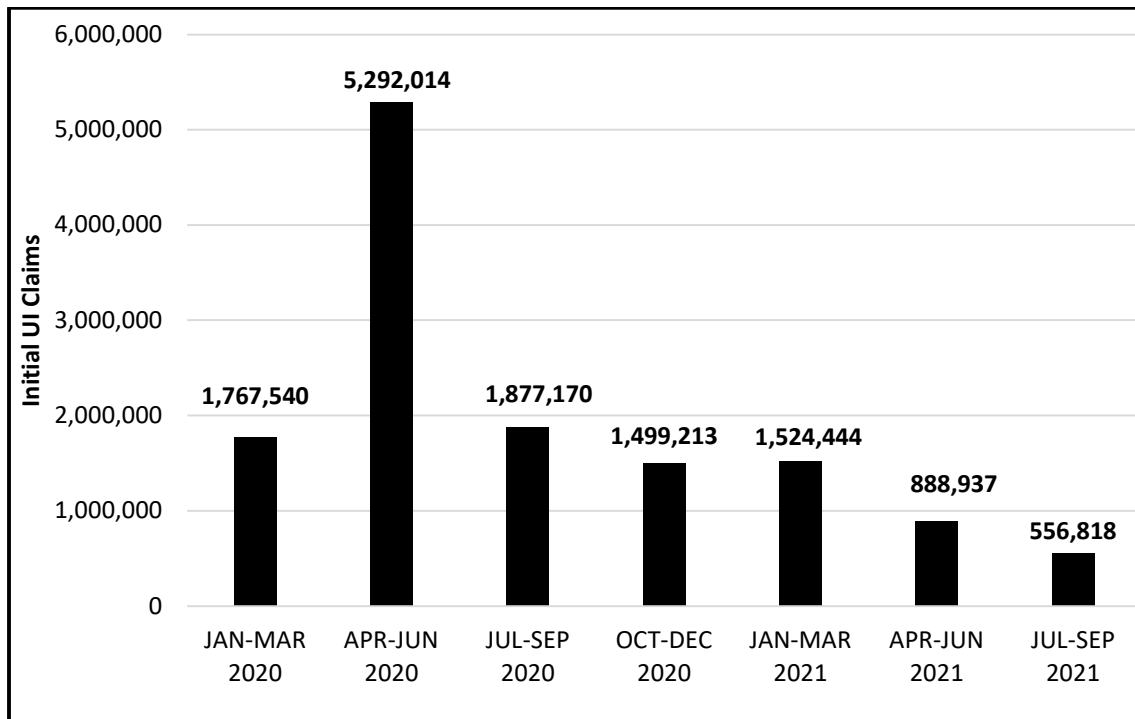
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GenTech
— ASSOCIATES —

