

Instructions for Completing the Form MA 8-7

1. Material to be Submitted.

a. Statutory Material – Proposed and Enacted Legislation. Amendments pertaining to the establishment and operation of the UC law and UC program are required to be submitted. For purposes of conformity, the state's UC law includes statutes that affect the administration and the interpretation of the state's UC law, even though the statute may not be part of the state's UC code. For example, if an amendment made to a state law other than the UC code classifies a worker as an employee or independent contractor for UC purposes, the legislation is part of the state's UC law and must be submitted for review.

Submitting proposed legislation assists the Department in providing early assistance to the states in identifying and preventing issues. States should submit proposed legislation as soon as it becomes available and provide comment on the proposal's chance for passage with a request for an expedited review and comment, if appropriate.

Exception: Introduced and enacted state legislation are available to the Department through an automated legislative reporting service for all states except Puerto Rico and the Virgin Islands. States with information that is made available through this reporting service are not required to submit introduced and enacted legislation, although states are encouraged to advise the Department as soon as possible of bills likely to be enacted. Note this exception does not pertain to amendments to a bill after it has been introduced. These amendments must be submitted.

b. Rules and Regulations – Proposed and Final. All proposed and final rules and regulations that implement or interpret the UC law or other laws affecting the UC program must be submitted. These rules and regulations may pertain to matters such as covered employment, employer records and required reports, contributions, benefit eligibility and interpretation, and claims filing and processing.

As in the case of statutory amendments, submitting proposed rules for Departmental review assures any problems are identified and resolved early in the rulemaking process.

Exception: As is the case with state legislation, proposed and final rules are generally available to the Department through an automated legislative reporting service for all states except Puerto Rico and the Virgin Islands. States with information that is made available through this reporting service are not required to submit proposed and final rules.

c. Official Interpretations. All official interpretations of any provision of the UC law made by representatives of the state agency or other state agency must be submitted for review. These include administrative policy statements concerning the interpretation of any

provision of the UC law, which may include guidance to field staff, any letters giving opinions on questions of general application of the provision of state laws or regulations to third parties, as well as all opinions of the state Attorney General expressing the official interpretation of any state UC statute, amendment or regulation.

d. Decisions and Orders Issued by State Courts, including Material Related to Consent Orders. All decisions and orders issued by state courts involving UC benefits and taxes must be submitted for review to ensure that interpretation of state law does not conflict with Federal law. Copies of the administrative decision reviewed are to be included in the submission. All court cases should be submitted, even if the state determines these are not precedent-setting.

States are also to submit proposed consent orders. As in the case of proposed laws and regulations, reviewing these proposed orders allows the Department to identify and assist in resolving any issues under Federal law.

Exception: States should not submit decisions or orders that are issued without an opinion or analysis. These include cases where a court dismisses an appeal for a party's failure to pursue the case or affirms an administrative ruling without decision.

Federal court matters are not covered under this submittal requirement as they pertain to Federal interpretations of Federal law. States should immediately advise the Department when a matter involving Federal UC law, including the conformity provisions of FUTA and the SSA, reaches Federal court so that the Department may determine whether Federal participation in the case is desirable or necessary.

e. Precedential Administrative Decisions. The decisions issued by the first and second level appeals authorities that are considered precedent-setting must be submitted so that the Department may ascertain whether the interpretation of state law is consistent with Federal UC law.

f. Appellate Decisions in Federal UC programs. Decisions pertaining to the UCFE, UCX, and TAA/TRA programs that are based on an interpretation of the Federal laws or regulations must be submitted; decisions based on state law need not be submitted. For example, a state need not submit a decision applying a state law's "able and available" provisions pertaining to these programs.

It is expected that very few UCFE and UCX decisions will be submitted since most issues that are adjudicated for UCFE/UCX benefits are based on the states' UI laws, including separation issues for UCFE; states do not adjudicate separations from military service for UCX claims.

When it is appropriate to submit a decision based on an interpretation of Federal laws or regulations, in all cases where second level decisions are submitted, include the lower authority decision that was reviewed.

Note: Disaster Unemployment Assistance (DUA) appeals material should not be submitted using the MA 8-7. The state agencies are to submit a copy of any appeal decision issued to the appropriate Regional Administrator (RA). The RA will then submit these appeal decisions as appropriate to the National Office. See 20 CFR 625.10(b)(2).

The Department reserves the right to obtain additional information, as needed, for these Federal UC programs.

2. Submission Requirements.

a. Use of separate forms. To assure that information related to Federal UC programs (UCFE, UCX, and TAA/TRA) is properly routed, material relating to these programs should not be included with material relating to the administration of the state's law. Otherwise, material may be bundled together.

b. Fill out the Form MA 8-7 completely. Fill in the "From" section of the form, identify the type of material that is being submitted, and sign the form. If appropriate, briefly describe the material in the comments section of the form.

c. Time frame for Submission. The MA 8-7 is not required to be submitted on a specific time frame. Instead, it is to be used only when the state has material to submit. However, states should submit material promptly to allow for Departmental review prior to the expiration of time frames for appeal or legislative action.

d. Address. The address for submittal is preprinted on the MA 8-7 as follows:

U.S. Department of Labor
Employment and Training Administration
Office of Workforce Security
Room S-4231
200 Constitution Avenue N.W.
Washington, DC 20210