

A photograph showing the silhouettes of several people standing in a meeting room, illuminated by a bright light source from the left, creating a strong backlight effect. The scene is set against a large window with vertical frames.

Unemployment Insurance ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

August 30, 2022

Agenda



- I. Introductions
- II. Agency Strategic Plan
- III. UIAC Schedule, OPMA Requirements and Charter
- IV. UI Agency Request Legislation and Rulemaking
- V. Minimum Weekly Benefit Amount Report
- VI. Future Topics
- VII. Meeting Minutes Approval (3/25 meeting)
- VIII. Public Comment

Introductions



- ✓ Name
- ✓ Organization and Role
- ✓ What is your interest in being on this committee?

Agency Strategic Plan



2022-26

FOUR YEAR STRATEGIC PLAN

Employee
engagement
strategies

Goal: A culture of belonging, learning and growth where we are all valued, everyone matters and each of us can lead.

- Enhance our culture of equity, diversity and inclusion by developing cultural competency for every employee.
- Increase diverse representation in our leadership by improving retention and embedding our goals and values into hiring and promotional processes.
- Improve the experience of team members from historically marginalized communities by using employee engagement data and direct input from employees.

Organizational
excellence
strategies

Goal: Our most complex processes are made simple and easy for our staff and customers.

- Get more of the right things done by doing fewer things at once.
- Use consistent technology and data platforms across our agency.
- Create empowered cross-functional teams with the capacity to deliver our prioritized work.

Customer
service
strategies

Goal: People receive accessible, safe and equitable services at the right time, in the way they need it.

- Create an integrated experience for customers when interacting with ESD.
- Help connect more people to our services through a network of community partners.
- Improve equitable outcomes for customers by listening to and learning from people who face barriers to receiving our services.



2022 UIAC Schedule



Schedule Proposal

- Cadence/Time: Two hours once a month for the remainder of the calendar year.
- Location: Virtual via Zoom with physical location at ESD.
- Future: Committee will determine 2023 cadence/time and location.

OPMA Requirements



[ESHB 1329](#) went into effect on March 24, 2022:

- Meetings held in a physical location with telephonic or video access options for the public encouraged.
- Members of the governing body authorized to attend remotely.
- In a state of emergency, agencies may still have an option of conducting remote-only meetings, but they would need to document reasons why the emergency prevents it from meeting in-person, for public safety reasons.
- Encourages, but does not require, body to make an audio or video recording of regular meetings and make them available online for a minimum of six months.
- Requirement that the announced purpose of an executive session must be entered into the meeting minutes.

OPMA Training



- Every member of the governing body of a public agency must complete training on the requirements of the OPMA no later than 90 days after the date the member takes the oath of office (if required) or otherwise assumes their duties as a public official. [RCW 42.30.205\(1\)](#)
- Every member of the governing body must complete training at intervals of no more than four years as long as the individual is a member of the governing body. [RCW 42.30.205\(2\)](#)
- The Office of the Attorney General's website offers online training that complies with the Open Government Trainings Act.
- UIAC can host the Attorney General's office for a training.

Charter Development



[RCW 50.12.200\(1\):](#)

State advisory council—Committees and councils.

(1) The commissioner shall appoint a state advisory council composed of not more than nine men and women, of which three shall be representatives of employers, three shall be representatives of employees, and three shall be representatives of the general public. Such council shall aid the commissioner in formulating policies and discussing problems related to the administration of this title and of assuring impartiality and freedom from political influence in the solution of such problems. The council shall serve without compensation. The commissioner may also appoint committees, and industrial or other special councils, to perform appropriate services. Advisory councilmembers shall be reimbursed for travel expenses incurred in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Charter Development



Contents

- Purpose
- Goals
- Membership: Appointment, Terms and Replacement
- Expectations: Communications and Compensation
- Meetings: Cadence, proxy, quorum, discussion and process

Charter Draft: Purpose



The Unemployment Insurance Advisory Committee (UIAC) shall aid the commissioner in formulating policies and discussing problems related to the administration of the Unemployment Insurance (UI) program and assuring impartiality and freedom from political influence in the solution of such problems: RCW 50.12.200.

In doing so, the Committee will provide comment on unemployment insurance policy, operations, and performance management, as well as other issues the Committee determines to require its consideration. The Committee will provide a forum for listening to concerns of stakeholders and seeking input to improve the program to best serve workers and business.