Administrative Grant Funding for States

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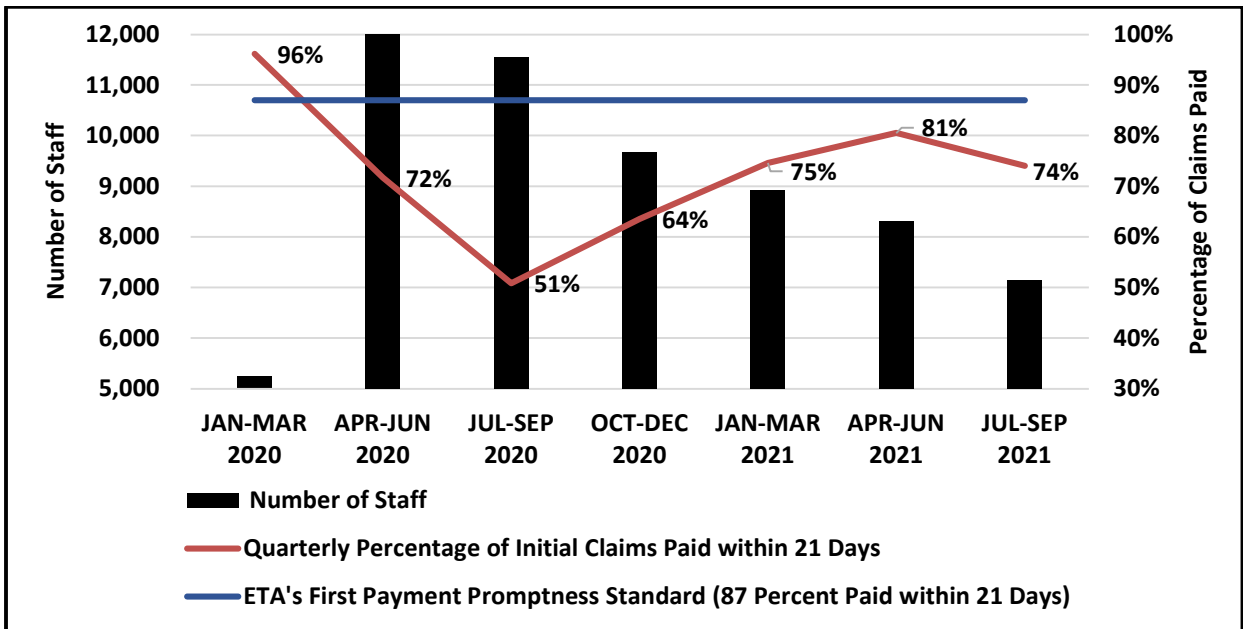
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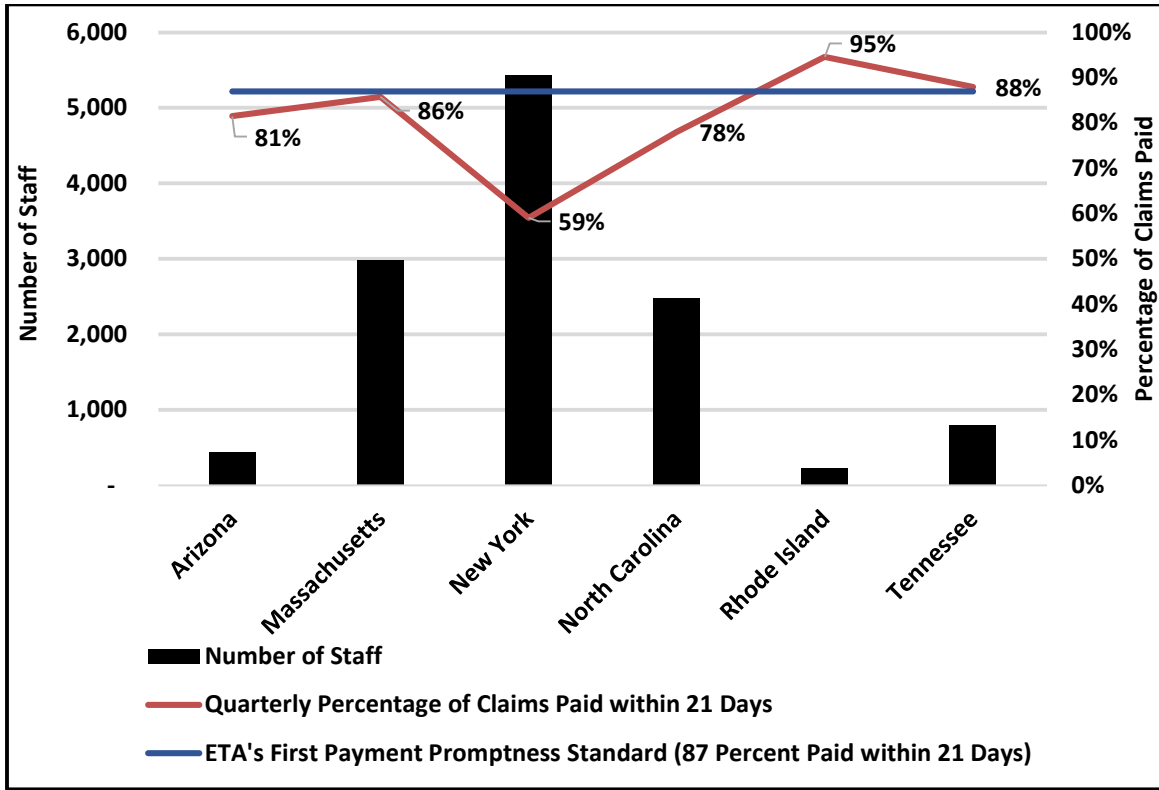
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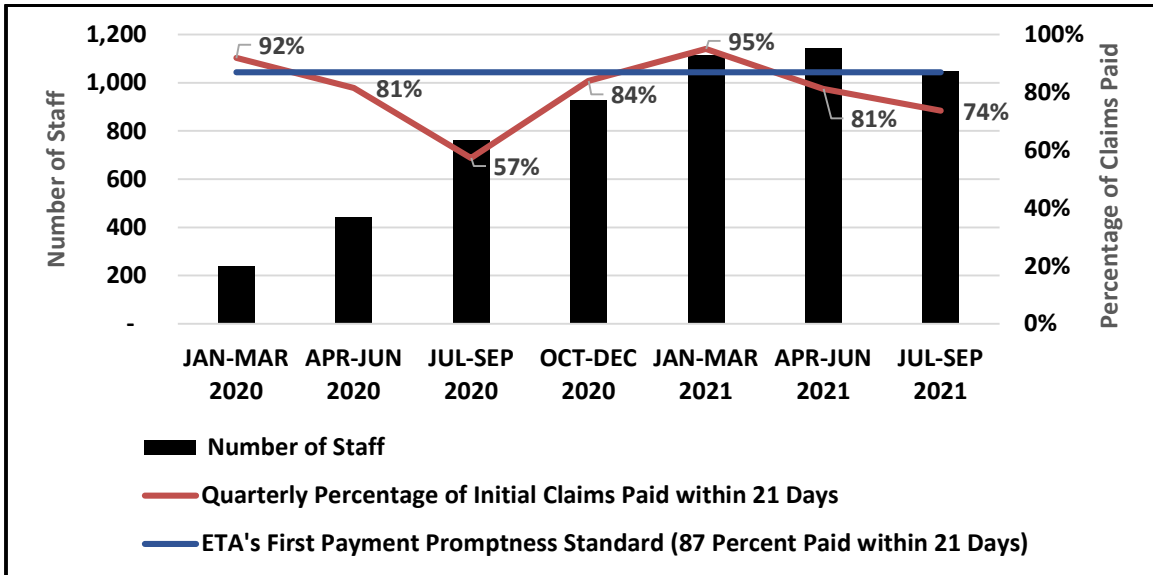
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Juan A. Lasanta Camacho

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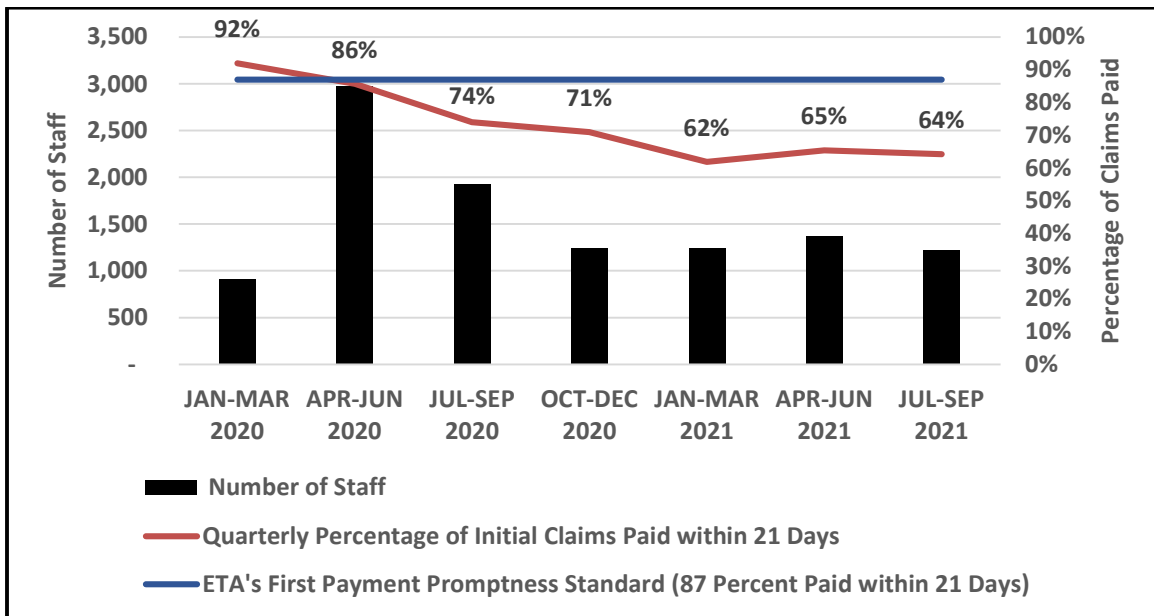
Arizona

