

DEPARTMENT OF LABOR**Employment and Training
Administration****Unemployment Insurance Program:****Unemployment Insurance Program
Letter No. 37-99, UI PERFORMS
Performance Measures and Minimum
Performance, Criteria for Tier I
Measures****AGENCY:** Employment and Training
Administration, Labor.**ACTION:** Notice.

SUMMARY: UI PERFORMS is the Department of Labor's management system for promoting continuous improvement in Unemployment Insurance (UI) operational performance. Unemployment Insurance Program Letter (UIPL) No. 41-95 (August 24, 1995) described in detail the features of the UI PERFORMS performance management system, including Tier I performance measures, for which uniform national criteria representing minimum levels of acceptable performance would be established, and Tier II measures, for which no uniform national criteria would be established.

The proposed minimum performance criteria for UI PERFORMS Tier I measures were published in UIPL No. 4-99 (October 20, 1998) and the **Federal Register** (FR) at 63 FR 63544 (November 13, 1998). These issuances also proposed additional Tier II measures beyond those initially identified in UIPL No. 41-95 and invited the comments of State Employment Security Agency (SESA) Administrators and the public. This notice consists of the Department of Labor's responses to the comments that were submitted, and a UIPL which disseminates the minimum performance criteria for Tier I measures and their effective dates and describes the relationship of the Tier I and Tier II measures to the State Quality Service Plan (SQSP) process.

EFFECTIVE DATES: The effective dates for each of the minimum performance criteria for UI PERFORMS Tier I measures are provided in the summary table in section four of the UIPL.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra King, Director, Division of Performance Review, Unemployment Insurance Service, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room S-4231, Washington, DC 20210 (telephone: 202-219-5223, extension 160); or Andrew Spisak, who can be contacted at the same address or by telephone at 202-

219-5223, extension 157. (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION:**Background**

When the State-Federal Performance Enhancement Work Group (PEWG) established the outlines of the UI PERFORMS system for promoting continuous improvement in UI operational performance, it identified ten key measures for which uniform national criteria would be set. It called these "Tier I" measures. The criteria for these measures were to be interpreted as minimum levels which States always would be required to meet.

In November 1997, the Performance Enhancement Group (PEG) met for the first time in Washington, DC. The PEG is the successor to the PEWG, and, like the PEWG, is comprised of State and Federal employment security administrators. The PEG was convened to complete the design and implementation of the UI PERFORMS system.

The PEG ratified the PEWG's definitions of the performance measures and established three workgroups—Appeals, Benefits, and Tax—to develop recommendations for the criteria. Each group included Federal staff from the National and Regional Offices, and representatives from at least two States. The PEG developed guidelines for the workgroups to follow in developing their recommendations. The PEG also deferred setting a criterion for one Tier I measure, cashing timeliness, until a data collection methodology can be developed for that measure that can be applied uniformly by all States.

The workgroups' reports were presented to the PEG at its meeting in Washington, DC, on September 28-30, 1998. The PEG reviewed the workgroups' recommendations, both in terms of the individual Tier I measures and in light of their cumulative burden, and recommended appropriate adjustments. UIPL No. 4-99 and the November 13, 1998 FR Notice identified and discussed the proposed minimum performance criteria for UI PERFORMS Tier I measures and solicited the comments of the SESA administrators and the public on the proposed performance criteria.

**Summary of Comments and
Department of Labor Responses**

A total of 26 States submitted comments in response to UIPL No. 4-99. Six States submitted comments in response to the November 13, 1998 FR Notice, which provided a 60-day period for public comment on the proposed criteria. The comments of three of these

States were the same as the comments these States submitted in response to the UIPL. In addition to the States, two public interest groups submitted comments in response to the FR Notice.

The following sections identify the minimum criteria for the nine Tier I measures that were proposed in UIPL No. 4-99 and the November 13, 1998 FR Notice; summarize the comments; and give the Department of Labor's responses.

I. First Payment Timeliness

Proposed criteria effective fiscal year (FY) 2000: One aggregate measure combining total and partial/part-total first payments for intrastate and interstate State UI, Unemployment Compensation for Federal Employees (UCFE), and Unemployment Compensation for Ex-Servicemembers (UCX):

1. 87 percent within 14 days of the week-ending date of the first compensable week for States requiring a waiting week of unemployment and 21 days of the week-ending date of the first compensable week for non-waiting week States.

2. 93 percent within 35 days.

Proposed criteria effective FY 2002 or the first SQSP cycle following the issuance of the regulation governing UI PERFORMS, whichever is later:

One aggregate measure combining total and partial/part-total first payments for intrastate and interstate State UI, UCFE, and UCX:

1. 90 percent within 14 days of the week-ending date of the first compensable week for States requiring a waiting week of unemployment and 21 days for non-waiting week States.

2. 95 percent within 35 days.

Summary of Comments and the Department's Response: Thirteen States commented on this measure.

Two States supported the proposed criteria for the aggregate measure of first payment timeliness. One of these States also endorsed the proposal to establish separate Tier II measures for UI interstate, UCFE, and UCX first payments. Two States expressed their expectations of meeting the proposed criteria without commenting on the merits of the proposed criteria.

Nine States objected to the proposed criteria for the aggregate measure, although one of these States supported the current criterion for compliance in 20 CFR 640.5 of 87 percent of first payments issued within 14 days from the week-ending date of the first compensable week in States that require a waiting week and 21 days in States that do not require a waiting week. These nine States cited several reasons

for objecting, such as the inclusion in the measure of interstate UI, UCFE, and UCX claims (for which prompt first payments might be more difficult), State alternative base period provisions, the fact-finding efforts required to satisfy the nonmonetary quality review, the inclusion of payments resulting from appeals reversals, and State law provisions such as backdating claims for partial unemployment.

The Department believes that the proposed minimum criteria are administratively feasible, and that differences in State UI laws and procedures will not affect the ability of States to meet the criteria. For the period April 1998 through March 1999, 46 States met the current 14/21-day timeliness criterion for compliance in 20 CFR 640.5 for first payment of benefits for weeks of total unemployment for intrastate claims under the State UI program, and five of the seven States that did not meet the criterion were within five percentage points of meeting it. Fifty-two States met the 35-day timeliness criterion for compliance in 20 CFR 640.5 for first payment of benefits for weeks of total unemployment for intrastate claims under the State UI program, and 49 States met the 14/21-day criterion, and 51 States met the 35-day criterion in 20 CFR 640.5.