Charter Draft: Goals



The UI program provides critical financial support for workers while bolstering the broader economy. Identifying avenues to improve the UI program so that it better supports workers and businesses, including in times of economic crisis, is a vital endeavor.

The Committee will play a critical role in considering and providing recommendations to the Employment Security Department (ESD) to aid the department in meeting two agency strategic goals:

- Our most complex processes (pertaining to the UI program) are made simple and easy for staff and customers (workers and employers).
- People receive accessible, safe, and equitable services (UI) at the right time in the way they need it.

Charter Draft: Goals



In aiding ESD in meeting these goals, the Committee will seek to advise the department on improvements to the unemployment benefits and tax system by deliberating and providing recommendations on:

- Policy matters, including changes to state law and rules.
- Operational issues, including communications and direct interactions with customers.
- Performance management, including provide quality and timely benefits and tax services.

Charter Draft: Goals



The Committee also maintains goals to:

- Foster community and stakeholder engagement in considering improvements.
- Commit to timely, robust, and open communication to the public, and to engaged stakeholder communities.

Charter Draft: Discussion



The Chair may, with consent from a majority of Committee members, allow individuals that do not serve on the Committee to participate in Committee discussions. Such individuals shall not vote on matters in front of the Committee members. The public shall have the opportunity to provide comment at all Committee meetings.

Agency Request Legislation and Rulemaking



**Employment
Security
Department**
WASHINGTON STATE

Caitlyn Jekel, Government Relations Director, ESD

Josh Dye, Rules Coordinator, ESD

UI Agency Request Legislation



Remove required review of availability issues during appeal (Benefit Appeal Procedures)

- [RCW 50.32.040](#) requires the Office of Administrative Hearings (OAH) to consider availability issues on each case it reviews, even when availability is not an issue addressed by ESD in the determination letter
- Proposed removal of this provision to reduce time and confusion for individuals and employers engaged in appeals
- Increase OAH efficiency

Extend flexibility of job search monitoring requirements (Job Search Requirements)

- ESD's legal ability to pursue alternate ways for claimants to fulfill job search requirements is set to sunset in 2023
- Proposed removal of the sunset to make these provisions permanent, adding reporting requirement

UI Rulemaking Update



Brief Adjudicative Proceedings

- Permits Office of Administrative Hearings to more quickly resolve appeals by primarily reviewing records instead of doing a full hearing with live testimony.
- Adopted as emergency rule in April 2022.
- ALJs are scheduled for 60 brief adjudicative proceedings per week, compared to 24 per week for full hearings.
- Estimated 550-900 more appeals closed using brief adjudicative proceedings than would have been closed using full hearings.
- Proposed rules would make brief adjudicative proceedings a permanent option.

UI Rulemaking Update



SOC Codes and Job Titles

- Under [HB 2308 \(2020\)](#), employers are required to report either job titles or Standard Occupational Classification (SOC) codes for each employee, starting with the 4th quarter of 2022.
- Employers that “knowingly” fail to report this information will get an incomplete report penalty.
- Department will be ready to accept SOC codes by 4th quarter of 2022 but will not be ready to accept job titles.
- Incomplete report penalty will not be imposed until employers can report either job titles or SOC codes.

UI Rulemaking Update



Leave of Absence

- The current [Leave of Absence rule](#) says that an individual on a voluntary, unpaid leave of absence is not “unemployed” and ineligible for benefits.
- A [2011 precedential decision](#) by the Commissioner’s Review Office found that the rule conflicts with [state statute](#) defining “unemployed.”
- Since its publication, ESD has followed that decision and has not followed the rule.
- While an individual on a leave of absence may be deemed “unemployed,” that does not mean they are automatically eligible for unemployment benefits. Individuals who are “unemployed” still must meet other eligibility criteria, such as being able, available and actively seeking work.
- Rulemaking petition filed by Unemployment Law Project to delete the rule filed in 2022.

UI Rulemaking Update



Emergency rules becoming permanent rules

- Converting pandemic emergency rules to permanent rules is 97% complete.
- One last technical fix on eligibility for shared work is still not complete.