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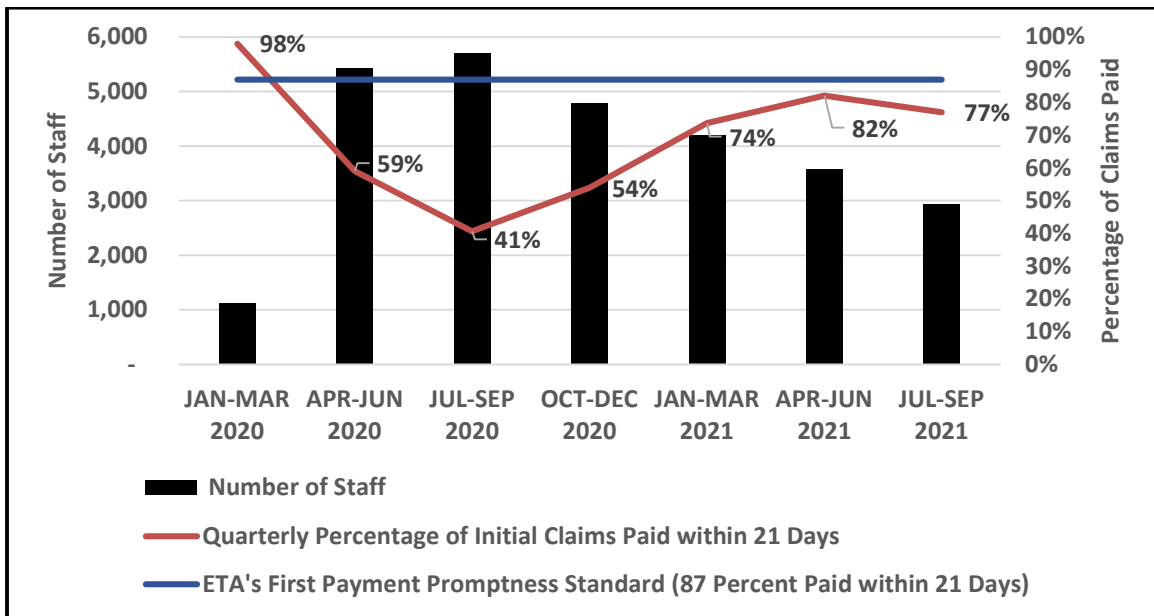
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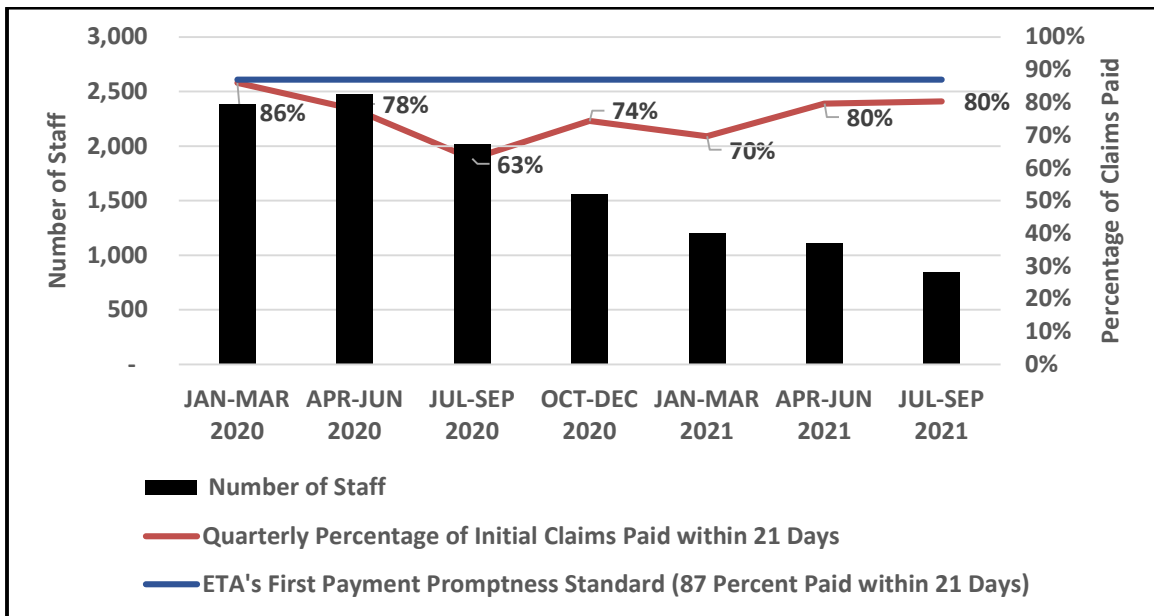
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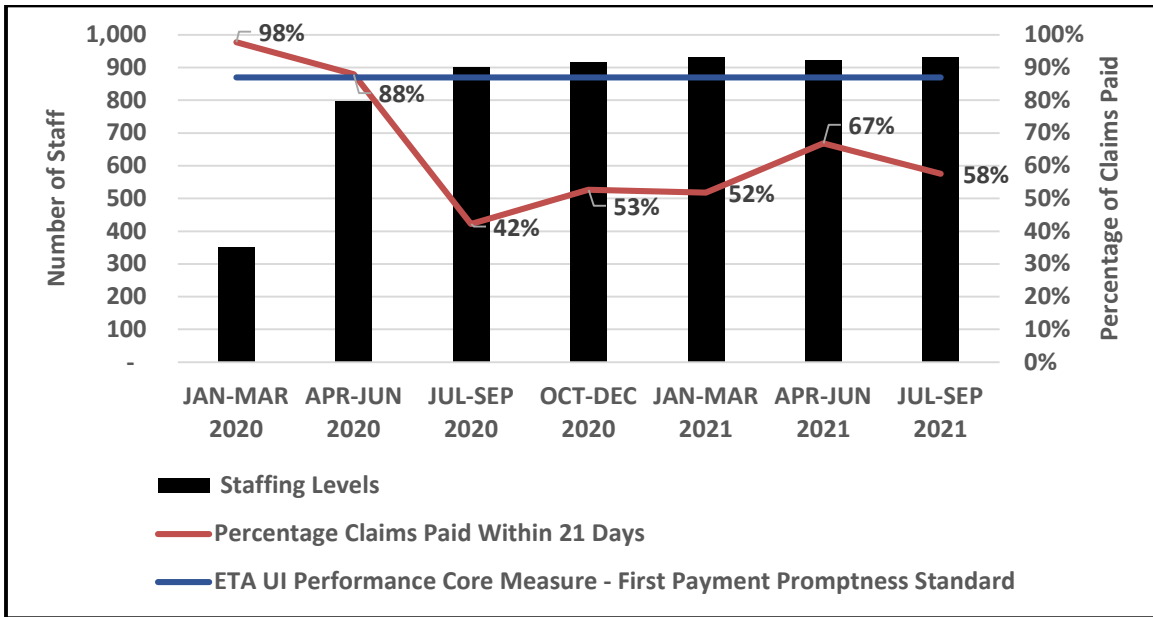
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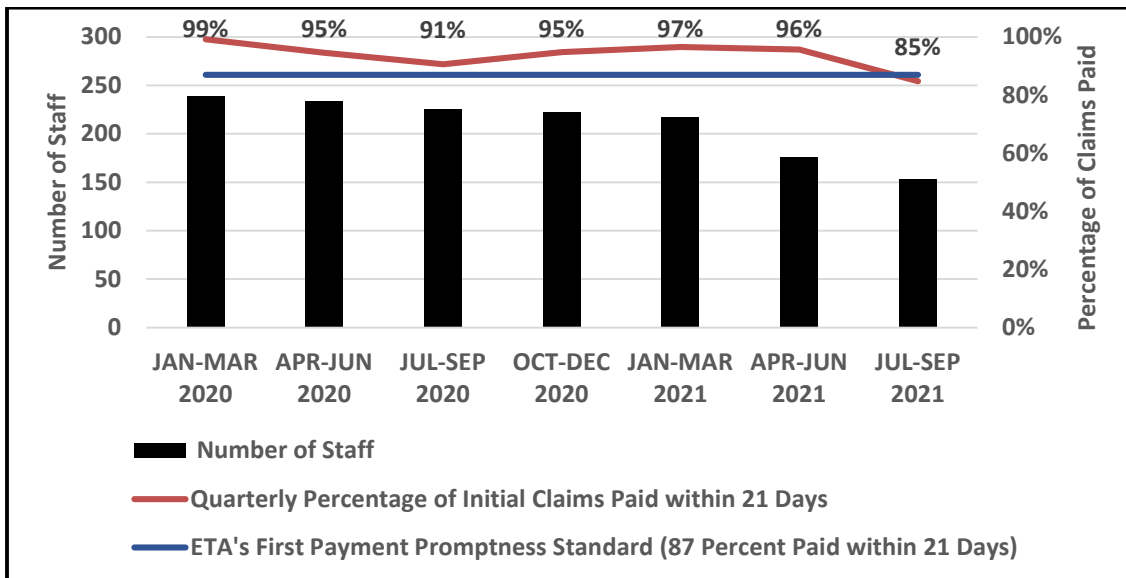
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APPENDIX A: SCOPE AND METHODOLOGY