Performance data do not support the contention that including payments for interstate UI, UCFE, and UCX claims in the measure will preclude States from meeting the minimum criteria. From April 1998 through March 1999, only 3 of the 46 States that met the 14/21-day timeliness criterion for compliance in 20 CFR 640.5 for first payment of benefits for weeks of total unemployment for intrastate claims under the State UI program would fail to meet the same criterion applied to an aggregate timeliness measure that included first payments for weeks of total and partial/part-total unemployment for interstate and intrastate claims in the State UI, UCFE, and UCX programs.

For the same period, none of the 52 States that met the 35-day timeliness criterion for compliance in 20 CFR 640.5 for first payment of benefits for weeks of total unemployment for intrastate claims under the State UI program would fail to meet the same criterion applied to an aggregate timeliness measure.

The Department intends to issue a notice for comment on a proposed regulation establishing a UI PERFORMS

management system. The Department intends that this regulation will supersede 20 CFR Part 640. Comments submitted in response to the UI PERFORMS proposed regulation will be considered along with the comments submitted in response to UIPL No. 4-99 and the November 13, 1998 FR Notice prior to publishing a UI PERFORMS Final Rule. Until the UI PERFORMS Final Rule takes effect, the existing criteria for compliance with the Secretary's Standard for Unemployment Compensation benefit payment promptness (20 CFR 640.5) continues to be the minimum performance criteria for the first payment timeliness Tier I measure.

For first payments of weeks of total unemployment for intrastate State UI claims, consistent with 20 CFR 640.5, the minimum Tier I performance criteria are:

1. 87 percent within 14 days of the week-ending date of the first compensable week for States requiring a waiting week of unemployment and 21 days of the week-ending date of the first compensable week for non-waiting week States.

2. 93 percent within 35 days.

For first payments of weeks of total unemployment for interstate State UI claims, consistent with 20 CFR 640.5, the minimum Tier I performance criteria are:

1. 70 percent within 14 days of the week-ending date of the first compensable week for States requiring a waiting week of unemployment and 21 days of the week-ending date of the first compensable week for non-waiting week States.

2. 78 percent within 35 days.

II. Nonmonetary Determinations Timeliness

Proposed criteria effective FY 2002: Single aggregate measure including determinations for intrastate and interstate claims for State UI, UCFE, and UCX:

1. 80 percent of separation determinations issued within 21 days from date of detection by the SESA of any nonmonetary issue which had the potential to affect the claimant's past, present, or future benefit rights to date of the determination.

2. 80 percent of nonseparation determinations issued within 14 days from date of detection by the SESA of any nonmonetary issue which had the potential to affect the claimant's past, present, or future benefit rights to date of the determination.

Summary of Comments and the Department's Response: Fourteen States

and one public interest group commented on this measure.

Six States objected to the disparate treatment of separation and nonseparation determinations, because separation and nonseparation issues are detected often at the same time.

With respect to the point of time at which separation and nonseparation issues are detected, although both separation and nonseparation issues that must be adjudicated can arise when a new initial claim for UI benefits is filed, most nonseparation issues arise from continued claims. The Department believes that the proposed timeliness intervals for separation and nonseparation determinations ensure that UI claimants receive payments expeditiously while taking into account differences in the extent of fact-finding that is required to adjudicate separation and nonseparation issues. Recognizing that nonmonetary determinations vary in their degree of complexity, separation issues, in general, require that the agency contact and gather information from the claimant, one or more employers, and, in some instances, third parties in order to decide eligibility. Nonseparation issues can, more frequently than separation issues, be adjudicated on the basis of information obtained from the claimant or agency records. Therefore, a shorter time interval is justified for nonseparation issues.

Five States believed there was an inconsistency between the proposed criteria for the timeliness of nonmonetary determinations and the proposed criteria for first payment promptness. Three States cited examples in which nonmonetary determinations are required prior to the date by which the first payment must be issued. For example, one State cited a separation issue detected on a new initial claim on the 2nd of the month. In order to meet the proposed timeliness criteria, an eligibility decision would have to be issued by the 23rd, and, assuming the claimant was determined to be eligible for benefits, the first payment would be due within 14 days of the first compensable week. If the first compensable week ended on the 14th, the first payment must be issued no later than the 28th.

The Department does not agree that there is a conflict between the proposed timeliness criteria for first payment of benefits and nonmonetary determinations. The Department believes that it is, in fact, logical to require the nonmonetary issues to be adjudicated and claimant eligibility determined prior to the date by which a first payment must be issued.

Six States cited adjudication procedures, including due process requirements for notification and response and the practice of issuing nonmonetary determinations only after a week of unemployment has been claimed, as factors making it difficult to meet the proposed criteria.

The Department believes that many of the concerns cited by the States arise from a small number of more complex claims that are not typical of the majority of nonmonetary adjudications, so that for the totality of nonmonetary adjudications, the proposed criteria are administratively feasible.

With respect to States that do not issue nonmonetary determinations until a claim is filed, ET Handbook No. 301, page V-9, states that the issue detection date is, "[T]he date the SESA first detected the issue to which the nonmonetary determination applies. The exception to this rule is a case where the claimant fails to file a timely certification and the State has a policy of waiting for a week to be claimed prior to making a determination. In such cases, the detection date for the original unresolved issue(s) is the date the claimant subsequently files an additional or reopened claim."

Two States commented that the majority of States currently perform below the proposed criteria, and that it is unrealistic to expect dramatically improved performance by FY 2002. Conversely, the public interest group questioned the justification for delaying the effective date until FY 2002 when so many States are failing to achieve the criteria and questioned whether the Department currently has the authority to sanction these States.

The PEG discussed the issue of an appropriate effective date and agreed that, given the number of States currently performing below the minimum levels (34 States for the period April 1998 through March 1999) and the degree of improvement that is needed for several of the States to meet the criteria (only 5 of the 34 States not meeting the criteria were within 5 percentage points), an effective date prior to FY 2002 would not be realistic. A two-year delay in implementing these criteria will provide additional time for States to work with the Federal partner to identify those areas of UI operations that need to be addressed and to undertake actions required to improve performance and meet the criteria.

With respect to the ability to sanction States, the Department notes that currently there are no criteria specified in regulation for this measure. States which do not meet the minimum performance criteria for this measure

will be required to submit plans identifying the steps the State will take to achieve those criteria, and must demonstrate progress toward meeting them. However, the Department will not initiate formal action if State performance fails to meet a new criterion prior to its effective date, provided the Department has received and approved a satisfactory corrective action plan, and there is evidence of continuing progress in its achievement.

The public interest group commented also that timeliness should be measured from the date the claim is filed rather than from the date of detection. Measuring timeliness from the date of detection might discourage adjudicators from finding out what the actual issues are or pursuing leads of issues that are disclosed through fact-finding from sources other than the employer. The group also believes that it would also be easier to monitor timeliness measured from the claim date.

