TRAINING AND EMPLOYMENT NOTICE	NO. 8-13
	DATE September 30, 2013

TO: STATE GOVERNORS
STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE UNEMPLOYMENT INSURANCE DIRECTORS
STATE LABOR COMMISSIONERS
STATE LABOR MARKET INFORMATION DIRECTORS
STATE RAPID RESPONSE COORDINATORS
NATIONAL ASSOCIATION OF STATE AND TERRITORIAL APPRENTICESHIP DIRECTORS
COMPREHENSIVE AMERICAN JOB CENTER OFFICE MANAGERS
AFFILIATE AMERICAN JOB CENTER MANAGERS
ALL EMPLOYMENT AND TRAINING ADMINISTRATION GRANTEES

FROM: ERIC M. SELEZNOW
Acting Assistant Secretary

SUBJECT: Impact of a Temporary Suspension of Federal Government Services on Department of Labor's Employment and Training Administration (ETA) Funded Programs and Activities

1. Purpose. To provide ETA funding recipients with information about how the temporary suspension of the Federal government will impact the execution of ETA-funded programs and services.

2. Background. The Fiscal Year 2013 Federal budget expires at 11:59 on Monday, September 30, 2013. Unless a signed appropriation or continuing resolution is enacted, Federal departments and agencies will need to engage in orderly shutdown activities and then be "shutdown" until appropriations are restored. Agencies will only be permitted to perform activities either that have already been funded, and do not require significant federal oversight, or "excepted" activities which may include those activities related to the orderly suspension of operations and otherwise fall into a narrow definition of allowable activities. The majority of ETA staff will be furloughed and unable to work during the government shutdown.

3. Questions and Answers. Please see the attached list of questions and answers for information about the impact of the shutdown on the execution of ETA funded programs and services, including Unemployment Compensation, Trade Adjustment Assistance, Workforce Investment Act Adult, Dislocated Worker, and Youth formula programs, Wagner Peyser-funded Employment Services, American Job Center operations, Job Corps, Registered Apprenticeship, National Emergency Grants, Foreign Labor Certification, competitively funded grants, and

electronic tools.

4. **Action Requested**. Please provide this guidance to appropriate staff.

5. **Inquiries**. Questions may be directed to the appropriate Regional Office by October 1, 2013.

6. **Attachment**.
   - Department of Labor's Employment and Training Administration: Suspension of Federal Government Services: Questions and Answers

Department of Labor's Employment and Training Administration:
Suspension of Federal Government Services

Questions and Answers

<u>Grants Operating Under Obligated Funds</u> (This Section does not apply to Unemployment Compensation (UC) Grants, which are addressed in a separate section of the document)

1) **Question: What happens if there is a shutdown?**

Answer: Those grants to which the Department of Labor (DOL) has already obligated funds to the grantees will be able to continue operating with funds that already have been made available by DOL. However, if there is not a continuing resolution or appropriations act, the Department will be unable to award new grants, and there will be delays in making other funding available. In addition, recently awarded new grantees will not have access to federal project officers nor the technical assistance that may be necessary to properly implement the award.

2) **Question: How would a government shutdown impact the Department's ability to monitor the daily activities, and technical and financial performance of its grants?**

Answer: For most ETA programs, staff will not be working to answer questions, provide technical assistance, or to resolve any technical issues with data or report submissions. Additionally, oversight activities and daily functions associated with the grants would be severely limited, with the few exceptions discussed in these Q&As.

3) **Question: Under a shutdown, will current Employment and Training Administration (ETA) grantees be able to draw down funds?**

Answer: Yes. For grants for which DOL has already obligated funds, the funds are available through the Health and Human Services (HHS) Payment Management System (PMS) which we have been informed will be operational. However, in the event of problems, technical assistance for PMS may be very limited or not available, and HHS would be responsible for public notification.

4) **Question: What impact would a government shutdown have on the Department's grant recipients if none of their invoices are processed during this time?**

Answer: As a standard practice, ETA grant recipients (with a few exceptions discussed in later Q&As) draw down funds through the HHS PMS in the amount needed for disbursement. This practice is expected to continue during a period of shutdown. The remaining unexpended balances should be accessible, and the PMS should be operational. However, in the event of problems in PMS, technical assistance may be extremely limited or not available.