Scope

Methodology

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APPENDIX B: ETA'S RESPONSE TO THE REPORT



October 2, 2024

MEMORANDUM FOR:

CAROLYN R. HANTZ
Assistant Inspector General for Audit

FROM:

JOSÉ JAVIER RODRÍGUEZ

A handwritten signature in black ink, appearing to read "JJR".

SUBJECT:

Response to Draft Report – *COVID-19: ETA Could Have Done More to Ensure States Had Sufficient Staffing to Deliver Timely Pandemic Unemployment Benefits*, Report No. 19-XX-XXX-03-315

The U.S. Department of Labor's (Department) Employment and Training Administration (ETA) appreciates the opportunity to respond to the above-referenced draft report. Below are the Department's observations on the draft report, followed by responses to the draft report's recommendations.

Overall, ETA believes that this report does not offer actionable items to improve the Unemployment Insurance (UI) system, nor recognizes the constraints that were put on the system during that time.

Given the unprecedented spike in UI claims by 3,000 percent in a relatively short time period and the creation of several new and temporary pandemic-related unemployment compensation (UC) programs set forth in the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020, any level of staffing would have been insufficient to handle this significant workload. Simply adjusting staffing levels alone would not have been enough to address the unprecedented increase in workload.

As stated in ETA's responses to similar reports from the oversight community, but not fully acknowledged in this draft report, states were dealing with the largest increase in UI claims volume in the history of the program, while also implementing and administering new temporary, pandemic-related unemployment UC programs. The draft report recognizes that, on April 10, 2020, the Office of Management and Budget (OMB) issued OMB Memorandum 20-21, requiring agencies to prioritize expediency, which OMB defined as the rapid issuance of awards to meet crucial needs. It is important to reiterate the states' remarkable accomplishments, despite challenging circumstances. States helped ensure that nearly \$880 billion of unemployment benefits were provided to over 53 million workers. Further, states' ability to provide benefit

payments within one to two months on average for new, temporary UI programs.¹ was an impressive achievement given the extensive, complex requirements and activities that were necessary for implementation. For comparison purposes, a swift rollout of a new government benefit program – including the policy, product, and operations – would be 30 to 48 months.²

States entered the pandemic after experiencing the lowest level of administrative funding in 50 years, impacting resources and staffing levels. Simply put, ongoing underinvestment in the UI program put states at an incredible disadvantage in responding to the pandemic and its subsequent workload impacts.