The Department notes that State nonmonetary adjudications are reviewed each quarter to evaluate the quality of the SESA's fact-finding efforts with respect to claimants, employers, and other interested parties. The Department has no evidence that measuring timeliness from the date of detection has an adverse effect on fact-finding. The Department also notes that, as defined in ET Handbook No. 401 (page V-3-6), "The issue detection date is the date the new, additional, or reopened claim is filed. If no issue exists at the time a claim is filed but information is later received that presents an issue, then the issue detection date is the date this information is received by the agency."

One State "strongly opposed" the requirement to produce improvement plans prior to the effective date of the criteria.

(Note: this State also applied this comment to the proposed criterion for nonmonetary quality.)

In order to achieve the goal of continuous program improvement, the Department believes that it is essential for the Department and the States to work cooperatively in identifying those practices and procedures that are necessary to raise the State's level of performance, especially for those States not meeting performance floors.

One State did not comment specifically on the proposed criteria but noted that it had previously expressed its concerns about the UI PERFORMS process.

III. Nonmonetary Determinations Quality

Proposed criterion effective FY 2002: 75 percent of all determinations with scores greater than 80 points, based on evaluation results of quarterly samples of nonmonetary determinations selected from the universe of nonmonetary determinations for intrastate and interstate claims for State UI, UCFE, and UCX, reported on the ETA 9052 report. Nonmonetary determination samples will be evaluated as instructed in ET Handbook No. 301 (rev. January 1998).

Summary of Comments and the Department's Response: Thirteen States and one public interest group commented on this measure.

Five States supported the proposed criterion in general. However, one of these States commented that the quality evaluation should be limited to discharge, voluntary quit, able and available, and job refusal issues. This State felt that inclusion of such issues as full-time employment and holiday pay will inflate the scores of some States. Another of these States urged the Department to increase its support and scheduling of benefits quality training.

The Department believes that it is important to include all nonmonetary issues in order to conduct a comprehensive evaluation of quality. Because the State quality samples are representative of the population of nonmonetary determinations, the State's aggregate score will reflect the relative importance of the four issue areas cited by the State. Further, the Department is committed to continue to schedule benefits quality training at various times and locations.

Three States questioned the scoring system used to evaluate the quality of nonmonetary determinations. One State felt that the quality evaluation is a *de facto* pass/fail system, because a deduction of points other than for an inadequate written determination will result in a score of less than 80 points, which is a failing score.

The Department believes that the nonmonetary quality measurement instrument produces a comprehensive and fair evaluation of the critical indicators of the quality of State nonmonetary procedures: adequacy of claimant, employer, and third party fact-finding; opportunity for rebuttal to the interested parties; correct application of State law and policy; and the adequacy of the written determination. Evaluators assign scores which reflect the State agency's performance in these critical areas. Scoring is conducted as a tripartite review in which at least one, and preferably two, of the reviewers are

nonmonetary experts from outside the State which is being evaluated. Five tripartite review options are available, depending on the composition of the review team (i.e., the mix of staff from the State being evaluated, staff from other States, and Federal staff) and the method used to resolve scoring disagreements. The tripartite review procedure is described in detail in ET Handbook No. 301, chapter IV and Appendix B.

Three States urged the Department to identify the reasons so many States fail to meet the criterion, including a reexamination of the evaluation measurement tool. One of these States urged that the States that are meeting the criterion share information with the other States on the reasons for their success, and another State urged the Department to collect information on State best practices, share these with all States, and use this information to provide technical and financial assistance to the States. Two States urged the Department to defer implementation of a minimum performance criterion until the Department and the States identify the reasons why so many States are failing to meet the proposed criterion.

As stated in UIPL No. 4-99 and the November 13, 1998 FR Notice, the Department will study the reasons why States fail to meet the minimum level of performance and will share this information with the States. The Department will also encourage States that are performing above the minimum level to share best practices with other States.

The PEG discussed the issue of an appropriate effective date and agreed that a two-year delay in implementing this criterion will provide States with sufficient time to undertake actions required to improve performance and meet the criterion. The Department believes that an effective date of FY 2002 is realistic, given the number of States currently performing below the minimum levels (26 States in calendar year 1998) and the degree of improvement that is needed for several of the States to meet the criterion (only 7 of the 26 States not meeting the criterion were within 5 percentage points).

One State commented that it would have to improve its performance for this measure without commenting on the merits of the proposed criterion. Another State did not comment specifically on the proposed criterion but noted that it had previously expressed its concerns about the UI PERFORMS process.

IV. Lower Authority Appeals Timeliness

Proposed criteria effective FY 2000:

1. 60 percent of decisions within 30 days. (Existing Secretary's Standard at 20 CFR 650.4(b))

2. 80 percent of decisions within 45 days. (Existing Secretary's Standard at 20 CFR 650.4(b))

Proposed criteria effective FY 2002 or the first SQSP cycle following the issuance of the regulation governing UI PERFORMS, whichever is later:

1. 60 percent of decisions within 30 days.

2. 85 percent of decisions within 45 days.

3. 95 percent of decisions within 75 days.

Summary of Comments and the Department's Response: Ten States commented on this measure.

Although two of the States that submitted comments supported the proposed criteria, eight States expressed concerns that centered on three issues: (1) The concern that improvements in timeliness will compromise quality and/or due process; (2) the ability to meet the proposed criteria during periods of high workloads; and (3) the justification for raising the 45-day performance criterion and adding a third criterion.

State performance data on lower authority appeals timeliness (ETA 9054 report) and quality (ETA 9057) do not support the contention that there is a trade-off between quality and promptness. For calendar year 1998, 48 States met the 30-day criterion for compliance in 20 CFR 650.4(b) for lower authority appeals promptness, and 50 States met the 45-day criterion for compliance in 20 CFR 650.4(b) for lower authority appeals promptness. Only four of the States meeting the 45-day timeliness criterion failed to meet the proposed lower authority appeals quality criterion of 80 percent of all benefit appeals with combined scores equal to at least 85 percent of the potential points that could be awarded for the evaluation. Only one of the States meeting the 45-day timeliness criterion failed to meet the current lower authority appeals quality desired level of achievement of 80 percent of all benefit appeals with combined scores equal to at least 80 percent of the potential points that could be awarded for the evaluation.

These quarterly evaluations of lower authority appeals quality include several elements addressing due process. Based on the results of these evaluations, the Department believes that the timeliness criteria will not compromise the due process rights of the interested parties.

With respect to the ability of States to meet the proposed criteria during periods of high workloads, the PEWG established, as one of the performance criteria guidelines, the principle that States would be expected to meet or exceed the criteria, unless attaining the established levels was not "administratively feasible" for the period measured. State workload is one of several factors that the State and the Department will consider when assessing administrative feasibility.