5) **Question: Will grant modifications be approved?**

Answer: ETA has developed a process for identifying and processing Disaster National Emergency Grant (NEG) actions, as discussed further in Q&As # 31-32. With the exception of Disaster NEG actions, there may be an extremely limited number of grant actions (in instances of an emergency) that would necessitate the processing of a grant action under a shutdown. Other than these exceptions, grant actions will not be processed.

6) **Question: Will there be any impact on the Workforce Investment Act (WIA) Adult or Dislocated Worker Formula allotments to states? Will states receive the allotments for WIA Adult and Dislocated Worker funding streams that become available October 1, 2013 on or near that date?**

Answer: A government shutdown may delay the Adult and Dislocated Worker Formula allotments. We cannot at this time, estimate the length of delay in allotting funds because we do not know if or how long the lapse in appropriations will last.

7) **Question: Will there be any impact on the WIA Youth Formula allotments to states or the Wagner-Peyser Employment Service allotments to states?**

Answer: No. The Program Year 2013 funds for these programs have been allotted. States may continue to operate these programs and draw down funds through the HHS PMS. (See Q&A #3)

8) **Question: What will happen if a grantee is on a "restricted drawdown" as a sanction or a special award condition for a high-risk recipient and cannot immediately draw funds from the PMS?**

Answer: This question is applicable to only a handful of grants. We have identified the grants in question and will notify grantees that delays will be experienced in reimbursement. As a result, it is possible that some of these grantees may decide to cease operating during a period of shutdown.

Performance and Financial Reporting for Grantees

9) **Question: Would grantees need to report during a shutdown**?

Answer: As long as grantees have funding, grantees would continue to be responsible for following all of the terms and conditions of the grant, including fiscal and performance reporting requirements. That said, grantees should be advised that many of ETA's Management Information Systems, such as EBSS, will be turned off during the shutdown, and grantees will not be able to access these reports until the government re-opens. Grantees should make back-up documentation plans accordingly. Once the government reopens, grantees will be responsible for submitting reports for the next quarterly due date.

10) **Question: What do I do if my competitively-awarded grant uses a DOL grants performance and financial management systems?**

Answer: Grantees are responsible to continue to operate grants according to the rules and regulations that are part of their statements of work. Because many of ETA's Management Information Systems, such as EBSS, will be turned off during the shutdown, grantees will not be able to log on to the existing performance and financial reporting systems to maintain participant records. Grantees will need to do this manually during a government shutdown so that once the government re-opens, they are able to submit accurate performance and financial reports.

11) **Will states still be expected to submit the WIA Annual reporting and validation by October 1, 2013? Will our systems be up and running if we have shutdown on that day for state submissions?**

Answer: States are required to submit their WIA Annual Report validation results and their WIA Annual Report data tables to ETA no later than October 1, 2013. Should there be a lapse in

appropriations that results in a government shutdown, the EBSS portal will not be available for report submissions on October 1, 2013; therefore, the state will NOT be considered late for this submission. Once the government is operational, states will have three business days to submit the required reports; after that three-day period, the state will be considered late.

As a reminder, WIA Annual Report Narratives are due to ETA by November 15, 2013.

Contracts Management

12) Question: How would a government shutdown impact the Department's contracts?

Answer: Stop work orders may need to be issued to certain contractors depending on various considerations. At this time, we do not know which contractors will need to receive stop work orders, but your servicing contracting officer will let the affected contractors know at the appropriate time if they will need to stop work. Contractors who do not receive stop work orders should continue performance of your contracts.

Many Contracting Officers and Contracting Officer Representatives will not be available during a shutdown. As a result, there may be a delay or inability to process contractor invoices, and it is anticipated that payments will not be made until after the government reopens. This is true even if your contract has sufficient funding to allow performance. Please note that there will be some exempt personnel supporting exempt program contracts (see the Q&As #14-19 relating to Job Corps).

If you have additional questions, contractors should contact their servicing contracting officer. Questions regarding the payments and monitoring of technical and financial performance should be referred to your Contracting Officer Representative.

American Job Center Operations

13) Question: What would be the impact on American Job Center (AJC) operations if there is a government shutdown?

