



Unemployment Insurance Advisory Committee

Meeting details

Date: Friday, February 12, 2021

Time: 2:00 p.m. to 3:00 p.m.

Location: Zoom

Committee members present

- Robert Battles
- Julia Gorton
- Tammie Hetrick
- Sybill Hyppolite
- Kevin Perkey
- Josh Swanson
- Jerry VanderWood
- Brenda Wiest

Committee members absent

- Cindy Richardson

ESD staff

- Joy Adams
- Ashlee Delaney
- Nick Demerice
- Joshua Dye
- Stasha Espinosa
- Wendy Goldmark
- Matt LaPalm
- Nona Mallicoat
- Scott Michael
- Jairus Rice
- Jeff Robinson
- Brenda Westfall
- Dan Zeitlin

Summary

Meeting Recorded

This meeting was recorded and is available at <https://esd.wa.gov/newsroom/UIAC/recordings>.

This meeting was also livestreamed by TVW and the broadcast can be found at <https://www.tvw.org/watch/?clientID=9375922947&eventID=2021021281>

Welcome and Opening Remarks

Employment Security Department (ESD) Policy Director, Dan Zeitlin, welcomed everyone and asked Wendy Goldmark to take roll call. All committee members were present, except Cindy Richardson.

Agenda

Dan Zeitlin reviewed the meeting agenda and asked if anyone had any questions. (See Addendum I.)

Meeting Minutes

Dan Zeitlin requested that everyone review the meeting minutes for January 6, 2021 and provide their feedback. Brenda Wiest made a motion to approve the minutes and Julia Gorton seconded the motion. Dan asked for all members in favor to say, “Aye”. All members responded, “Aye”. Dan asked members that disapprove to say, “Nay”. No one responded. The January 6, 2021 meeting minutes were approved.

UI Policy Discussion

Dan Zeitlin opened the meeting discussion with a [slide presentation](#) and covered the topics below:

- Federal UI Program Update
- State UI Legislative Update
- Governor’s Proposal (SB5061) Implementation
- Rulemaking Update

Federal Continued Assistance Act (CAA): Enacted Provisions

Federal Provision Extensions

- Waiting Week: Federal financing extended at 50% from December 26, 2020 through March 14, 2021. State proclamation waiving the waiting week expired. SB 5061 waives when fully funded/permanent rulemaking required for partial funding.
- Shared Work: Federal financing of benefits extended through March 14, 2021; state proclamation preventing employer charging expired on January 4, 2021. SB 5061 reinstates non-charging (signed February 6, 2021).
- Reimbursable Employers: Federal financing of 50% of benefits paid to employees of reimbursable employers extended through March 14, 2021.
- Trust Fund Loan Interest: Interest free federal loans for states that must borrow to maintain UI trust fund solvency extended through March 14, 2021.

CAA Implemented by ESD**Pandemic Emergency Unemployment Compensation (PEUC)**

- Extends PEUC to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021.
- Increases the number of weeks of PEUC benefits an individual may claim from 13 to 24.

Pandemic Unemployment Assistance (PUA)

- Extends PUA to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021.
- Increases the number of weeks of benefits an individual may claim from 39 to 50.
- Limits payment of retroactive PUA benefits to weeks of unemployment after December 1, 2020.

Federal Pandemic Unemployment Compensation (FPUC)

- Restores the supplemental FPUC payment at \$300 per week from December 26, 2020 through March 14, 2021.

Dan Zeitlin handed the meeting over to Joy Adams, who proceeded with the presentation.

CAA: ESD Implementation in Progress**Pandemic Unemployment Assistance (PUA)**

- Provides states authority to waive overpayments made without fault on the part of the individual or when such repayment would violate equity and good conscience.
- Requires individuals receiving PUA as of January 31, 2021 to submit documentation to substantiate employment or self-employment.

CAA: Not Yet Implemented by ESD**Mixed Earner Unemployment Compensation (MEUC)**

- Provides a federally funded \$100 per week additional benefit from December 26, 2020 to March 14, 2021 to individuals who have at least \$5,000 a year in self-employment income but are disqualified from receiving PUA because they are eligible for regular state unemployment benefits.

CAA: Extended Benefits**Extended Benefits (EB)**

- Federal financing extended through March 14, 2021.
- Provides a temporary waiver of the mandatory “EB freeze period” (13 weeks) for states that trigger back onto the program because of fluctuations in their unemployment rates.
- Allows claimants to receive all eligible extended benefits even if their 52-week unemployment benefit year has expired.

Joy Adams handed the meeting over to Scott Michael, who proceeded with the presentation.

ESD Agency Request Legislation

Extended Benefits –HB 1492/SB 5425

- Allows ESD to take advantage of flexibilities in the Continued Assistance Act to maximize payment of extended benefits to claimants.
- Makes a technical conformity correction

Job Search –HB 1493/SB 5427

- Increased flexibility for job search rules.

Other State Legislation

Voluntary Quit Expansion–SB 5064

- Expands allowable voluntary quits under certain circumstances for lack of access to care for child or vulnerable adult, changed working conditions, and relocating to be closer to minor child.

Adjudicator Reserves–SB 5193

- Creates reserve adjudicator pool and directs ESD to take other actions to improve UI program.

UI Penalties and Audits-HB 1474

- Strengthens penalty and audit tools for employer violations in unemployment insurance.