The proposal to raise the performance criterion for the 45-day timeliness measure and add a third criterion reflects the Department's goal of ensuring that a greater percentage of the cases are disposed of as efficiently as possible; that cases are not allowed to accumulate for long periods of time; and that parties to an appeal receive a hearing and decision in a reasonable amount of time. The third criterion for the issuance of 95 percent of lower authority appeals decisions within a specified period will encourage States to reduce the number of cases that have not been decided within 45 days.

Six States cited concerns about the effect on quality of the proposed new criterion for issuing 95 percent of lower authority appeals decisions within 75 days. Two States proposed modifying the criterion to require that States issue 90 percent of lower authority appeals decisions within 75 days.

The Department believes that in order to adequately address the case-aging concerns that motivated the PEG to propose a third criterion, the criterion must require that 95 percent of the lower authority appeals decisions be issued within a designated time period. This will ensure the disposition of all but the most complex cases within a reasonable time period. However, in order to provide States with more flexibility to adapt their lower authority appeals practices and procedures to the new criterion, the Department proposed, and the PEG agreed, to modify the criterion to require that States issue 95 percent of lower authority appeals decisions within 90 days, rather than 75 days.

One State suggested that the time lapse measure be replaced with an "average pendency level" measure, defined as the total number of days all appeals have been pending divided by the number of appeals.

The PEG decided that consideration of this measure should be deferred pending further study of State performance based on this measure and changes in State data collection procedures that would be required for its implementation.

The Department intends to issue a notice for comment on a proposed regulation establishing a UI PERFORMS management system. The Department intends that this regulation will supersede 20 CFR Part 650. Comments submitted in response to the UI PERFORMS proposed regulation will be considered along with the comments submitted in response to UIPL No. 4-99 and the November 13, 1998 FR Notice prior to publishing a UI PERFORMS Final Rule. Until the UI PERFORMS Final Rule takes effect, the existing criteria for compliance with the Secretary's Standard for Unemployment Compensation appeals promptness (20 CFR 650.4(b)) continues to be the minimum performance criteria for the lower authority appeals timeliness Tier I measure:

1. 60 percent of decisions within 30 days.
2. 80 percent of decisions within 45 days.

V. Higher Authority Appeals Timeliness

Proposed criteria effective FY 2000:

1. 50 percent of decisions within 45 days.
2. 80 percent of decisions within 75 days.
3. 95 percent of decisions within 120 days.

Summary of Comments and the Department's Response:

Nine States and one public interest group commented on this measure. A second public interest group endorsed the comments of the first.

One State described the proposed criteria as "fair and reasonable", and another State did not comment on the merits of the proposed criteria but stated that it would have no problem in meeting them.

Seven States expressed concerns that centered on one or more of three issues: (1) The ability to meet the proposed criteria during periods of high workloads; (2) the justification for adding a third criterion; and (3) the concern that improvements in timeliness will compromise quality and/or due process.

With respect to the ability of States to meet the proposed criteria during periods of high workloads, the PEWG established, as one of the performance criteria guidelines, the principle that States would be expected to meet or exceed the criteria, unless attaining the established levels was not "administratively feasible" for the period measured. State workload is one of several factors that the State and the Department will consider when assessing administrative feasibility.

The proposal to add a third criterion reflects the Department's goal of ensuring that a greater percentage of the cases are disposed of as efficiently as possible; that cases are not allowed to accumulate for long periods of time; and that parties to an appeal receive a hearing and decision in a reasonable amount of time. The third criterion for the issuance of 95 percent of higher authority appeals decisions within a specified period will encourage States to reduce the aging of cases that have not been decided within 75 days.

Four States disagreed with the proposed time interval for the 95 percent completion criterion and suggested alternative completion percentages and/or time intervals.

The Department believes that in order to adequately address the case-aging concerns that motivated the PEG to propose a third criterion, the criterion must require that 95 percent of the higher authority appeals be issued within a designated time period. This will ensure the disposition of all but the most complex cases within a reasonable time period. However, in order to provide States with more flexibility to adapt their higher authority appeals practices and procedures to the new criterion, the Department proposed, and the PEG agreed, to modify the criterion to require that States issue 95 percent of higher authority appeals decisions within 150 days, rather than 120 days.

Three States commented that due to the precedential and policy setting implication of their decisions, higher authority appeals often require additional time for fact finding, hearings, research, and drafting opinions. One of these States commented that appellants prefer the thoroughness and quality of the review process and the due process guarantees of their State law, to a speedy decision that does not include a careful review of the facts.

Based on State performance data, the Department believes that the proposed minimum performance criteria for higher authority appeals timeliness are reasonable and achievable, given the need to meet the due process requirements of State law and policy. For the period April 1998 through March 1999, 44 of the 50 States that provide for a higher authority appeals process met the 45-day and 75-day timeliness criteria, and 43 States met the proposed 150-day timeliness criterion.

The public interest group urged the establishment of a quality criterion for higher authority appeals, in addition to the timeliness measure. A second public interest group endorsed this recommendation.

The Department notes that developing a cost-effective method to measure higher authority appeals quality that all States can apply uniformly might be difficult. Nevertheless, because higher authority appeals quality is important, the PEWG established such a measure under Tier II, and the Department is committed to its development. As a Tier II measure, higher authority appeals quality will not have a minimum performance criterion. However, all UI PERFORMS measures, including their categorization as Tier I or Tier II measures, will be periodically reviewed.

VI. Lower Authority Appeals Quality

Proposed criterion effective FY 2000:

80 percent of all benefit appeals with combined scores equal to at least 85 percent of potential points, based on the results of quarterly samples of lower authority benefit appeals hearings selected and evaluated as instructed in ET Handbook No. 382 (2nd ed.).

Summary of Comments and the Department's Response: Six States commented on this measure.

Comments were generally positive, although one State commented that setting the minimum passing score at 85 percent of the potential points is a significant change from the current desired level of achievement, for which the minimum passing score is 80 percent of the potential points, and increases the likelihood that a case will fail the evaluation. This State urged postponement of the higher criterion until FY 2002 to allow States to correct any problems developing from the criterion.

Data for calendar year 1998 show that 46 States met the proposed criterion and 2 other States were within 5 percentage points of meeting the criterion. Therefore, based on State performance, the Department believes the criterion is reasonable and should not be postponed.

One State recommended that any hearing that fails any of the eight critical elements should fail the quality review.

The Department believes that it would be premature to propose a criterion for minimum performance with respect to the critical elements. After additional data are collected, State performance on these critical elements can be evaluated, and the role of these elements in setting minimum performance criteria can be considered when the Tier I measures are next reviewed.

