

# WE ARE YOUR DOL



## INSTRUCTIONS FOR COMPLETING THE OS44R TRAINING RECOMMENDATION FORM

### SECTION A: 599 Approval Criteria

Section 599 of the Unemployment Insurance Law deals with the effect attendance in training has on a claimant's rights to UI benefits. Attendance in a course or training program is seen as a potential barrier to re-employment. Therefore, a claimant must be attending an approvable training program in order for work search requirements to be waived. When submitting a 599 Training Recommendation packet, you must be certain that all seven approval criteria are met as follows:

1. **THE TRAINING IS NEEDED BY THE CLAIMANT** – This criterion is met if one of the following three conditions are met:
  - a. **Training will upgrade the claimant's existing skills.** Answer **YES** only if the training will upgrade the claimant's existing job skills as follows:
    - The claimant needs the training to remain in their regular occupation (an occupation in which the claimant already has training and/or experience) OR
    - The training will provide new or additional skills that will enhance the claimant's opportunities to secure employment in the same field or a field related to their regular occupation.
  - b. **Training will train the claimant for an occupation likely to lead to more regular long term employment.** Answer **YES** only if:
    - The claimant has a history or pattern of irregular employment as evidenced by multiple UI claims and/or sporadic employment in the base period.
    - The claimant's regular occupation is seasonal or is characterized as a high turnover occupation.
    - The claimant's regular occupation is unskilled or defined as a low wage occupation.
    - The claimant is unable to work in their regular occupation due to a **substantiated** medical condition.
  - c. **Employment opportunities in claimant's current occupation are limited.** Answer **YES** only if:
    - Employment prospects for the claimant's regular occupation are either "less favorable" or "least favorable" in the claimant's labor market.
    - The claimant lost his/her job as a result of mass layoff or other uncontrollable factor(s) related to the claimant's loss of employment. This reason must be documented in the "comments" section of the OS44R Training Recommendation Form. Supporting documentation must be submitted with the application, where appropriate.
2. **CLAIMANT WILL PARTICIPATE IN 12 OR MORE HOURS OR CREDITS HOURS PER WEEK**  
– Answer **YES** only if:
  - a. The claimant is attending classroom instruction for at least 12 hours each week OR
  - b. The claimant is registered for at least 12 credit hours or will earn at least 12 credits at the end of the semester.
3. **TRAINING WILL BE COMPLETED WITHIN 24 MONTHS** – Answer **YES** only if:
  - a. The duration of the training or remaining training period is 24 months or less as of the date the OS44 application is completed. **IMPORTANT NOTE:** Documentation of the training end date must include the month, date, and year to ensure the training will be completed within 24 months.

4. **TRAINING IS OFFERED BY A COMPETENT AND RELIABLE AGENCY** – Answer **YES** only if:
- The training facility name appears on the Eligible Training Provider List (ETPL); OR
  - The training facility is registered with the Department of Education in New York State or the State where the facility is located; OR
  - SED List of Distance Learning Providers

**NOTE:** The following are recommended links for access to the list of approved training facilities:

- ETPL (<http://www.labor.state.ny.us/etp/default.asp>)
- SED (State Education Department) list of approved degree granting institutions ([www.highered.nysed.gov/ocue](http://www.highered.nysed.gov/ocue))
- SED Bureau of Proprietary School Supervision’s list of non-degree granting institutions ([www.highered.nysed.gov/bpps/home.html](http://www.highered.nysed.gov/bpps/home.html))
- SED List of Distance Learning Providers – ([www.highered.nysed.gov/ocue/ded/database.html](http://www.highered.nysed.gov/ocue/ded/database.html))
- For an out-of-state training provider, refer to the SED list in that State.

5. **TRAINING PROVIDES THE SKILLS AND QUALIFICATIONS REQUIRED TO WORK IN THE CLAIMANT’S OCCUPATIONAL GOAL** – Answer **YES** only if:

- The training meets the minimum standard educational requirement to qualify for *work* in the claimant’s occupational goal.
- The claimant will not require additional training to qualify for work in the occupational goal **AND** the claimant will be prepared to seek and accept employment in the occupation immediately after completing the training.
- The claimant is enrolled in ESL or GED training and expects to return to their regular occupation or an occupation which the claimant is capable of performing with the current skills without further training.

**NOTE:** For information regarding the minimum educational requirements necessary to qualify for work in a specific occupation, refer to *The New York State Workforce & Industry Data: Employment Prospects*. For information concerning the type of degree and/or required courses leading to the skills and/or qualifications for a specific occupation refer to the *US DOL Occupational Outlook Handbook*.

6. **THERE ARE EXPECTED TO BE IN THE NEAR OR IMMEDIATE FUTURE REASONABLE EMPLOYMENT OPPORTUNITIES IN THE CLAIMANT’S OCCUPATIONAL GOAL** – Answer **YES** only if:

- Employment prospects in the claimant’s occupational goal are either “favorable” or “very favorable” in the claimant’s labor market area and/or within the area of the State where the claimant is willing to relocate.
- There is irrefutable evidence that reasonable employment opportunities exist in the claimant’s occupational goal in the local labor market area. The reason must be documented in the “Comments” section of the OS44R Training Recommendation form. Supporting documentation must be submitted with the application, when appropriate.