ETA was aware of the challenges for states in staffing up to meet the unexpected workloads, as well as the impact of delayed benefits for families experiencing COVID-19 job loss and sought to support states with the available tools. ETA provided technical assistance and flexibility, where permitted by statute, to address the unprecedented conditions of the pandemic. For example, the decision to suspend BAM during the summer of 2020 allowed states to put experienced staff into claims processing. At this time, states were desperately short of experienced staff. The forces that drove the declines in timeliness during this period defied easy solutions or standard approaches.

As described below, ETA did not get any additional resources to assist states with these unique challenges. As soon as the American Rescue Plan Act (ARPA) provided such funds in March 2021, ETA prioritized assistance to states to work through backlogs, especially through the Tiger Team initiative, alongside combatting fraud and promoting equitable access. Access to such resources would have enabled ETA to do more earlier in the CARES Act program period.

In recognition of the UI system's challenges both before and during the pandemic, the U.S. Government Accountability Office (GAO) placed the UI system on its High-Risk List³ in June 2022,⁴ recommending that the Department develop and implement a plan to transform the UI system. In response to GAO's report, the Department published a plan to build a more resilient UI program (*i.e.*, UI Transformation Plan).⁵ As the first action area identified, the plan highlights the importance of adequately funding UI program administration and includes proposed legislative reforms.

¹ Office of Inspector General (OIG) Report Number 19-21-004-03-315, *COVID-19: States Struggled to Implement CARES Act Unemployment Insurance Programs*, issued May 28, 2021, <https://www.oig.dol.gov/public/reports/oa/viewpdf.php?r=19-21-004-03-315&y=2021>. The OIG's final report notes the average number of days states took on pages 3 and 4. ETA's response to the OIG's draft report (Appendix B) describes the impressive achievement.

² OIG Report Number 19-22-006-03-315, *COVID-19: ETA and States Did Not Protect Pandemic-Related UI Funds from Improper Payments Including Fraud or From Payment Delays*, issued September 30, 2022, <https://www.oig.dol.gov/public/reports/oa/2022/19-22-006-03-315.pdf>.

³ GAO High Risk List: <https://www.gao.gov/high-risk-list>.

⁴ GAO-22-105162, *Unemployment Insurance: Transformation Needed to Address Program Design, Infrastructure, and Integrity Risks*, published June 2022, <https://www.gao.gov/assets/gao-22-105162.pdf>.

⁵ UI Transformation Plan, *Building Resilience: A plan for transforming unemployment insurance*, issued April 2024, https://oui.doleta.gov/unemploy/transformation_plan.asp.

Although not included in the draft report, ETA believes it important to note the UI program's forward momentum supported through recent one-time investments under ARPA.⁶ The Department invested over \$780 million in ARPA-funded grants to states to prevent and detect fraud, promote equitable access to UI benefits, and improve the timely payment of benefits. States, with the support of the Department's Tiger Team initiative,⁷ have leveraged these grants to make critical system changes, improve processes, and, where appropriate, hire and train new employees.⁸ However, this one-time investment is not an adequate replacement for sustainable, annual funding. Without legislative support and funding from Congress, the Department and states will continue to be hamstrung with limited resources and be unable to truly build a resilient UI program.

Based on review of the draft report, ETA has strong concerns about the validity and soundness of the analysis. Throughout the draft report, there are numerous factual inaccuracies that create false impressions about the UI program, which is particularly problematic, considering the realities facing states and ETA during the pandemic. Below is a summary of these concerns.

- ***The draft report fails to recognize the distinct roles of the Department and Congress in supporting the UI program.*** The draft report indicates that “administrative activities are supposed to be fully supported with federal funds,” but ETA was aware that states were using their own state funding.⁹ The draft report implies ETA failed to take action and does not acknowledge that the Department has asserted that funding levels provided by Congress have been insufficient to support UI program administration. The chart below reflects the declining impact of state UI administrative funding over the past 30 years.

⁶ Congress allocated \$2.0 billion to the Department with enactment of ARPA in March 2021. This amount was later reduced to \$1.0 billion with enactment of the Fiscal Responsibility Act in June 2023.

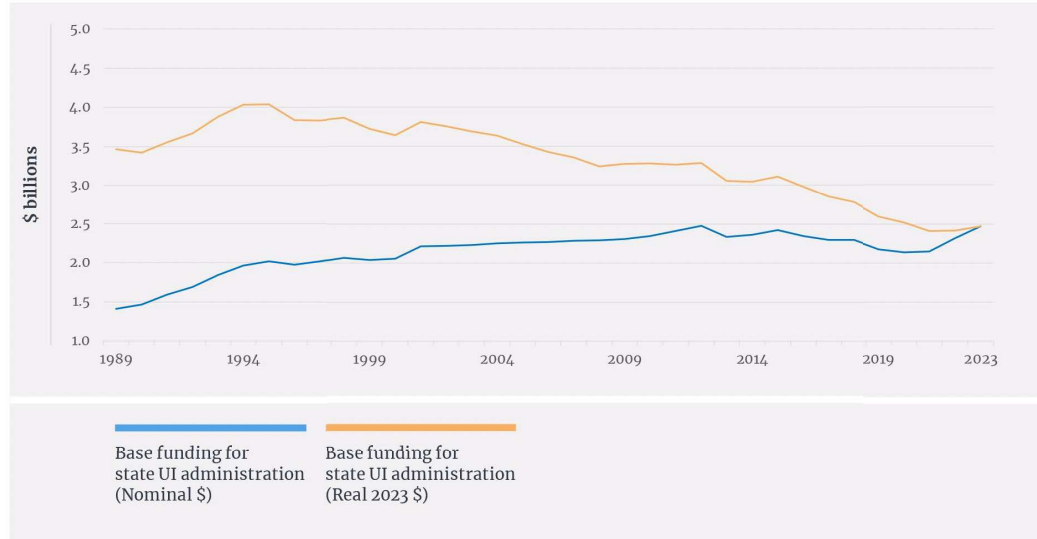
⁷ Using ARPA funds, the Department provided cross-functional teams of experts to partner with states and recommend state-specific solutions that include activities such as workflow adjustments, process improvements, technology updates, and communication revisions. Additional funds (included in the \$780 million figure) were provided to states to implement these recommendations. See Unemployment Insurance Program Letter (UIPL) No. 02-22, *Grant Opportunity to Support States Following a Consultative Assessment for Fraud Detection and Prevention, Promoting Equitable Access, and Ensuring the Timely Payment of Benefits, including Backlog Reduction, for all Unemployment Compensation (UC) Programs*, issued November 2, 2021, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-02-22>.