VII. Timeliness of New Employer Status Determinations

Proposed criteria effective FY 2002:

1. 60 percent of determinations made within 90 days of the quarter ending date (QED).

2. 80 percent of determinations made within 180 days of the QED.

Summary of Comments and the Department's Response: Nine States commented on this measure.

Comments were generally positive, although one State proposed that for those employer determinations for which the tax office has not been notified timely that liability has occurred, the notification date (comparable to the date of detection for nonmonetary determinations) should be used to calculate timeliness instead of the QED.

The Department does not agree with this proposal, because relying on the employer notification date will remove any incentive for States to actively identify new employers. Further, the current reporting system does not use the notification date and, therefore, does not support this proposal.

VIII. New Employer Status Determinations Accuracy

Proposed criterion effective FY 2002: No more than 6 cases from an acceptance sample of 60 cases can fail the evaluation. This criterion implies that at least 95 percent of the samples will *pass* (that is, 6 or fewer cases will fail the evaluation) if State accuracy rate is greater than or equal to 94.5 percent, and that at least 90 percent of the samples will *fail* (that is, more than 6 cases will fail the evaluation) if State accuracy rate is less than or equal to 82.4 percent.

Summary of Comments and the Department's Response: Nine States commented on this measure.

Comments were generally positive, although 2 States questioned whether the proposed criterion of 6 failures in a sample of 60 cases should apply also to other Tax Performance System (TPS) measures.

Currently, no more than 2 cases in an acceptance sample of 60 cases may fail an evaluation for a TPS measure. This standard implies a level of performance higher than the level that is appropriate for Tier I measures, which are minimum performance levels. New Employer Status Determinations Accuracy is the only TPS acceptance sample measure that is in Tier I and, therefore, should be subject to a different criterion from other TPS measures.

One State sought clarification of whether this measure includes the accuracy of both the determination and the posting of the determination (that is, the accurate recording of the accounts

maintenance function information in the agency's records).

This measure will apply to the accuracy of the determination only. This includes the accuracy of the liability decision, whether the State followed correct procedures and obtained proper documentation, and whether it assigned the correct tax rate. Accuracy of the posting will be evaluated as a Tier II measure.

IX. Timeliness of Transfer From Clearing Account to Trust Fund

Proposed criterion effective for the FY 2000 and FY 2001 SQSP: A maximum of two days to transfer funds from the State clearing account to the State account in the Unemployment Trust Fund.

Effective with the FY 2002 SQSP: Maintenance of an annual ratio of the monthly average daily available balance (line 10, ETA 8414 report) to the average daily transfer to the trust fund (line 3, ETA 8405 report, divided by the number of days in the month) less than or equal to 1.75.

Effective with the FY 2005 SQSP: Maintenance of an annual ratio less than or equal to 1.0.

Summary of Comments and the Department's Response: Fourteen States commented on this measure.

Comments were mixed, with six States offering outright or qualified support for the proposed criteria. However, four States strongly objected to both the current timeliness and proposed ratio criteria on the grounds that States which finance banking services through clearing account balances would not be able to meet either the time lapse or ratio criteria. Two States noted that States would be forced to eliminate a source for paying for banking services in order to meet the criterion. Another State suggested that this measure be moved to Tier II, because State performance cannot be measured in a uniform manner, or that separate measures be developed for States funding lockbox operations through clearing account balances. One State urged the Department to provide States with incentives to make the transition to electronic filing and payment. One State "strongly" urged the Department to consider the funding of banking services in developing cash management performance measures.

The Department acknowledges the States' desire to maintain compensating balances in the clearing account to support State banking services and lockbox operations. However, the PEWG considered it important to establish a Tier I measure that reflects the immediate deposit and withdrawal

requirements. The PEG ratified this decision. Compensating balances in the clearing account are in direct conflict with Federal law governing the "immediate deposit" (section 3304(a)(3) of the Federal Unemployment Tax Act (FUTA) and section 303(a)(4) of the Social Security Act (SSA)) and "withdrawal" (section 3304(a)(4) of FUTA and section 303(a)(5) of the SSA) requirements. Under the "immediate deposit" standard, in order for employers in a State to receive credit against the Federal unemployment tax, and for States to receive their administrative grants, all UI taxes must be transferred to and deposited in the Unemployment Trust Fund immediately after going through the State's clearing account. Under the "withdrawal" standard, money must be withdrawn from the State's unemployment fund solely for payment of unemployment compensation. The use of such funds for "expenses of administration" is explicitly prohibited. Therefore, the constructive use of compensating balances by States is inconsistent with Federal law.

The President's FY 2000 budget proposal committed the Department to discuss UI and employment service reform with stakeholders and Congress for purposes of developing a comprehensive bipartisan legislative reform proposal. As a result of discussions which have occurred so far, two proposals are under consideration which, if enacted, would affect this criterion. The first would allow States to use earnings on moneys in the clearing account to pay routine banking costs. The second would allow also for the payment of additional costs such as those incurred in operating a lockbox. Should either of these changes become law, the criterion for this measure will be revised accordingly.

Two States sought a more complete discussion of the data reporting issues that need to be resolved as a prerequisite to the implementation of the ratio measure.

The Department believes that the proposal provides adequate time to resolve data reporting inconsistencies before the proposed ratio measure is introduced. The Department is committed to resolving these issues with the full participation of the States.

Two States expressed concern that use of the average daily available balance in the ratio measure would produce a skewed or misleading result due to the commingling of funds in the State clearing account that are not transferred to the trust fund.

The Department notes that States must identify and report separately

funds other than employer contributions that are deposited in the clearing account, which eliminates the potential for skewed or misleading results.

Three States believed the proposed ratio criterion will be more difficult to meet than the time lapse measure.

Performance data do not support the contention that States which are able to meet the 2-day time lapse criterion would have difficulty meeting the proposed ratio of 1.75 or less. For the reporting period April 1998 through March 1999, only 2 of the 31 States that met the 2-day time lapse criterion had ratios greater than 1.75. On the other hand, 7 States that failed to meet the 2-day time lapse criterion had ratios less than 1.75.

General Comments

Nine States and two public interest groups offered comments that were not specific to any measure.

- Two States requested clarification of the term "administratively feasible".

The Department measures administrative feasibility by observing and evaluating State performance. If States are performing at or above a minimum performance level of quality, promptness, etc., this constitutes evidence that a criterion is administratively feasible. However, a variety of evidence may be used to measure administrative feasibility. Because circumstances in States vary, the Department reserves the right to evaluate administrative feasibility on a case-by-case basis.

- One State requested that the reference to "persistent performance below the established criterion" be described or defined.