Answer: States are currently operating AJCs using Program Year 2013 formula grant funding and other prior year funds for Wagner-Peyser Employment Service, WIA Adults, Dislocated Workers, Youth, and the national programs and would be able to use those funds to continue to operate in the case of a Federal shutdown. However, states are facing significant challenges with the funding of WIA as the sequestration cut for the Fiscal Year (FY) 2013 budget was taken out of the WIA Adult and Dislocated Worker allotments in July 2013, and states are awaiting the advance funds in the October 1, 2013 allotment. If the government shuts down and DOL is unable to obligate those funds, it will put further strain on the system. AJC operations would rely solely on carry-over funding and may need to shutdown and/or conduct temporary layoffs in the face of uncertain future funding. These disruptions to service would impact states' and local areas' ability to provide assistance to job seekers and employers.

Also, states would be able to continue to deliver Trade Adjustment Assistance (TAA) training and services using FY 2013 funds recently allotted during a Federal government shutdown as well as prior year funds (FY 2012 and FY 2011) that remain available for expenditure. As discussed in question 46, there will also be funds available to pay TAA benefits.

Some customer services provided via Federal contract may not continue. The DOL National Toll Free Helpline (1-866-4-USA-DOL) will continue operating for emergency services only, specifically for questions pertaining to the Occupational Safety and Health Administration and mine disasters. All other call center services – such as ETA's Toll Free Helpline for job seekers needing assistance at 1-877-US-2JOBS (TTY: 1-877-889-5267) – will not be available. Certain national websites, such as servicelocator.org, careeronestop.org, and mynextmove.dol.gov are grant-funded and would continue to operate.

Job Corps

14) **Question: Will Job Corps centers have enough funds to operate if the government was to shutdown?**

Answer: Yes. Job Corps center operations can continue as there is sufficient funding, for all Job Corps contracts, through at least November 1, 2013. We cannot, at this time, estimate the impact on Job Corps centers because we do not know if or how long the shutdown will last. ETA and the Department will continue to evaluate the funding situation of Job Corps centers during a shutdown.

15) **Question: What if an incremental obligation is due during a shutdown?**

Answer: ETA and the Department will evaluate the situation of Job Corps centers as the need for incremental obligations arises. ETA plans to take action to provide funds if needed to ensure the health and safety of students.

16) **Question: Whom should I contact if there is an emergency at my Job Corps center?**

Answer: The Job Corps Regional Director in each region will be working and will serve as the primary point of contact for all center issues in his or her region.

17) **Question: What if we experience a facility emergency?**

Answer: The Office of Job Corps will call upon the expertise of subject matter-related staff, such as facilities management personnel, on an emergency basis.

18) **Question: Will the Office of Job Corps continue to conduct compliance assessments and monitoring trips?**

Answer: While Job Corps will have a small contingent of Federal staff available to manage the administration of the program, these staff will not travel for compliance assessments and monitoring trips in the event of a shutdown and would only travel for emergency purposes. The Regional Directors, also part of the small contingent, will increase desk audit activities, to the extent possible, to partially offset the inability to travel during this time.

19) **Question: What can centers do to help?**

Answer: Job Corps Centers should continue to focus on three critical areas in executing the program's mission: (1) safety of students and staff; (2) program accountability; and (3) student achievement. We ask centers to continue to *keep students the number one priority* by providing a safe learning and living environment and helping students achieve their career goals. Corporate offices should increase their accountability activities to monitor center and staff compliance with Job Corps policies, procedures, and requirements.

Grant Competitions

20) Question: What happens to Grants.gov if the government shuts down?

Answer: Grants.gov is used to publicize grant solicitations and receive applications. HHS anticipates that the Grants.gov system will remain in an operational status, but with reduced federal support staff presence, should a lapse in appropriations occur. In addition, HHS anticipates that the Grants.gov Contact Center will remain available, and provide assistance to callers. However, ETA does not have any open grant solicitations at this time.

21) Question: Will potential applicants be able to submit applications through Grants.gov for SGAs?

Answer: HHS anticipates that the Grants.gov system will remain in an operational status, but with reduced federal support staff presence, should a lapse in appropriations occur. In addition, HHS anticipates that the Grants.gov Contact Center will remain available, and provide assistance to callers. However, ETA does not have any open grant solicitations at this time.

22) Question: Will potential applicants be able to get answers to questions related to the open SGAs?

Answer: While ETA does not have any open SGAs at this time, under a shutdown, grants specialists and the program and grants policy staff that would normally provide guidance on answers will not be available. Questions would need to be answered after personnel return to work.

