

## **RELEASE OF CONFIDENTIAL UI INFORMATION**

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### GENERAL INSTRUCTIONS

The attached directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email or mail no later than **August 3, 2016**.

All comments received within the comment period will be considered before issuing the final directive. Commenters will not be responded to individually. Rather, a summary of comments will be released with the final directive.

**Comments received after the specified due date will not be considered.**

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**Email**      Bilal.Amin@edd.ca.gov  
Include "Draft Directive Comments" in the e-mail subject line.

**Mail**        EDD  
Attn.: Program Support Unit  
P.O. Box 826880 / MIC 50  
Sacramento, CA 94280-0001

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If you have any questions, contact Bilal Amin at (916) 653-4803.

# D RELEASE OF CONFIDENTIAL UI INFORMATION

## EXECUTIVE SUMMARY

This policy provides guidance and establishes procedures regarding the process for *Workforce Innovation and Opportunity Act* (WIOA) subrecipients to obtain Unemployment Insurance (UI) claimant information from the Employment Development Department (EDD) for WIOA applicants and customers. This policy applies to all WIOA subrecipients, and is effective immediately.

This policy contains only state-imposed requirements.

This policy supersedes Workforce Services Directive *Release of Confidential Unemployment Insurance Information* (WIAD05-10), dated October 21, 2005. Retain this directive until further notice.

## REFERENCES

- *Workforce Innovation and Opportunity Act* of 2014, Public Law 113-128, July 22, 2014
- *California Unemployment Insurance Code*, Section 1094, 2111
- *Information Practices Act* (IPA), California Civil Code 1798-1798.78
- Current WIOA Program Year (PY) Subgrant Agreement, General Provisions, Item 20

## BACKGROUND

The UI Code prohibits the disclosure of UI client information for purposes not related to the administration of the UI Program. However, the *Information Practices Act* (IPA) permits release of personal information maintained by state agencies with the written consent from the individual who is the subject of the request.

Currently, the EDD processes Data Consent Authorization Forms (DCAF) that provide WIOA subrecipients confidential UI information to determine a client's WIOA eligibility. However, confidential UI claim data can now be accessed online by clients due to the implementation of UI Online<sup>SM</sup>.

## POLICY AND PROCEDURES

WIOA subrecipients wishing to obtain UI client data to determine eligibility for a WIOA customer or potential customer or to evaluate how to best serve them, should first attempt to obtain all required UI eligibility information directly from their customer. WIOA subrecipients should request that clients provide their confidential UI information by accessing their [UI Online](#) account, or from the *Notice of Unemployment Insurance Award (DE 429Z)* letter, *Notice of Unemployment Insurance Claim Filed (DE 1101CLMT)* letter, and the [Automated UI Check Stub Message](#). Therefore, the DCAF process should only be used when all other means of obtaining the customer's relevant UI information directly from the customer have been exhausted.

The following table identifies specific confidential UI information provided to a customer through the UI program for verification of employment and claim status:

UI Data That Will Be Released Via the WIOA UI-DCAF	Alternate UI Data Sources
Effective and Ending Date of Claim	<a href="#">UI Online</a> (Account Homepage)
	<i>Notice of Unemployment Insurance Award (DE 429Z)</i>
	<i>Notice of Unemployment Insurance Claim Filed (DE 1101CLMT) (Only Effective Date of Claim)</i>
Claim Award	UI Online (Account Homepage)
	<i>Notice of Unemployment Insurance Award (DE 429Z)</i>
Last Employer Name and Address Last Day Worked Reason for Separation	UI Online (Account Homepage)
	<i>Notice of Unemployment Insurance Claim Filed (DE 1101CLMT)</i>
Claim Balance Benefits Exhausted	UI Online (Account Homepage)
	<a href="#">Automated UI Check Stub Message</a>

The WIOA subrecipients are encouraged to assist customer in obtaining their confidential UI information from their UI Online account. Prior to registering on UI Online, clients must have their EDD Customer Account Number, which can be found on their *Employment Development Department (EDD) Customer Account Number (DE 5614)* letter. Customers may contact an [EDD UI Representative](#) to retrieve their EDD Customer Account Number, in the event that the DE 5614 letter provided by the EDD has been displaced or lost.

In the event that the initial UI letter(s) provided by the EDD have been misplaced or lost, the customer may request that the EDD mail another copy of their DE 429Z and DE 1101CLMT letters to them through [Ask EDD](#) by selecting the "Unemployment Insurance Benefits" category. However, customer are to be advised of the potential delay in receiving a copy of their UI letter(s) due to the mailing process.

For *UI Online Fact Sheet*, instructional videos and resources, please visit the EDD UI Online webpage at [www.edd.ca.gov/UI\\_Online](http://www.edd.ca.gov/UI_Online).

If the customer is unable to provide sufficient information, WIOA subrecipients may use the DCAF process outlined below as a option of last resort to collect UI claim data by submitting a WIOA UI - Data Consent Authorization Form (DCAF) to the EDD UI Program. The WIOA UI—DCAF (Attachment 1), will be required from the customer to allow release of the UI claim status and UI wage information. The UI Program has agreed to process the DCAF within three business days of receipt.