The period must be long enough to establish that the poor performance is not transitory, and also to allow the State a reasonable time to improve performance. In general, the Department believes that two years of continuous performance below the criterion demonstrates sustained poor performance. However, since circumstances in States vary, the Department reserves the right to handle performance problems on a case-by-case basis.

- Two States pointed out the difficulty of applying universal criteria to diverse State operations. One of these States expressed concern that States might be forced into standardizing their operations to meet national criteria, thereby compromising their rights in the State/Federal partnership.

The Department believes that uniform performance criteria must be applied as a matter of fairness and equity for States, employers, and UI claimants

across all jurisdictions. The application of different criteria in an attempt to take into account differences in State laws and administrative practices inevitably invites subjective judgments, which would be inconsistent with a national program improvement system such as UI PERFORMS. Among the principles for Tier I performance measures established by the PEWG and ratified by the PEG is the requirement that Tier I measures would have the same meaning in all States so that interstate comparisons are valid. In contrast, the PEWG and PEG recognized that some performance measures inherently reflect interstate variability and, accordingly, designated these as Tier II measures.

The Department believes that the Tier I measures represent core or critical areas of UI customer service and that the criteria are minimum levels, at or above which all States should be able to perform, regardless of differences in State operations.

- One State recommended that a customer satisfaction survey be added as a performance measure.

The Department will require States to include information on their plans for evaluating customer satisfaction and utilizing customer input to promote continuous improvement in the SQSP narrative. However, the Department does not agree that the results of State customer satisfaction surveys can be used as a Tier I measure. The Department believes that the results of State customer satisfaction surveys will reflect differences in survey design and administration. Therefore, these results cannot be used to establish uniform national criteria for Tier I measures.

We note that the Department's Unemployment Insurance Service (UIS) conducted a national survey of customer satisfaction and transmitted the final report to Regional Administrators via UIS Information Bulletin 6-99 (February 19, 1999). States may obtain copies by contacting their respective Regional Office.

- One State questioned whether resources in small States are adequate to achieve the performance criteria, given the commitment of resources required to achieve Y2K compliance of automated systems, and the need to commit resources to continuous program improvement, which have placed a strain on UI program operations, particularly in smaller States.

Although the Department is aware of the many demands on program resources, the Department believes that all States have the resources necessary to meet these minimum levels of UI program performance. State data do not indicate that there is any correlation

between State UI workload and State performance for the Tier I measures. An examination of the most recent annual performance data shows that the smaller States were no more likely to fail to meet the proposed criteria than were the larger States.

- One State questioned why no large States were represented on the PEG.

The Department asked the Interstate Conference of Employment Security Agencies (ICESA) to solicit State participation on both the PEWG and PEG and selected members from the State volunteers identified by ICESA.

- The public interest groups strongly urged the Department to implement all of the performance measures and minimum criteria in regulation, rather than through a UIPL and FR Notice, to provide added weight in achieving compliance.

The Department intends to establish a regulation governing the structure of the UI PERFORMS system. A principal goal of UI PERFORMS is the continuous improvement of the UI system. The Department believes that achieving this goal requires flexibility, especially in the early stages, and that the specification of performance measures and criteria through UIPLs and FR Notices, instead of through regulation, provides this flexibility and simplifies the process of changing the measures or criteria as needed. However, the Department will make no changes in the performance measures without providing advance notice and an opportunity for comment.

The Department is committed to reviewing performance measures and criteria periodically, as agreed to by the PEWG and affirmed by the PEG. Final determination of the criteria for the two current Secretary's Standards—first payment timeliness and lower authority appeals timeliness—will occur in conjunction with proposed UI PERFORMS rulemaking. The first periodic review of the full set of Tier I measures will occur not more than five years from the date of issuance, with the exception of the criteria for nonmonetary determinations timeliness, nonmonetary determinations quality, and new employer status determinations accuracy, which will be reviewed after two years.

- With respect to all of the timeliness measures, one of the public interest groups noted that the criteria do not impose any requirements with respect to those matters, above the maximum percentage listed, which do not meet the longest time interval. The group noted that both the Department and others need information on what has happened to those cases, because they, too, are

governed by the "payment of unemployment compensation when due" requirement of section 303(a)(1) of the Social Security Act. The group commented that State reports must continue to include information on the precise time lapses for these cases, and that the Department should review this data, make a factual inquiry into why those decisions have been delayed, and assess whether the State has met the administrative feasibility standard of the "when due" clause of section 303(a)(1), SSA, as interpreted in *California Dept. of Human Resources Development v. Java*, 402 U.S. 121, 91 S.Ct. 1347 (1971).

The Department will continue to require that States report UI program data for all time intervals defined in ET Handbook No. 401, including intervals greater than the maximum intervals specified for the Tier I timeliness measures. The Department will use this information as part of the SQSP process to achieve the UI PERFORM's goal of continuous program improvement.

Attached is UIPL No. 37-99, titled "UI PERFORMS Tier I and Tier II Performance Measures, and Minimum Performance Criteria for Tier I Measures".

Signed at Washington, DC, on June 28, 1999.

Grace A. Kilbane,

Director, Unemployment Insurance Service.

Date: July 1, 1999.

Directive: Unemployment Insurance Program Letter No. 37-99.

To: All State Employment Security Agencies.

From: Grace A. Kilbane, Director, Unemployment Insurance Service.

Subject: UI PERFORMS Tier I and Tier II Performance Measures, and Minimum Performance Criteria for Tier I Measures.

1. *Purpose.* To disseminate the performance measures that will be used to assess program operations and plans for program improvement, establish the minimum performance criteria for Tier I measures and their effective dates, and discuss the relationship of the Tier I and Tier II measures to the State Quality Service Plan (SQSP) process.

2. *References.* Unemployment Insurance Program Letter (UIPL) No. 41-95 (August 24, 1995), UIPL No. 19-98 (March 30, 1998), UIPL No. 34-98 (July 23, 1998), UIPL No. 4-99 (October 20, 1998), and **Federal Register**

Notice (FRN) 63 FR 63544 (November 13, 1998).

3. *Background.* The State-Federal Performance Enhancement Work Group (PEWG) established the outlines of the UI PERFORMS system for promoting continuous improvement in UI operational performance and identified performance measures for the performance management system. Ten of these measures were designated "Tier I" measures, for which uniform national criteria representing minimum levels of acceptable performance would be established.

UIPL No. 41-95 provided a detailed description of the UI PERFORMS system and solicited comments on the proposed system from State Employment Security Agency (SESA) administrators.