⁸ The Department published a report detailing the use of this ARPA investment and highlighting specific state projects included under these grants. See *Insights and Successes: American Rescue Plan Act Investments in Unemployment Insurance Modernization*, published November 2023, <https://www.dol.gov/agencies/eta/ui-modernization/arpa-success-stories>.

⁹ See discussion “Administrative Grant Funding for States” starting on page 9 of the draft report.

Notes:
Values inflation-adjusted using the Consumer Price Index for All Urban Consumers (CPI-U).

Source:
U.S. Department of Labor internal calculations.



- The draft report fails to adequately recognize the foundations of a program operated through a federal-state partnership.*** The draft report’s analysis appears to advocate for the Department to take a more aggressive stance by establishing a timeliness standard for the temporary pandemic-related UC programs¹⁰ and requiring states to perform staffing-related corrective actions.¹¹

The Department disagrees with the characterization of these actions as available or realistic solutions. Simply setting a performance measure is not an effective tool for states to then achieve that measure during a crisis. The draft report quotes ETA as saying that most states had challenges with timeliness due to the high claim volume and then dismisses this statement by comparing states’ timeliness performance from a pre-pandemic period of historically low claims (see Table 2 in the draft report). This comparison fails to acknowledge the administrative lift required of ETA and the states in the midst of a global pandemic. Evaluating states in comparison with pre-pandemic performance standards adds little value to the discussion of performance during the pandemic. States struggled with timeliness because of a confluence of factors resulting from an unprecedented increase in workload, simultaneously implementing several new programs, and ramping up staffing and information technology (IT) systems, while also transitioning to largely remote operations – it is incorrect to report that states struggled with timeliness because there were no measures established for these newly created pandemic-related programs which had no precedence.

Table 1 of the draft report provides a summary of state grant obligations, and the percentage used for staffing. This table and the surrounding discussion reflect the variation in state administrative practices but does nothing to inform the discussion on how such funds were used or could have been used effectively in lieu of additional

¹⁰ See discussion “ETA Did Not Establish a Benefit Payment Timeliness Standard for CARES Act UI Programs” starting on page 14 of the draft report.

¹¹ See discussion “ETA Did Not Recommend Corrective Actions to Address States’ Staffing Issues” starting on page 17 of the draft report.

staffing (e.g., through updating/implementing IT systems, processes, and communications). Further, the auditors cross-reference ETA's response to a prior OIG audit about challenges in providing timely benefit payments.¹² As of July 29, 2021, the OIG resolved all four recommendations from this prior audit report. To date, two of these four recommendations have been closed. This new draft report provides no additional actionable insight on these previous findings to help improve the UI program beyond reporting on information already covered in prior OIG audit reports.

With respect to corrective actions, requiring states to take corrective action to address staffing levels is another example of the draft report ignoring ETA's repeated assertions regarding insufficient funding for UI program administration.

Given the appropriated level of funding from Congress in recent years, ETA has only been able to provide states with about 50 percent of funding for earned above-base funding based on states reported workload. It would have been unreasonable for ETA to require states to hire more staff as a corrective action when ETA itself was not provided with the means to fully fund states' operations of the program. Also, as stated above, without legislative support and funding from Congress, the Department and the states will continue to be hamstrung with limited resources that restrain the ability to truly build a resilient UI program.

Additionally, the draft report did not include the basis for the statement regarding administrative grant periods of performance, as described on page 9 of the draft report.¹³ As such, ETA is unable to validate the information.

- ***The draft report fails to adequately acknowledge the reality of balancing the establishment of new programs and monitoring compliance with such programs.*** The draft report asserts that ETA did not adequately perform monitoring activities for temporary, pandemic-related UC programs.¹⁴ However, the analysis fails to consider that the programs must first be operational before they can be monitored. In 2020, the UI system across the country was intensely focused on implementing and administering programs.

The CARES Act was enacted on March 27, 2020, and ETA published its initial guidance on April 2, 2020.¹⁵ Over the next eight days, ETA published additional guidance specific to implementing each of the three key programs: Pandemic Unemployment Assistance

¹² See footnote 18 on page 14 of the draft report.

¹³ Page 9 of the draft report includes: "SWAs received \$3.9 billion in Fiscal Year (FY) 2020 and FY 2021 to fund administrative costs, including but not limited to staffing. The administrative grants were available for all SWAs from April 1, 2020, through June 30, 2022, except the California SWA, for which the grant was available from April 1, 2020, through December 31, 2022."

¹⁴ See discussion "ETA Did Not Recognize the Need for Urgency in Issuing Monitoring Guidance Specifically for CARES Act UI Programs" starting on page 16 of the draft report.

¹⁵ UIPL No. 14-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - Summary of Key Unemployment Insurance (UI) Provisions and Guidance Regarding Temporary Emergency State Staffing Flexibility*, issued April 2, 2020, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-14-20>.

(PUA),¹⁶ Pandemic Emergency Unemployment Compensation (PEUC),¹⁷ and Federal Pandemic Unemployment Compensation (FPUC).¹⁸ As states implemented and began administering the new programs, new and novel questions were raised and ETA continued to be responsive in updating its guidance. Additional and significant changes to the programs occurred in December 2020, with enactment of the Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act) and in March 2021, with the enactment of ARPA. These additional enactments required the creation of additional updated guidance, changes to state systems and processes, and resources across ETA and the states to implement.