7. **CLAIMANT HAS THE REQUIRED QUALIFICATIONS AND APTITUDE TO COMPLETE THE TRAINING SUCCESSFULLY** – Answer **YES** only if:

- The claimant meets all requirements (i.e., state certification or licensing requirements) as mandated by state or federal law (if applicable) to work in the occupational goal.
- The claimant is already in training when OS44 application was submitted and is able to demonstrate that they are making satisfactory progress in their training. The claimant should be instructed to provide a copy of grades/official transcripts for the prior semester.

## **SECTION B: Occupational Information**

1. Regular Occupation and Occupational Goal (**required** field) – The One-Stop must identify and record the claimant’s regular occupation and corresponding occupational code in this section.
  - a. The O\*Net Code Connector should be utilized to ensure that the claimant’s regular occupation has been correctly identified and/or classified
2. Occupational Goal and Occupational Code (**required** field) – The One-Stop must identify and record the claimant’s occupational goal and corresponding occupational code in this section.
  - a. The O\*Net Code Connector should be used to ensure that the claimant’s occupational goal has been correctly identified and/or classified.

## **SECTION C: One-Stop Recommendation**

1. Approval
  - a. Select **Approval** box only if **all** seven criteria for approval under Section 599 are met.
2. Disapproval
  - a. Select **Disapproval** box only if one or more approval criteria is **not** met.
  - b. If recommending disapproval, One Stop must inform the claimant regarding availability requirements. An Availability Advisory must be given to the claimant using the specific language provided in the OSOS Data Activity Chart **AND** documented in the OSOS “Comments” section.
    - If the claimant indicates he/she is not available for work and/or is unwilling to look for work, place a checkmark in the **Issue w/Availability** box.
3. Comment Section
  - a. The One-Stop **must** provide written justification in the Comments section of the OS44R (front), when labor market data does not warrant approval. Use second page of the Comments section if additional space is needed.

**NOTE:** Whenever possible, the One-Stop should assist UI claimants by developing an appropriate training plan that meets the guidelines outlined in these instructions. In doing so, careful consideration must be given to existing and prospective conditions of the local and statewide labor market. A written justification is required in the Comments section when the need for training is not obvious or when recommending approval and available labor market information does not warrant such approval.

4. Supporting Documentation (**required** field)
  - a. At least 12 classroom/credit hours per week
    - Select **YES** if the claimant has provided an official school letter that verifies the claimant’s class schedule confirming registration for 12 credits per semester or 12 hours of classroom training per week. List type of document provided in the designated space.
    - Select **NO** if the claimant was given 14 days to provide acceptance letter and the claimant did not provide the school acceptance letter as requested.
  - b. Training Acceptance Date (**required** field)
    - Select **YES** if the claimant has provided an official school letter that verifies the claimant’s acceptance to the training program by the school. List type of document provided in the designated space.
    - Select **NO** if the claimant was given 14 days to provide acceptance letter and the claimant did not provide the school acceptance letter as requested.
  - c. Training Start Date and Training End Date (**required** field)
    - Select **YES** if the school acceptance letter shows the claimant’s training start and end date OR the claimant has provided other valid form of documentation that verifies the claimant’s training start date and expected training completion/graduation date.

- Select **NO** if claimant was given 14 days to provide valid documentation **AND** the claimant did not provide the requested documentation.
  - d. Transcripts/Grades (*required* field)
    - Check the N/A box if the claimant was accepted into a training program but has not yet started the training. It is not necessary to check the YES or NO box.
    - Select **YES** only if the claimant was accepted into the training **AND** was already attending classes prior to submitting an OS44 application to the One-Stop.
5. Is application/receipt of documentation considered “Timely” for 599.2 calculation – This section must be completed **only** when a UI claimant fails to disclose they are in training at the time the UI claim is filed.
- a. The training disclosure date is the date the claimant informs the One Stop that they are in training. This is the date that will be used by SPU to determine eligibility for additional benefits under Section 599.2.
  - b. Timely submission of all required documentation (OS44 application and supporting documentation) is essential in order for the claimant to receive the maximum number of 599.2 weeks that may be available to them as of the *training disclosure date*.
  - c. The One Stop **must** give claimants 14 days as of the training disclosure date to supply all required documentation. A claimant’s failure to meet this deadline may impact the amount of additional benefits the claimant may receive. When claimant fails to meet the established 14 day deadline, the new calculation date is the date the requested documentation is subsequently submitted to the One-Stop.
    - Once the 14-day deadline has been established, the claimant must be given a copy of the Pending Documents Advisory form OS44PD. The OS44PD must be signed by both the claimant and the One-Stop staff who established the 14-day deadline. When completing the OS44PD:
      - Select **YES** to indicate timely receipt of documentation or if there are extenuating circumstances beyond the claimant’s control for missing his/her 14-day deadline (i.e., Bursar’s Office closed, claimant hospitalized, etc.)
      - Select **NO** if documentation was received after the 14-day deadline **AND** the claimant has not provided an acceptable reason for the delay in submitting the requested documentation.
    - When a 14-day deadline as of the training disclosure date has been established, One-Stop staff must also enter in OSOS “Comments” section whether receipt of the documentation is considered timely for 599.2 calculation purposes.