Trade Adjustment Assistance (TAA)

23) Question: What venues will be available for the public to file petitions for TAA benefits and services?

Answer: TAA petitions may be filed using paper petitions via the U.S. Postal Service or faxed to (202) 693-3584, (202) 693-3585, or (202) 693-3986. While petitions may be filed, there will be no staff available to receive petitions, enter petitions into the data system, or investigate those petitions during a shutdown. Further, petitioners will not receive a follow-up letter of receipt of petition or customer service contact from staff nor will the status of the petition appear on the Web site until after the government re-opens. The Department will use the U.S. Postal Service postmarked date as the date of receipt for petitions filed. Likewise, the date stamped on all fax transmittals will serve as date of receipt for all filed petitions. Although the public will be able to access the Office of Trade Adjustment Assistance Web site home page for important instructions regarding shutdown, the public will be unable to submit on-line Trade petitions. Petitioners are encouraged to submit paper petitions using the venues described above.

24) Question: What venues will be available for workers whose petitions have been denied to file requests for reconsideration?

Answer: Requests for reconsideration should be submitted via the U.S. Postal Service or faxed to (202) 693-3584, (202) 693-3585, or (202) 693-3986. While requests may be submitted, there would

be no staff available to receive the request or to investigate the request until after the government re-opens. DOL will use the U.S. Postal postmark or facsimile date to determine whether the 30 day filing deadline for requests for reconsideration is met. All Trade appeals must be submitted no later than 30 calendar days from the time the determination is entered in the Federal Register notice. During a shutdown, the window of appeal may be adjusted accordingly beyond 30 calendar days after the Government resumes business operations.

25) **Question: What public communication resources, such as the ETA Toll Free Helpline (1-877-US-2JOBS (TTY: 1-877-889-5267)), will be available to trade-affected workers and the general public to answer questions about filing for TAA benefits and services?**

Answer: Operator Assistance for the Trade "hotline" will not be available during a government shutdown. However, any inquiries or messages related to Trade Adjustment Assistance that require technical assistance may be left on the hotline voicemail and will be responded to in the order received once the government reopens. Callers seeking immediate or urgent assistance should access the America's Service Locator at http://www.servicelocator.org/ where they can find the closest AJC to obtain information about benefits and services under the Trade program. No Federal staff will be available to provide technical assistance, answer questions, or provide referral information during government shutdown.

26) **Question: Will states be able to access available TAA Training Funds from the Reserve Account?**

Answer: States will not be able to receive Reserve Funds for TAA training during a shutdown because Federal staff will not be available to review requests, authorize funds, or answer any questions about funding. The final distribution of FY 2013 funds was allocated to states before the shutdown, and no Reserve Funds are available. Once funds run out, additional funding for administration of the program will not be available until a continuing resolution or an annual appropriation is enacted.

27) **Question: Will States be able to obtain technical assistance in administering the benefit and services provisions for certified trade-affected workers?**

Answer: Since the Office of Trade Adjustment Assistance Federal staff will be unavailable during a government shutdown, all technical assistance questions related to TAA benefits and services should be directed to the State TAA and/or Trade Readjustment Allowance Coordinators.

28) **Question: How will the Office of Trade Adjustment Assistance determine the date new petitions are received when staff is not available to accept new petitions during a shutdown – and what issues will result from that delay?**

Answer: Since there will be no Federal staff available to receive petitions, enter petitions into the data system, or investigate those petitions during a shutdown, DOL will use the U.S. Postal Service postmarked date as the date of receipt for a filed petition. Likewise, the date stamped on any fax transmittal will serve as date of receipt for all filed petitions. Although the public will be able to access the Office of Trade Adjustment Assistance Web site home page for important instructions regarding shutdown, the public will be unable to submit on-line Trade petitions. A shutdown would result in a delay to the start or continuation of the investigation and the 40-day period for issuing determinations. Adversely affected workers who are waiting for a determination may be served

under a partner program such as WIA or NEG, but the delay in issuing determinations will result in a delay in workers being able to access TAA-funded benefits and services.

Also, the impact date (date of earliest coverage) of a petition is one year before the date the petition was signed, not the date it was received – therefore, there will be no effect on the earliest date of coverage. The program regulations require that the petition date may not be more than 30 days before the filing date, so if the Department receives a petition dated more than 30 days before the filing date, the Department will amend the petition date to be in compliance with the regulations, and the impact date will be one year before the amended petition date.