The draft report notes that ETA issued guidance for monitoring states' staffing support in October 2020 and gives no appreciation to the fact that ETA engaged in extensive oversight activities in the early months of the pandemic gathering information from states and identifying areas where specific states improperly implemented elements of the new programs. The draft report notes that if ETA considered monitoring activities performed before this time to be sufficient, later guidance would not be necessary. This dismissive statement fails to acknowledge the dynamic situation that ETA and the states were operating in at this time, the many issues ETA needed to address in a short time and assumes that publishing guidance means that prior activities were generally insufficient. Between March and October 2020, ETA issued 25 guidance documents and hosted 16 webinars specific to states' administration of the temporary pandemic-related UC programs. ETA's regional offices also provided significant technical assistance and support as states established these new programs. All of these efforts sought to ensure that states were supported in establishing and operating these new temporary programs.

The draft report also notes that while Employment and Training Order (ETO) No. 01-21 addresses monitoring of PUA, PEUC, and FPUC, ETA did not issue guidance with respect to monitoring states' administration of other CARES Act provisions that were identified in a footnote to the draft report.¹⁹ Including this statement within the scope of the draft report is inappropriate, as monitoring these additional provisions was not part of the auditors' scope or questions, and the OIG has conducted separate audits on each of these other CARES Act provisions. Further, most of these other pandemic-related provisions provided federal reimbursements of payments under previously existing programs and did not involve establishing new programs to administer.

It is important and relevant to note that much like the states, ETA entered the pandemic with very low staffing levels and ETA was not provided additional funding to support

¹⁶ UIPL No. 16-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions*, issued April 5, 2020, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-16-20>.

¹⁷ UIPL No. 17-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Emergency Unemployment Compensation (PEUC) Program Operating, Financial, and Reporting Instructions*, issued April 10, 2020, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-17-20>.

¹⁸ UIPL No. 15-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC) Program Operating, Financial, and Reporting Instructions*, issued April 4, 2020, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-15-20>.

¹⁹ See footnote 20 on page 16 of the draft report.

implementation or monitoring of the pandemic programs until enactment of ARPA in March 2021. The creation of the guidance, the delivery of technical assistance to states, and the initial monitoring and oversight related to these new pandemic UC programs were all accomplished by the same level of staffing that ETA had prior to the pandemic.

- ***Providing a one-quarter suspension of the Benefit Accuracy Measurement (BAM) program was necessary for responding to the demands of the workload.*** The draft report incorrectly asserts that ETA’s temporary suspension of the BAM program impaired ETA’s ability to assess the integrity of the new UI programs. The narrative in the draft report demonstrates an unfamiliarity with the purpose of the BAM program.²⁰ BAM is a quality control program that reviews a sample ranging from 360 regular UI cases per year in the 10 states with the smallest UI workloads to 480 regular UI cases in the remainder of the states each year after they have been processed to validate whether the state took correct action in line with state law and policy. BAM only conducts crossmatches or investigates potential fraud for this small sample of already-processed claims. The results of these case samples are used to create an estimated improper payment rate for the regular UI program. In addition, the BAM program does not sample claims from episodic programs, such as the temporary pandemic-related UC programs.²¹

The draft report claims that when ETA decided to suspend BAM, its emergency response prioritized processing UI claims rather than assessing UI program integrity and that ETA did not develop a sufficient business case.²² ETA’s operational decision to suspend BAM from April to June 2020 – implemented after consulting with and receiving OMB’s support – was one of the few flexibilities available to help states with the huge influx of claims and was frankly a matter of commonsense.²³ BAM staff are highly trained UI program staff that could most reasonably transition to supporting claims intake and whose expertise was urgently needed – rather than having such staff continue, during this critical three-month period at the start of the pandemic, to sample and conduct investigations of a limited number of claims after they had already been processed. During this crisis, it was of paramount importance to get benefits out as quickly and

²⁰ See discussion “ETA Allowed States to Reassign BAM Staff to Claims Processing, Impairing ETA’s Ability to Assess Integrity of New UI Programs with Respect to Improper Payments, Including Fraud” starting on page 20 of the draft report.

²¹ ETA later elected to apply the BAM estimates to program outlays for the PEUC and FPUC program. However, due to the structural differences between the regular UI program and the PUA program, BAM estimates could not be applied to PUA. ETA developed a separate methodology to estimate PUA improper payments. See the OIG Report Number 19-20-008-03-315, *COVID-19: More Can Be Done to Mitigate Risk to Unemployment Compensation under the CARES Act*, issued August 7, 2020, <https://www.oig.dol.gov/public/reports/oa/2020/19-20-008-03-315.pdf> and see *PUA Improper Payment Rate Report* at: https://oui.doleta.gov/unemploy/pdf/Pandemic_Unemployment_Assistance_Improper_Payment_Rate_Report.pdf.

²² See discussion “ETA’s Emergency Response Prioritized Processing Claims rather than Assessing UI Program Integrity” starting on page 21 of the draft report.

²³ ETA was fully transparent in this decision with the publication of UIPL No. 25-20, *Benefit Accuracy Measurement (BAM) Program Operations in Response to the Coronavirus Disease of 2019 (COVID-19) Pandemic*, issued June 15, 2020, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-25-20>. This document was also reviewed by OMB prior to publication. ETA also provided communications to states twice regarding operational flexibilities, both of which are publicly available at: <https://oui.doleta.gov/unemploy/pdf/pandemicflexibilities2.pdf> and https://oui.doleta.gov/unemploy/pdf/pandemicflexibilities_06122020.pdf.

accurately as possible. ETA considers this a meaningful and necessary operational decision.

Further, the draft report appears to confuse BAM with staff performing integrity controls and investigations, often referred to as Benefit Payment Control (BPC) in states' operations. ETA did not suspend BPC activities, and in fact, issued several communications, including guidance,²⁴ to states advising of the importance to continue integrity activities.

