

# EMPLOYMENT DEPARTMENT

## DIVISION 30

### UNEMPLOYMENT INSURANCE

#### Benefits and Claims

471-030-0080

#### Career and Technical Training

- (1) Career and technical training, as defined in ORS 657.335, shall not be approved by the Director unless the public or private institution, school, or agency offering such program is certified or licensed by the Oregon State Board of Education, the Superintendent of Public Instruction, the Oregon Workforce Investment Board, or another Oregon State agency authorized to grant such certification or license or an equivalent state agency in the state where the training is to be provided.
- (2) Career and technical training shall not be approved by the Director if the Director finds that the planned curriculum of classes and course activity is less than the equivalent of full-time student status as defined by the training provider. The Director may waive this requirement if:
  - (a) Classes needed to complete the training are not available to the individual; or
  - (b) The number of classes needed to complete the training is less than the equivalent of a full-time schedule.
- (3) To receive benefits for any week during career and technical training, a dislocated worker who is otherwise eligible for unemployment insurance benefits must:
  - (a) Submit a written application for approval of career and technical training on forms prescribed or approved for such purpose by the Director, with the Employment Department Benefits Section — UI Training Programs Unit within 90 days of:
    - (A) Certification as a dislocated worker; or
    - (B) Termination from the dislocating employment; or
    - (C) The filing of a claim for unemployment insurance benefits; and
  - (b) Submit to the Employment Department a timely claim for such week in accordance with OAR 471-030-0045(4) which establishes the individual:
    - (A) Was physically present in the individual's labor market as defined in OAR 471-030-0036(6); and
    - (B) Attended and participated in all scheduled classes for each week of approved career and technical training; or
    - (C) If the individual failed to attend or participate in all scheduled classes during the week, was able and available for work; and
  - (c) At the end of each term provide to the Employment Department grades or completion of program documentation from the training facility which certifies that the claimant was satisfactorily pursuing the approved career and technical training; and
- (4) Decisions of the Director to approve or disapprove an application for course approval or to discontinue such approval for one or more weeks during career and technical training or to

approve or deny supplemental benefits under the provisions of ORS 657.335 through 657.360 shall be in writing, shall set forth the reasons therefore, and shall be served upon the claimant by mailing to the claimant's last known address of record with the Employment Department.

- (5) As used in ORS 657.335(1):
- (a) "Eligible dislocated workers" includes:
    - (A) For purposes of ORS 657.345(1), any worker attending training financed wholly or in part, or directly delivered by, a recipient or subrecipient administering Title 1B of the Workforce Investment Act of 1998 (P.L. 105-220).
    - (B) For purposes of ORS 657.345(2), any worker identified as dislocated by the Employment Department under ORS 657.335(1).
  - (b) "Unlikely to return to their previous industry or occupation" includes the following:
    - (A) The individual has been identified as meeting the Worker Profiling Program participation threshold developed by the Employment Department, or
    - (B) The individual has been permanently separated from an employer in an occupation identified as declining by the Employment Department in that geographic area in which the claimant resides, or
    - (C) The individual has been evaluated and referred to training by a vocational rehabilitation provider, including but not limited to Vocational Rehabilitation Division, Workers Compensation Division, or a private insurance carrier.
  - (c) "Long-term unemployed" means unemployed from the dislocated occupation for at least 15 of the last 26 weeks or for at least 8 consecutive weeks immediately prior to application (including survival jobs during such period).
- (6) In applying the provisions of ORS 657.340, the Director may approve a program of instruction, including transfer credit programs of instruction given at community colleges, leading toward a baccalaureate or higher degree or training that has for its purpose the preparation of persons for employment in occupations which require a baccalaureate or higher degree from institutions of higher education if:
- (a) The individual does not have significant transferable skills for other occupations in the statewide labor market;
  - (b) Unless previously approved in accordance with the provisions of Title 1B of the Workforce Investment Act of 1998 (P.L. 105-220), the individual is within 48 quarter credit hours (or the semester equivalent) from completing the baccalaureate or higher degree; and
  - (c) Completing the baccalaureate or higher degree offers the best chance of long term employment.
- (7) As used in ORS 657.340(2), "attendance in career and technical training" means the period of time beginning with the starting date of the training and ends with satisfactory completion of the training program. The period of time defined in this section includes customary academic recesses for holidays and between academic terms but does not include the customary academic summer recess. For purposes of applying ORS 657.340(2), an individual may be determined not to be in "attendance in career and technical training" as defined in this section if the individual fails to demonstrate satisfactory progress and attendance as defined in section (3) of this rule.
- (8) As used in ORS 657.340(3), "terms and conditions" includes "benefit year" as defined in ORS 657.010(3). In applying the provisions of ORS 657.340(3), the benefit year of an eligible

dislocated worker may be extended, whether or not the benefit year has expired, if the eligible dislocated worker has not filed a subsequent initial claim establishing a new benefit year.

- (9) The determination that an individual meets the definition of dislocated worker may be made by the Employment Department for purposes of paying benefits under ORS 657.335 to 657.360.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.335 - 657.360

Hist.: 1DE 150, f. & ef. 2-9-76; 1DE 1-1983(Temp), f. & ef. 3-9-83; 1DE 2-1983, f. & ef. 8-12-83; ED 1-1991, f. & cert. ef. 4-1-91; ED 4-1991(Temp), f. & cert. ef. 12-30-91; ED 3-1992, f. & cert. ef. 6-29-92; ED 4-1992(Temp), f. & cert. ef. 10-19-92; ED 1-1993, f. & cert. ef. 3-22-93; ED 4-1994, f. & cert. ef. 9-2-94; ED 1-1996, f. 4-24-96, cert. ef. 4-29-96; ED 5-2000, f. 10-6-00, cert. ef. 10-8-00 thru 4-6-01; ED 5-2001(Temp), f. 4-6-01, cert. ef. 4-7-01 thru 10-4-01; ED 6-2001, f. 4-20-01, cert. ef. 4-22-01; ED 8-2002, f. 11-22-02 cert. ef. 11-24-02; ED 11-2003, f. 7-25-03, cert. ef. 7-27-03; ED 10-2005, f. 12-29-05, cert. ef. 1-1-06; ED 11-2008, f. & cert. ef. 9-16-08