29) **Question: Will decisions on petitions that are currently under investigation be delayed?**

Answer: Yes. Federal staff would not be conducting investigations during a shutdown; therefore, determinations will be delayed.

Foreign Labor Certification

30) **Question: The Department's goal is to make a decision on labor certification applications to employers within a specified number of days. If there is a government shutdown, how will this affect the number of days allowed to process an application?**

Answer: In the event of a government shutdown, processing times in the foreign labor certification programs will be extended, and may cause delays in decisions in applications in those programs.

National Emergency Grants (NEG)

31) **Question: The Department's goal is to make a decision on NEGs within 30 working days of receiving a 'complete and fundable' NEG application. If there is a government shutdown, will the clock continue ticking during this time?**

Answer: If a government shutdown occurs, no action will be taken on pending NEG applications and modifications during this time, with the exception of Disaster NEG requests (see Q&A #32). The Department will resume analyzing NEG applications and modification requests when government operations resume, and will try to abide by the 30 working day policy, for complete and fundable applications, minus the number of days the government was shutdown. In the event of a lengthy shutdown, the Department will be unable to meet this goal.

32) **Question: Will disaster NEG applications be accepted during a government shutdown?**

Answer: If a government shutdown occurs, the Department will have a staff person monitoring the NEG electronic application system to determine if any new Disaster NEG applications are submitted as a result of any Federal Emergency Management Agency (FEMA) declarations for Public Assistance during the shutdown period. The Department will continue to analyze and award new disaster NEG applications and financial increment requests ***only*** during this time, although turnaround times could be prolonged as a result of staffing restrictions.

Registered Apprenticeship

33) Question: What would be the impact of a government shutdown on registered apprenticeship activities?

Answer: ETA, through the Office of Apprenticeship (OA), is the Registration Agency in 25 states. Federal staff is directly responsible for the registration of new programs, and oversight of new and existing programs and apprentices in these states. Generally, program sponsors in these states would experience delays in registration of new programs and new apprentices and verification of their status as registered apprenticeship programs during this period in which Federal staff is unavailable to complete these registrations, or verify an employer's status as a bona fide registered apprenticeship program. Such delays may impact some employers' ability to hire new apprentices and/or to bid on new projects that require proof of registered apprenticeship program status. Federal staff would not be able to issue Davis-Bacon certifications necessary to verify that an apprentice is registered with OA and therefore can be paid less than the prevailing wage. Without such certifications, employers could be found to be violation of wage and hour laws and regulations.

Apprentices who complete an apprenticeship during the period of a government shutdown would experience delays in receipt of the certificates of completion of apprenticeship, which could affect their wages. In many licensed trades, in order to sit for the licensing examination, the apprentice must present proof of a DOL Completion Certification. Without this certificate, apprentice graduates who are unable to complete the licensure examinations would then experience delays in receiving wage increases associated with being a licensed professional in their skilled trade.

Apprenticeship sponsors and the 25 states that have State Apprenticeship Agencies would also be affected by the shutdown through the deactivation of Registered Apprenticeship Partners Information Data System (RAPIDS) – the online tool used to report data on apprenticeship programs and apprentices – causing a backlog in data reporting and the inability to retrieve data.

Electronic Tools

34) Question: Will the DOL ETA Toll-Free Helpline be available during a shutdown?

Answer: No. The ETA Toll-Free Helpline (at 1-877-US-2JOBS (TTY: 1-877-889-5267)) that provides information to job seekers and others to identify state and local job training and related programs and services will not operate.

35) Question: What about the Workforce3One Website that offers e-learning, information, and knowledge sharing among grantees, employers, and others in the workforce network; will individuals be able to access the Website?

Answer: The Workforce3One Website will continue to be accessible. However, the content would not be refreshed under a shutdown.

Certain other national Web sites, such as servicelocator.org, careeronestop.org, and mynextmove.dol.gov are grant-funded and would continue to operate.

Unemployment Compensation

36) Question: What will happen with unemployment compensation (UC) during the shutdown? Additionally, for new claimants, how will the government shutdown affect processing time?