UIPL No. 41-95 included:

- A discussion of the principles of the State and Federal partnership, including the roles and responsibilities of each party.
- The identification of key performance measures, which were designated as either Tier I or Tier II measures.
- Ten Tier I measures were identified. These measures represent core or critical areas of UI customer service for which uniform national criteria would be established. States would address their performance for the Tier I measures annually through the SQSP.

- The Tier II measures were established for other important UI activities. States would report performance data on a regular basis to the Department of Labor; however, no performance criteria were established for Tier II measures. States would set performance targets for the Tier II measures in consultation with the Federal partner and plan for performance improvement through the SQSP process. The Tier II measures are listed in the Attachment.

- A general description of the continuous improvement, "Plan-Do-Check-Act" cycle, and a detailed discussion of the SQSP and the planning process, including the plan narrative, quantitative displays of performance data, and criteria to identify performance needing improvement.

- A discussion of Federal oversight, including technical assistance, financial assistance, rewarding State accomplishments, and actions to improve performance. This last activity includes the development of corrective action plans by States that fail to meet the minimum performance criteria, and conformity/compliance actions to address exceptional instances of continued failure to meet minimum levels of performance.

The PEWG's successor, the Performance Enhancement Group (PEG), ratified the performance criteria principles established by the PEWG. These principles were included in UIPL No. 4-99. PEG materials

related to the establishment of performance criteria for the Tier I measures were provided in UIPL No. 19-98, and UIPL No. 34-98 described the process for establishing the performance criteria.

The PEG also deferred setting a criterion for one of the ten Tier I measures, cashingier timeliness, until a data collection methodology can be developed for that measure that can be applied uniformly by all States.

The PEG established three workgroups—Appeals, Benefits, and Tax—to develop recommendations for the criteria for the nine other Tier I measures. Each workgroup included Federal staff from the National and Regional Offices and representatives from at least two States. The PEG developed guidelines for the workgroups to follow in developing their recommendations.

The workgroups' reports were presented to the PEG at its meeting in Washington, DC, on September 28-30, 1998. The PEG reviewed the workgroups' recommendations, both in terms of the individual Tier I measures and in light of their cumulative burden, and recommended appropriate adjustments.

UIPL No. 4-99 disseminated the proposed criteria and solicited the comments of the SESA Administrators. The November 13, 1998 FRN disseminated the proposed criteria and provided a 60-day period for public comment on the proposed criteria.

A total of 26 States submitted comments in response to UIPL No. 4-99. Six States submitted comments in response to the November 13, 1998 FRN. However, the comments of three of these States were the same as the comments these States submitted in response to the UIPL. In addition to the States, two public interest groups submitted comments in response to the FRN.

4. *Definitions, Criteria, and Effective Dates.* Tier I criteria will be used to assess State performance beginning with the SQSP cycle shown in the following Tier I performance measure table. States which do not meet minimum performance criteria which become effective in fiscal year (FY) 2002 (or later) will be required to submit plans identifying the steps the State will take to achieve those criteria, and must demonstrate progress toward meeting them. However, the Department of Labor will not initiate formal action if State performance fails to meet a new criterion prior to its effective date, provided the Department of Labor has received and approved a satisfactory corrective action plan and evidence of continuing progress in its achievement.

State performance assessment is discussed in detail in the State Quality Service Plan Handbook (ET Handbook No. 336, 16th Edition).

Tier I measure	Effective date/criterion Fiscal year—		
	2000 SQSP	2002 SQSP	2005 SQSP

First Payment Timeliness: Number of days elapsed from week-ending date of the first compensable week in benefit year to date payment is made in person, mailed, or offset or intercept is applied on the claim. Source: ETA 9050 report.

Percent of 1st Payments within 14/21 days: Intrastate UI, full weeks	87
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Tier I measure	Effective date/criterion Fiscal year—		
	2000 SQSP	2002 SQSP	2005 SQSP
Percent of 1st Payments within 35 days: Intrastate UI, full weeks	93	.....	.....
Percent of 1st Payments within 14/21 days: Interstate UI, full weeks	70	.....	.....
Percent of 1st Payments within 35 days: Interstate UI, full weeks	78	.....	.....
Percent of 1st Payments within 14/21 days: Intrastate + Interstate UI, UCFE, UCX programs, full + partial/part-total weeks .....	.....	*90	*90
Percent of 1st Payments within 35 days: Intrastate + Interstate UI, UCFE, UCX programs, full + par- tial/part-total weeks .....	.....	*95	*95
Nonmonetary Determinations Timeliness: Number of days elapsed from date of detection by the SESA of any nonmonetary issue which had the potential to affect the claimant's past, present or future benefit rights to date of the determination. Source: ETA 9052 report.			
Percent of separation determinations within 21 days of detection date: Intrastate + Interstate UI, UCFE, UCX .....	.....	80	80
Percent of nonseparation determinations within 14 days of detection date: Intrastate + Interstate UI, UCFE, UCX .....	.....	80	80
Nonmonetary Determinations Quality: Evaluation results of quarterly samples of nonmonetary determinations selected from the universe of non- monetary determinations reported on the ETA 9052 report, as instructed in ET Handbook No. 301 (revised January 1998). Source: ETA 9056 report.			
Percent of separation and nonseparation determinations with quality scores >80 points: Intrastate + Interstate UI, UCFE, UCX .....	.....	75	75
Lower Authority Appeals Timeliness: Number of days elapsed from the date the request for a lower authority appeals hearing is filed to date of the decision. Source: ETA 9054 report.			
Percent of lower authority appeals decided within 30 days of filing: Intrastate + Interstate UI, UCFE, UCX	60	*60	*60
Percent of lower authority appeals decided within 45 days of filing: Intrastate + Interstate UI, UCFE, UCX	80	*85	*85
Percent of lower authority appeals decided within 90 days of filing: Intrastate + Interstate UI, UCFE, UCX .....	.....	*95	*95
Higher Authority Appeals Timeliness: Number of days elapsed from the date a higher authority appeal is filed to date of the decision. Source: ETA 9054 report.			
Percent of higher authority appeals decided within 45 days of filing: Intrastate + Interstate UI, UCFE, UCX	50	50	50
Percent of Higher authority appeals decided within 75 days of filing: Intrastate + Interstate UI, UCFE, UCX	80	80	80
Percent of higher authority appeals decided within 150 days of filing: Intrastate + Interstate UI, UCFE, UCX	95	95	95
Lower Authority Appeals Quality: Evaluation results of quarterly samples of lower authority benefit appeals hearings selected and evaluated as instructed in ET Handbook No. 382 (2nd Edition). Source: ETA 9057 report.			
Percent of lower authority appeals with quality scores equal to at least 85% of the potential points: Intrastate + Interstate UI, UCFE, UCX	80	80	80
New Employer Status Determinations Timeliness: Number of days elapsed from last day of the quarter (Quarter Ending Date—QED) in which li- ability occurred to date of determination (date that the status information was officially entered into the State's system). Source: ETA 581 report.			
Percent of status determinations for newly established employers made within 90 days of the QED ..	60	60	60
Percent of status determinations for newly established employers made within 180 days of the QED	80	80	80
New Employer Status Determinations Accuracy: Accuracy of status determinations based on the application of a review instrument for an an- nual acceptance sample selected from a universe of all status determinations for new and reactivated employers made during one com- plete calendar year, as instructed in ET Handbook No. 407 (revised December 1998). This measure includes only the accuracy of the de- termination, not the posting.			
Pass new employer status determinations accuracy acceptance sample: No more than 6 failed cases in a sample of 60 .....	.....	Pass	Pass