- ***The draft report attempts to answer a question about state staffing that supported implementation of the temporary pandemic-related UC programs but ignores a major flexibility afforded by Congress to support states' implementation.*** Congress took the unprecedented step of allowing states to temporarily suspend the merit staffing requirement set forth in the Social Security Act²⁵ – a major policy change. This action allowed states to onboard “temporary staff, rehiring of retirees or former employees on a non-competitive basis, and other temporary actions to quickly process applications and claims.”²⁶

The premise of this draft report is whether ETA ensured that states' staffing supported implementation of the temporary pandemic-related UC programs. However, the draft report ignores this flexibility afforded by Congress and offers no assessment of this major policy change in the area of staffing. Instead, this flexibility is mentioned in a passing footnote that the use of such flexibility is not within the scope of this analysis, with little to no actional value on the topic of staffing.²⁷

Responses to the Recommendations

Please find below each of the recommendations contained in the draft report, followed by ETA's response to each of the recommendations.

Recommendation 1: Develop performance standards for prompt payment of UI benefits under temporary UI programs using lessons learned from the pandemic.

ETA Response: ETA disagrees with this recommendation. It is extremely challenging to develop standards for a program that does not exist and for which the Department does not know its duration or the program's requirements.

²⁴ UIPL No. 23-20, *Program Integrity for the Unemployment Insurance (UI) Program and the UI Programs Authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC), Pandemic Unemployment Assistance (PUA), and Pandemic Emergency Unemployment Compensation (PEUC) Programs*, issued May 11, 2020, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-23-20>.

²⁵ See Section 303(a)(1), SSA (42 U.S.C. § 503(a)(1)).

²⁶ See Section 2106 of the CARES Act, as well as further amendments under Section 205 of the Continued Assistance for Unemployed Workers Act of 2020 and Section 9015 of the American Rescue Plan Act.

²⁷ See footnote 6 on page 9 of the draft report.

The Department intends to capture lessons learned from the pandemic experience in the temporary programs to help inform actions for similar future programs. This approach allows the Department to be proactive in a more meaningful way, since it cannot speculate on requirements for any program(s) Congress may authorize and appropriate funding for in the future. ETA is not in a position to commit to developing performance standards for temporary programs in the future.

Recommendation 2: Establish policy that requires officials to issue guidance timely for ETA regional offices to monitor and measure the effectiveness of states' use of staffing to support the implementation of temporary UI programs.

ETA Response: ETA disagrees with this recommendation. The premise for this recommendation is predicated on a lack of understanding of the situation within which states and ETA were operating during the pandemic. The draft report does not take into account the complexities of an unprecedented pandemic. It was imperative that ETA first issue guidance and technical assistance to states on how to implement these new programs before monitoring guidance for ETA's Regional Offices was developed. ETA delivered timely monitoring tools during the pandemic in addition to issuing guidance and providing technical assistance regarding temporary pandemic-related UC programs.

ETA does not have an alternative approach to address this recommendation and suggests this recommendation be excluded from the final report.

Recommendation 3: Establish policy that requires states to develop corrective action plans to address staffing insufficiencies that negatively impact permanent and temporary UI programs, as identified by regional offices during monitoring reviews.

ETA Response: ETA disagrees with this recommendation. This recommendation is predicated on a lack of understanding of the UI program and does not account for longstanding factors, such as the insufficient funding for UI program administration.

As an alternative to this recommendation, ETA notes that it has been seeking legislation to provide the Secretary of Labor (Secretary) with new enforcement authority. This proposal would create a new remedy so that instead of withholding a state's entire administrative grant for failing to meet the performance measures or achieve minimum technology standards, the Secretary can require a portion of the state's administrative grant be used to correct failing performance and/or have the state participate in required technical assistance activities offered by the Department. Currently, the Secretary has very limited options to require state UI agencies to take actions to respond to poor performance and high improper payment rates. This proposal is part of the UI Integrity legislative package included in the Department's Fiscal Year 2025 budget submission.

Given that ETA already pursued this matter through the budget process, which can now only be addressed by Congressional action, ETA requests that this be considered sufficient action to address and close this recommendation/this recommendation be excluded from the final report.

Recommendation 4: Establish policy that requires ETA officials to develop a business case analysis and supporting justification when considering suspension of any UI program integrity functions.

ETA Response: ETA disagrees with this recommendation. The premise for this recommendation is predicated on a lack of understanding of the situation within which the states and ETA were operating during the pandemic and a complete misunderstanding of the role of BAM. Allowing states to temporarily suspend the BAM operations for one quarter permitted states to repurpose BAM staff with a high-level of UI experience to help process the huge claims volume at the start of the pandemic while new staff could be onboarded and trained. It was one of the most logical and commonsense actions that could have been taken at the time. Such action did not impact fraud prevention activities, which are performed by BPC staff outside of a state's BAM operations.

Moreover, ETA has already met the essence of this recommendation. ETA issued very clear guidance that states must continue to use, operate, and maintain the required integrity controls and the required overpayment recovery activities at all times, including during times of mass unemployment events, absent specific statutory authorization allowing suspension of such controls or activities.²⁸ Based on the issuance of these UIPLs, ETA requests that this be considered sufficient action to address and close this recommendation/this recommendation be excluded from the final report.

²⁸ See page 10, Section 4.b.ii of UIPL No. 11-23, *Announcement of Grant Opportunities and National Identity (ID) Verification Offering under the American Rescue Plan Act (ARPA)*, issued July 13, 2023, <https://www.dol.gov/agencies/eta/advisories/uipl-11-23>. ETA also issued similar guidance early in the pandemic. See UIPL No. 23-20, *Program Integrity for the Unemployment Insurance (UI) Program and the UI Programs Authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - Federal Pandemic Unemployment Compensation (FPUC), Pandemic Unemployment Assistance (PUA), and Pandemic Emergency Unemployment Compensation (PEUC) Program*, issued on May 11, 2020, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-23-20#:~:text=Purpose.%20To%20remind%20states%20of%20program%20integrity%20functions%20required%20for>, pages 8-10.

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