Cybersecurity in State Government –SB 5432

- Creates new “Office of Cybersecurity” to set cybersecurity standards for all of state government.

SB 5061 – Governor’s Request Legislation

Tax Provisions

- Goal: Send revised 2021 tax notices the last week in February followed by Voluntary Contributions Program notices.
- ESD-Employer communications partnership.

Other Provisions

- Provisions required to be enacted upon the Governor signing the bill either codify in statute what was occurring by rule or Governor’s proclamation or can be done manually as we update our IT systems.

- High-risk claimant voluntary quit provision must be implemented by April 4, 2021. Increased minimum WBA goes into effect July 1, 2021.

SB 5061: Emergency Rules Withdrawn

- **Emergency Rule WAC 192-320-078:** Defined catastrophic occurrence to include a COVID-19 infection at the employer's place of business that caused the employer to close or severely curtail operations, thereby allowing these employers relief of benefit charges. This rule was permanently codified.
- **Emergency Rule WAC 192-320-079:** Non-charged waiting week benefits while the waiting week was waived. SB 5061 codified permanent measures regarding when the waiting week is waived and when those benefits are charged.

SB 5061: New Emergency Rule

Combined-Wage Claim Benefit Charging - Background

- Combined-wage claim = when a claimant works for more than one employer in more than one state, all their wages are combined into one unemployment claim filed in one state.
- The "paying" state pays the benefits, then bills the other "transferring" states whose employers paid wages in the base year for their share of the benefits.
- The "transferring" state then charges its employers for their share of the benefits paid by the "paying" state.

Combined-Wage Claim Benefit Charging - Example

Otis works for two quarters in Oregon for Oregon Gravel Co. and two quarters in Washington for Washington Gravel Co. Otis earned \$15,000 per quarter in each state. After becoming unemployed, Otis files his combined-wage claim in Oregon.

Oregon pays Otis \$300/week for 26 weeks, for a total of \$7,800. Oregon bills Washington for \$3,900 and Washington charges Washington Gravel Co. for the \$3,900 in benefits.

Combined-Wage Claim Benefit Charging –Why a new rule?

- "Paying" states only bill "transferring" states once per quarter for all benefits paid during the quarter. The bills are not broken down by individual week, just the total for the quarter.
- New RCW 50.29.021(2)(j) requires benefits paid from week ending March 28 to week ending May 30 to be non-charged.
- Emergency rule says that for combined-wage claims where Washington is the "transferring" state, all benefits for 2Q 2020 are non-charged, 1Q 2020 benefits will be charged.

Emergency Rules That Need Resolution

1. Requirement to attend re-employment services is waived if the WorkSource office is closed and claimant cannot participate remotely.
2. Allow new employers, delinquent employers, and employers in Rate Class 40 to participate in Shared Work program.
3. Allow appellants to file petitions for judicial review via mail and e-mail instead of via mail and personal service.
4. Allow claimants the same flexibility to backdate requests to reopen their claims as is already used for backdating requests to open their initial claim.
5. Non-charges benefits paid to employees who quit “due to a direct request from a medical professional, local health official, or the secretary of health to be isolated or quarantined as a consequence of COVID-19, even if the employee has not been actually diagnosed with COVID-19.”

Scott Michael requested feedback from members on whether to go forward with filing 101s on these proposed emergency rules. There was no objection. Scott Michael handed the meeting over to Dan Zeitlin.

Action Items

1. ESD to provide an impact analysis of Voluntary Quit Bill HB 1486.
2. Advisory Committee requested a communication plan for those employers who have already paid their tax bill at the old rate and what is the process to get a refund and how long it will take to receive it. This information needs to come with the new tax rate mailing.
3. Advisory Committee would like a communication for employers who may be impacted and need to appeal if not in agreement with new emergency rule SB 5061 – Combined-Wage Claim Benefit Charging.

Next Agenda Discussion

- Extended Benefits
- Options for claimants exhausting benefits
- Trust Fund Update

Public Comments

None

Adjourned

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 3:08 p.m.

Next meeting

The next Unemployment Insurance Advisory Committee meeting is on Friday, March 12, 2021 from 2:00 p.m. to 3:00 p.m. via Zoom.

Addendum I

Agenda

Unemployment Insurance Advisory Committee (UIAC)

Friday, February 12, 2021 | 2:00 pm – 3:00 pm | Via Zoom

Agenda Items

Time	Topic
2:00 pm	Welcome from Dan Zeitlin, Director of Policy, Data, Performance & Integrity (PDPI) Division, Employment Security Department (ESD) <ul style="list-style-type: none"> o Agenda Review
2:05 pm	Approval of January 6, 2021 Meeting Minutes
2:10 pm	UI Federal and State Legislative and Rulemaking Updates/Discussion <ul style="list-style-type: none"> o Dan Zeitlin, Director, ESD o Joy Adams, UI Quality Assurance Manager, ESD o Scott Michael, Legal Appeals and Rulemaking Manager, ESD o Brenda Westfall, Product Manager, ESD
2:50 pm	Next Agenda Discussion <ul style="list-style-type: none"> o Dan Zeitlin, Director, ESD
2:55 pm	<ul style="list-style-type: none"> o Public Comments
3:00 pm	<ul style="list-style-type: none"> o Adjourn

For more information, please visit the UIAC website at <https://esd.wa.gov/newsroom/UIAC>

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