Tier I measure	Effective date/criterion Fiscal year—		
	2000 SQSP	2002 SQSP	2005 SQSP
Timeliness of Transfer from Clearing Account to Unemployment Trust Fund (UTF):			
Average number of days funds are on deposit in the State clearing account before transfer to the State account in the UTF, estimated from total deposits to the clearing account and total daily ledger balance reported on the ETA 8414 report	<=2 days	.....	.....
Ratio of average daily loanable balance in clearing account to average daily transfer to UTF: Ratio of the monthly average daily loanable balance (line 10, ETA 8414 report) to the average daily transfer to the Trust Fund (line 3, ETA 8405 report, divided by the number of days in the month) ..		<=1.75	<=1.0
Timeliness of Deposit to the Clearing Account: Elapsed time from the State's receipt of employer contributions to their deposit in the clearing account, estimated from a random sample of contributions received by the State during a specified time interval.			
Criterion deferred until uniform measurement methodology is developed .....	.....	.....	.....

*The criteria proposed for First Payment Timeliness and Lower Authority Appeals Timeliness will not be effective unless and until the final UI PERFORMS regulation replaces the existing criteria for compliance in 20 CFR 640.5 and 20 CFR 650.4(b).

5. *Periodic Review and Affirmation or Revision.* The Department of Labor is committed to reviewing performance measures and criteria periodically, as agreed to by the PEWG and affirmed by the PEG. Final determination of the criteria for the two current Secretary's Standards—first payment timeliness and lower authority appeals timeliness—will occur in conjunction with proposed UI PERFORMS rulemaking. The first periodic review of the full set of Tier I measures will occur not more than five years from the date of issuance, with the exception of the criteria for nonmonetary determinations timeliness, nonmonetary determinations quality, and new employer status determinations accuracy, which will be reviewed after two years. The reviews will include all State performance data for these measures available at the time of the review.

6. *Action Required.* SESA Administrators are requested to provide this information to appropriate staff.

7. *Inquiries.* Please refer inquiries to the appropriate Regional Office.

8. *Attachment.* UI PERFORMS Tier II measures.

Attachment

UI PERFORMS Tier II Measures

Benefits Payment Timeliness Measures

1. Intrastate UI First Payments Timeliness*
2. Interstate UI First Payments Timeliness*
3. UI First Payments Timeliness (Partials/Part Totals)
4. UCFE First Payments Timeliness
5. UCX First Payments Timeliness
6. Continued Weeks Payments Timeliness*
7. Continued Weeks Payments Timeliness (Partials/Part Totals)
8. Workshare First Payments Timeliness
9. Workshare Continued Weeks Payment Timeliness

*Includes Total and Partials/Part-Total payments.

Nonmonetary Determinations Timeliness Measures

10. Intrastate Separation Determinations Timeliness

11. Intrastate Nonseparation Determinations Timeliness
 12. Interstate Separation Determinations Timeliness
 13. Interstate Nonseparation Determinations Timeliness
 14. Nonmonetary Issue Detection Timeliness
 15. Nonmonetary Determinations Implementation Timeliness
- Appeals Timeliness Measures
16. Implementation of Appeals Decision Timeliness
 17. Employer Tax Appeal Timeliness [to be developed]
 18. Lower Authority Appeals, Case Aging
 19. Higher Authority Appeals, Case Aging
- Combined Wage Claims Timeliness Measures
20. Combined Wage Claim Wage Transfer Timeliness
 21. Combined Wage Claim Billing Timeliness
 22. Combined Wage Claim Reimbursements Timeliness

Tax Timeliness Measures

23. Contributory Employer Report Filing Timeliness
24. Reimbursing Employer Report Filing Timeliness
25. Securing Delinquent Contributory Reports Timeliness
26. Securing Delinquent Reimbursing Reports Timeliness
27. Resolving Delinquent Contributory Reports Timeliness
28. Resolving Delinquent Reimbursing Reports Timeliness
29. Contributory Employer Payments Timeliness
30. Reimbursing Employer Payments Timeliness
31. Successor Status Determination Timeliness (within 90 days of Quarter End Date)
32. Successor Status Determination Timeliness (within 180 days of Quarter End Date)

Appeals Quality Measures

33. Lower Authority Appeals Due Process Quality
34. Higher Authority Appeals Quality—[to be developed]

Tax Quality Measures

35. Employer Tax Appeals Quality—[to be developed]
36. Delinquent Reports Resolution Quality
37. Collection Actions Quality
38. Turnover of Contributory Receivables to Tax Due
39. Turnover of Reimbursing Receivables to Tax Due
40. Writeoff of Contributory Receivables to Tax Due
41. Writeoff of Reimbursing Receivables to Tax Due
42. Contributory Accounts Receivable as a Proportion of Tax Due
43. Reimbursing Accounts Receivable as a Proportion of Tax Due
44. Field Audits Quality
45. Field Audit Penetration, Employers
46. Field Audit Penetration, Wages
47. Percent Change as a Result of Field Audit

Benefits Accuracy Measures

48. Paid Claim Accuracy
49. Denied Claim Accuracy [under development]

Tax Accuracy Measures

50. Posting New Determinations Accuracy
51. Successor Determinations Accuracy
52. Posting Successor Determinations Accuracy
53. Inactivating Employer Accounts Accuracy
54. Posting Inactivations Accuracy
55. Employer Reports Processing Accuracy
56. Contributory Employer Debits/Billings Accuracy
57. Reimbursing Employer Debits/Billings Accuracy
58. Employer Credits/Refunds Accuracy
59. Benefit Charging Accuracy
60. Experience Rating Accuracy

Benefit Payment Control Measures

61. Benefit Payment Control, Establishment Effectiveness [under development]
62. Benefit Payment Control, Collection Effectiveness [under development]

[FR Doc. 99-17895 Filed 7-13-99; 8:45 am]

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