Answer: State agencies are responsible for paying UC and will continue doing so for existing as well as new claimants as long as allocated administrative funds remain available (See Q&A #42). States will be able to withdraw benefit funds from appropriate accounts to pay eligible claimants. Claims processing for Unemployment Compensation for Federal Employees (UCFE) and Unemployment Compensation for Ex-Servicemembers (UCX) could be delayed since Federal agencies may not have staff available to provide wage and separation information. (See Q&A #50)

37) Question: Will states be able to continue to obtain Title XII advances from the Federal Unemployment Account (FUA) in the Federal Unemployment Trust Fund (UTF)?

Answer: Yes. On October 1, 2013 the FUA will have approximately three weeks of funds available. These funds are available even if an annual appropriation or a continuing resolution is not enacted. Federal staff will be available during a shutdown to make additional transfers, if necessary.

38) Question: Will states be able to pay UCFE and UCX benefits during a federal shut-down?

Answer: Yes, these benefits would continue to be paid as long as allocated administrative funds remain available (See Qs & As #42 and #45). Since Federal agencies would be shut down, states may need to rely on claimants' self-certification to verify earnings. This documentation should include an earnings and leave statement. (See Q&A #53.)

39) Question: Will states be able to pay EB if there is a federal shutdown?

Answer: Yes. EB is 100 percent federally-funded for weeks of unemployment beginning before December 31, 2013, with a phase-out period, and states may continue to draw funds from the Extended Unemployment Compensation Account (EUCA) in the UTF.

40) Question: Will states be able to pay Emergency Unemployment Compensation (EUC) during a shutdown?

Answer: Yes, funding for EUC benefits, state EUC administrative costs, and RES/REAs will be available. Benefits under this program also are funded from the EUCA. Funding for EUC continues unaffected if an annual appropriation or continuing resolution is not enacted. The EUC statute also provides funding to cover the state administrative costs of EUC, as well as such sums as necessary for RES/REAs. Sufficient funds will be available in EUCA on October 1 to cover a two-week period. Additional funds sufficient to cover benefits and administration for the remainder of the calendar year have been made available and will be transferred into EUCA or the Employment Security Administration Account as needed.

41) Question: Will states be able to receive reimbursement for Short Time Compensation benefit costs during a Federal shutdown?

Answer: States may continue to draw funds that have already been allocated to them. However, Federal staff will not be available to process additional reimbursement requests until after the shutdown ends.

42) **Will administrative funds be available for regular compensation; UCFE; UCX; EB; and Trade Adjustment Assistance (TAA), including Trade Readjustment Allowances (TRA), Alternative Trade Adjustment Assistance (ATAA), and Reemployment Trade Adjustment Assistance (RTAA)?**

Answer: Administration of all these programs is funded through a grant; all funds allocated to states before the shutdown may be used after the shutdown in accordance with the grant agreement. However, once those funds run out, additional funding for administration of these programs will not be available until a continuing resolution or an annual appropriation is enacted. (See Q&A #45.)

43) **Will funding for Disaster Unemployment Insurance (DUA) be available?**

Answer: Yes. Excepted staff at DOL will be made available to process DUA funding authorizations from FEMA, and FEMA will have excepted personnel available to process disaster requests.

44) **If funds are needed or problems with funding are encountered, will Federal staff be available to perform the necessary operations and to answer questions?**

Answer: Yes. Federal staff will be available to ensure availability of approved grant and benefit funds and to address these questions and problems related to excepted activities. Excepted staff at DOL and at the Department of the Treasury will be available to perform any necessary functions with the UTF. In addition, the Department of HHS will make staff available to cover the PMS.

45) **If the states are able to pay regular unemployment compensation, EB, and get advances to pay compensation, why can't administrative funding be made available to perform those tasks?**

Answer: Funding for advances is provided through a two-year appropriation, while administrative funding for regular compensation and EB relies on annual appropriations. States with zero balances in their UTF accounts may obtain advances to pay regular compensation; solvent states have money in their UTF accounts to pay benefits. So funding for regular compensation and EB is assured during a Federal shutdown. In contrast, administrative funding for regular compensation and EB comes from the Department's annual appropriations, and the shutdown is occurring because an appropriation has not been enacted.

