

**Transmittal for Unemployment
Insurance Materials**

**U.S. Department of Labor
Employment and Training Administration**

OMB Approval No. 1205-0222
Expires: XX/XX/XXXX

To: U.S. Department of Labor Employment and Training Administration Office of Unemployment Insurance Room S-4524 200 Constitution Ave., N.W. Washington, D.C. 20210	From: (State)
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Check Appropriate Box(es)

- ☐ **Statutory Material - Proposed and Enacted Legislation**
- ☐ **Rules and Regulations - Proposed and Final**
- ☐ **Official Interpretations/Precedential Administrative Decisions**
- ☐ **Decisions and Orders Issued by States Courts, including material related to Consent Orders**
- ☐ **Appellate Decisions in Federal UC Programs**

Comments:

Signature of Designated Official	I Typed Name and Title	I Date

Comments:

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Estimated Average Response Time:

OMB Burden Statement:

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Respondent's obligation to reply to these reporting requirements are mandatory (20 CFR 601.2 and 601.3). Public reporting burden for this collection of information is estimated to average one minute per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Unemployment Insurance, Room S4231, 200 Constitution Avenue, N.W. Washington, D.C. 20210 or email eta-ui-inquiries@dol.gov.

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.

The Department reserves the right to obtain additional information, as needed, in order to review statutory material.

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.

The Department reserves the right to obtain additional information, as needed, in order to review rules and regulations.

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, policy changes based on decisions issued by the first and second level appeals authorities that are precedent-setting, as well as all opinions of the state Attorney General expressing the official interpretation of any state UC statute, amendment or regulation.

The Department reserves the right to obtain additional information, as needed.

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 that are issued without an opinion or a legal analysis. Cases where a court dismissed an appeal for a party's failure to pursue the case or affirmed an administrative ruling without a decision should not be included.

The Department reserves the right to obtain additional information, as needed, in order to review decisions and orders issued by state courts.

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. 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, and 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 ensure 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 Department strongly prefers to receive these submissions via email to OUI-MA8-7@dol.gov. States may also submit by mail. The address for submittal is preprinted on the MA 8-7 as follows:

U.S. Department of Labor
Employment and Training
Administration Office of Unemployment
Insurance
Room S-4524
200 Constitution Avenue N.W.
Washington, DC 20210