

## **Drug Testing**

Drug testing is being considered as an option for states in determining whether an individual may have been terminated with good cause and subsequently if the claimant is able and available to work so as to be eligible to be paid for a week claimed.

Under what circumstances should UI administrative agencies have individuals who have filed applications to establish benefit rights and/or filed weekly claims tested for controlled substances?

If the individual's most recent separation prior to applying was due to testing positive for controlled substances?

Should the state UI agency be permitted to inquire about drug use as part of the UI application process? For all applications? For only certain applications – which ones?

Should tests be conducted regularly or periodically as part of the condition to be paid continued weeks claimed?

What if the applicant responds to a question or volunteers that he or she has a drug or alcohol abuse issue that is a barrier to employment?

Who should perform the testing for controlled substances?

How should positive tests for controlled substances be considered in the determination of the application and continued claims?

Who should pay the cost of drug testing by state UI agencies?

Should drug testing be developed as an option for claimants to demonstrate to prospective employers that they are ready and able to work? As part of referral services to employers?

Is drug abuse a significant enough issue to justify state UI agencies providing for required or permitted drug testing as part of the UI determination process? As part of the assessment and reemployment services provided to claimants?

## **Rushing to Pay Unemployment Compensation**

States have found it difficult to adjudicate claims for benefits and make first payments within the short period of time identified for first payment time lapse (pay within 14 days of a compensable week on average 87% of the time)

Is the UI determination process too legalistic?

Should the first payment time lapse guideline be changed to recognize that the short time frame to make payment creates unnecessary overpayments?

What are best practices in exchanging information with employers, claimants and their representatives at the initial determination of an application, during claim adjudication and on appeal?

- SIDES

- Other Electronic Exchange

- Telephone

- Ordinary Mail

- In person review or hearing

Should there be sanctions for employers and employer representatives who fail to respond in a timely or adequate way to requests during the UI adjudication process?

What should “adequate” mean?

What should “timely” mean?

What collaboration between state UI agencies, employers and their representatives works best?

## **Stopping Payments**

In the UI application and claims process, issues may arise with respect to whether the individual filing the application is able to work, available to work and actively seeking work.

Under what circumstances should an agency be permitted to stop the processing of the application or stop the payment for a week claimed pending additional information being provided?

When no employer account can be located to verify sufficient monetary qualification?

When the identity of the applicant or claimant cannot be verified?

When information is received through cross matches or other sources to indicate that the individual applying or claiming appears to be engaging in identity theft?

What indications of identity theft or fraud would be sufficient to stop payment of the first week or subsequent continued weeks claimed?

## **Who among claimants should receive reemployment eligibility assessment and reemployment services?**

In recent years there has been recognition by policy makers that there is value in dedicated reemployment eligibility assessments and reemployment services but there is ongoing debate about who should receive services and the services to be provided.

Should REA/RES be limited to individuals identified through the profiling system?

What should be the definition of “likely to exhaust”?

How should “actively seeking work” be defined?

Recognizing that a flat “waiver” may be inconsistent with federal law, how should a state determine the requirements for different groups of claimants?

Claimants with employer verified return to work dates?

Claimants seeking work as required by private agreements through hiring halls?

Claimants who are only partially unemployed?

Claimants for worksharing benefits?

How should states verify that individuals are meeting work search requirements?

How should states work with employers in determining whether claimants are searching for work and available for work?

What would be a meaningful performance measurement for states in administering REA/RES?

Duration

Exhaustion

Employment

Other