46) **Will states be able to pay TAA, TRA, ATAA, and RTAA?**

Answer: Yes. Funds for FY 2014 benefits and wage insurance obligations will be made available through the FY 2013 Advances to the Unemployment Trust (AUTF) appropriation, which made funds available through September 30, 2014. The AUTF appropriation makes funds available to the Federal Unemployment Benefits and Allowances (FUBA) account from which TAA, TRA, ATAA, and RTAA are paid.

47) **Question: Should states continue to submit UI required reports?**

Answer: States will continue to submit UI required reports just as they did before the shutdown, using the same process, software and deadlines. Please be aware that no technical or operational support will be available.

48) Question: Will states be able to access Reed Act Funds?

Answer: States will have full access to Reed Act Funds in their accounts in the UTF.

49) Question: Will there be any restrictions on State transfers to their accounts in the UTF?

Answer: There will be no restrictions on state transfers to the UTF.

50) Question: Will there be any impact on the cross-match with the Social Security Administration (SSA)?

Answer: No. SSA has advised the Department that the cross-match will be operational for states' use as under normal conditions.

51) Question: Will there be any impact on the National Directory of New Hires (NDNH) Operation?

Answer: HHS, which administers the NDNH database, has advised the Department that the NDNH system will be operational since it is automatically run. However, there will be minimal or no technical support should any issues arise.

52) Question: Will the Systematic Alien Verification for Eligibility (SAVE) system be operational?

Answer: The Citizenship and Immigration Services (CIS) has confirmed that SAVE will be operational during the shutdown.

53) Question: Will there be anyone available in Federal agencies to get information on wage credits for Federal Employees who file for UI?

Answer: The answer to this question is currently unknown; however, if a Federal agency does not respond to a Form 931 within the allotted time (within 12 days of the request date), the state agency will follow normal operating procedures using an affidavit process to determine both monetary and non-monetary eligibility. States will complete a Form 935, "Claimant's Affidavit of Federal Civilian Service, Wages and Reason for Separation," and ask the Federal employee to provide credible evidence of Federal employment such as a Standard Form 50 (SF-50), earnings and leave statements, or a W-2. One copy of the Form 935 will be forwarded to the Federal agency and one copy retained by the state as supporting documentation. Some Federal agencies may have staff working during a shutdown to complete the Form 931, "Request for Wage and Separation Information."

54) Question: Will the weekly UC claims report be published?

Answer: Yes, Federal staff will be available to publish the weekly claims report.

55) Will the EB and EUC trigger notices be published and, if not, what information will be used to determine entitlement status for claimants?

Answer: The trigger notices will be published during the shutdown using the latest available information. States will continue to report IUR triggers as the Department will have excepted personnel available to review and approve state determinations. Upon approval, states will follow the usual process to publicize and notify claimants of any IUR change. (See Q&As #53 and 54).

56) If TUR trigger data is not available during the shutdown and after resumption of operations TUR trigger data show that a state's EB or EUC status would have changed absent the shutdown, will states be required to retroactively change a claimant's entitlement status for the affected weeks and either pay additional amounts or attempt to collect benefits paid that wouldn't been paid absent the shutdown?

Answer: If the shutdown is more than three weeks in duration, entitlement status determined by the TUR indicator will be determined by new trigger notices, issued retroactively, only for the last three weeks of the shutdown. (See 20 CFR 615.12(d).)

57) How do states contact emergency DOL personnel and submit IUR trigger determinations?

Answer: The phone number to contact excepted personnel at the Department is: (202) 693-3029. Messages will be returned. Documents can be submitted by FAX at: (202) 693-3229. These phone numbers are NOT toll free.

58) What action, if any, will be taken if a state submits an application for an STC or an SEA grant?

Answer: STC applications that are received during a government shutdown will not be processed. These applications will be on hold. The deadline for SEA grant applications has passed; the deadline was August 14, 2013.

Other

59) Question: What impact, if any, would this have on any pending rulemaking deadlines?

Answer: Depending on the length of the possible government shutdown, it could mean that regulation development is delayed, and therefore, might affect the current Regulatory Agenda next action dates. For Notices of Proposed Rulemaking with open public comment periods, please check the www.regulations.gov website for guidance on submitting public comments.

60) Question: Will there be any additional costs/burdens imposed on grantees during a shutdown?

Answer: It is not possible to determine any additional costs at this time. However, as technical assistance will not be available, grantees may face additional burdens in operating grants in compliance with administrative and program requirements without benefit of ETA guidance.