Prior to submission of a data request for processing by the EDD UI Program, the subrecipient must e-mail, fax or mail to EDD a completed *Request to Assign or Change Location Code* form (Attachment 3). The procedure for completing this form is outlined below. Because the information transmitted by the EDD in response to submission of a WIOA UI-DCAF is confidential, the EDD must make a reasonable effort to assure that the information provided is faxed or mailed to a location authorized to receive confidential information and received by someone fully informed about the procedures for the use of confidential data, as specified in the current WIOA Program Year (PY) Subgrant Agreement, General Provisions, Item 20.

### **Procedure to Request to Assign or Change a Location Code**

1. Each subrecipient wishing to use the WIOA UI-DCAF to receive UI information for WIOA applicants or program participants must complete the *Request to Assign or Change Location Code* form (Attachment 3). The EDD WSD staff will assign the Location Code to each business location (mailing address and fax number) where UI information may be transmitted. In order to comply with the automated process, the Location Code must consist of the three-letter WIOA subrecipient code, a dash, and then a two-digit number to identify each physical location. For example, if subrecipient “XYZ” provides only one address and fax number for responses, the Location Code could be XYZ-01. If subrecipient “XYZ” provides multiple addresses and fax numbers for receipt of UI data the codes might be XYZ-01, XYZ-02, and so on. The two digit numeric code is required to be sequential. Please limit the number of designated Location Codes to the minimum necessary to effectively transact business.
2. The local areas or subrecipient administrator or the individual designated in the *current WIOA PY Subgrant Agreement* is responsible for the administration of confidential information (*current WIOA PY Subgrant Agreement, General Provisions, Item 20*) must sign the *Request to Assign or Change Location Code* form.
3. The subrecipient must adopt administrative, technical, and physical safeguards to protect the privacy and confidentiality of the UI data. This includes ensuring that the UI data is sent to securely located fax machines—*housed in areas without public access*. Subrecipients have the option, and are encouraged, to use fax modems (i.e., fax numbers that transport directly into a personal computer), rather than traditional fax machines. However, a traditional fax machine located in an area not accessible to the public is acceptable.
4. The *Request to Assign or Change Location Code* form should be submitted to the Central Office Workforce Services Division (COWSD) at the e-mail address, fax number or mail

address indicated on the form. The COWSD should be notified immediately of any change of address or fax number associated with an assigned Location Code.

### Procedure to Request UI Claim Information of a WIOA Client

1. The subrecipient may fax or mail the attached WIOA UI—DCAF to the UI Program at the fax number or address indicated on the form.

The WIOA UI—DCAF authorizes the EDD to release records pertaining to the WIOA customer's UI status. The customer completes the top half of the WIOA UI—DCAF and the caseworker completes the bottom half. Line Item instructions for the WIOA UI—DCAF are included with this Directive as Attachment 2.

2. The subrecipient must add their own letterhead to the attached WIOA UI—DCAF template. The UI Program will not accept or process WIOA UI—DCAFs that are not on WIOA subrecipient letterhead.
3. The WIOA client must indicate on the WIOA UI—DCAF if the response to the data request will be sent via fax or mail.
4. The EDD will only respond to WIOA subrecipient data requests submitted on WIOA UI—DCAF forms signed and dated by the WIOA client. The UI Program will verify that the Social Security Number on the WIOA UI—DCAF is valid and matches the name provided.
5. The WIOA UI—DCAF must include a valid Location Code.
6. Upon receipt of the WIOA UI—DCAF, the UI Program will process the request and, as requested by the client, fax or mail the response to the location identified by the Location Code. The original, if faxed, or a copy, if mailed, of the WIOA UI—DCAF must be kept in the client's file and is subject to audit.
7. A signed WIOA UI—DCAF is valid for 12-months. If 12-months have passed and WIOA subrecipients wish to obtain updated UI claimant information, a new WIOA UI—DCAF must be obtained from the customer.

A completed Data Consent Authorization Form will allow the subrecipient access to the following confidential customer information:

- Current claim information (claim award, claim balance, effective and ending date of claim, if benefits are exhausted, last employer name/address, date last worked and if reason for separation was laid off due to lack of work).
- If no current claim on file, available information on any claim in the last nine months.

The confidential UI information obtained from customers by WIOA subrecipients with the DCAF process outlined in this directive should not be used for performance calculation(s) or as documentation for Dislocated Worker (DW) eligibility. For performance related information, please refer to [CalJOBS<sup>SM</sup>](#). For acceptable DW eligibility documentation, please refer to the appropriate WIOA Directive regarding eligibility.

## ACTION

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Notify the appropriate staff to make every attempt to obtain all required UI eligibility information directly from the customer and submitting the DCAF to the EDD only as a last resort to obtain UI customer data.

## INQUIRIES

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If you have any questions, contact your [Regional Advisor](#) at (916) 654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief  
Central Office Workforce Services Division

Attachments are available on the internet:

1. [WIOA UI—Data Consent Authorization Form](#)
2. [Line Item Instructions for WIOA UI—DCAF](#)
3. [Request to Assign or Change Location Code Form](#)

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