Minimum Weekly Benefit Amount Report



**Employment
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WASHINGTON STATE

Dan Zeitlin, Policy Director, ESD

Matt Klein, PhD, Operations Research Specialist, ESD

Minimum Weekly Benefit Amount Report



[RCW 50.12.355](#) (ESSB 5061):

By December 1, 2021, and annually thereafter until December 1, 2025, the department must report to the governor and the appropriate committees of the legislature:

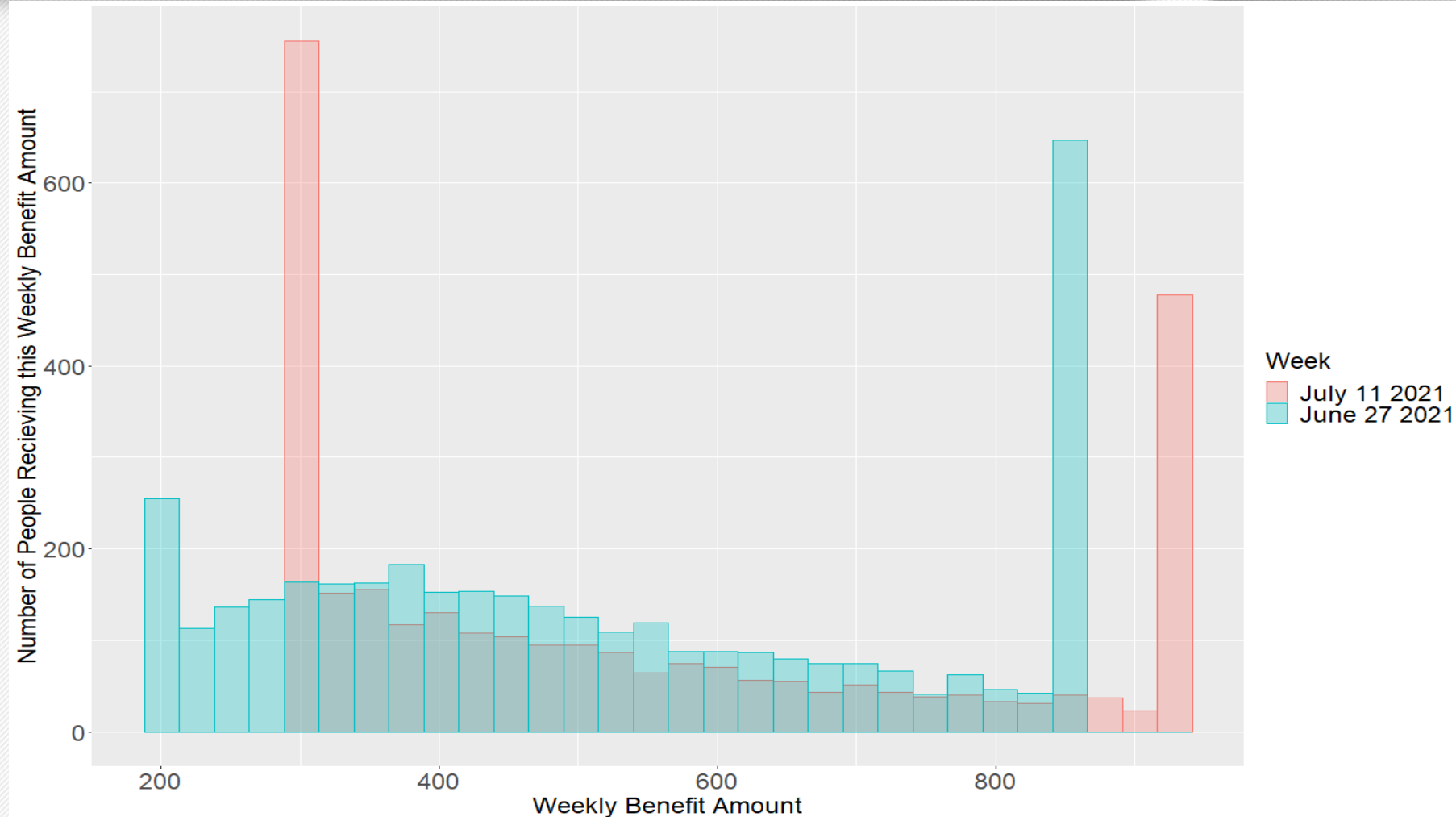
An analysis of the impact of the minimum weekly benefit amount increase, including comparing wages earned and benefits claimed for those individuals receiving the minimum weekly benefit amount and the average claim duration for those individuals.

- The department must use an existing unemployment insurance advisory committee comprising of members of business and members of labor to consult in the development of this report, including any evidentiary assumptions underlying the report.
- The report must be specifically discussed in a minimum of two meetings of the committee each year prior to submitting the report.
- The report must also include a section for committee members to respond directly to the contents of the report.

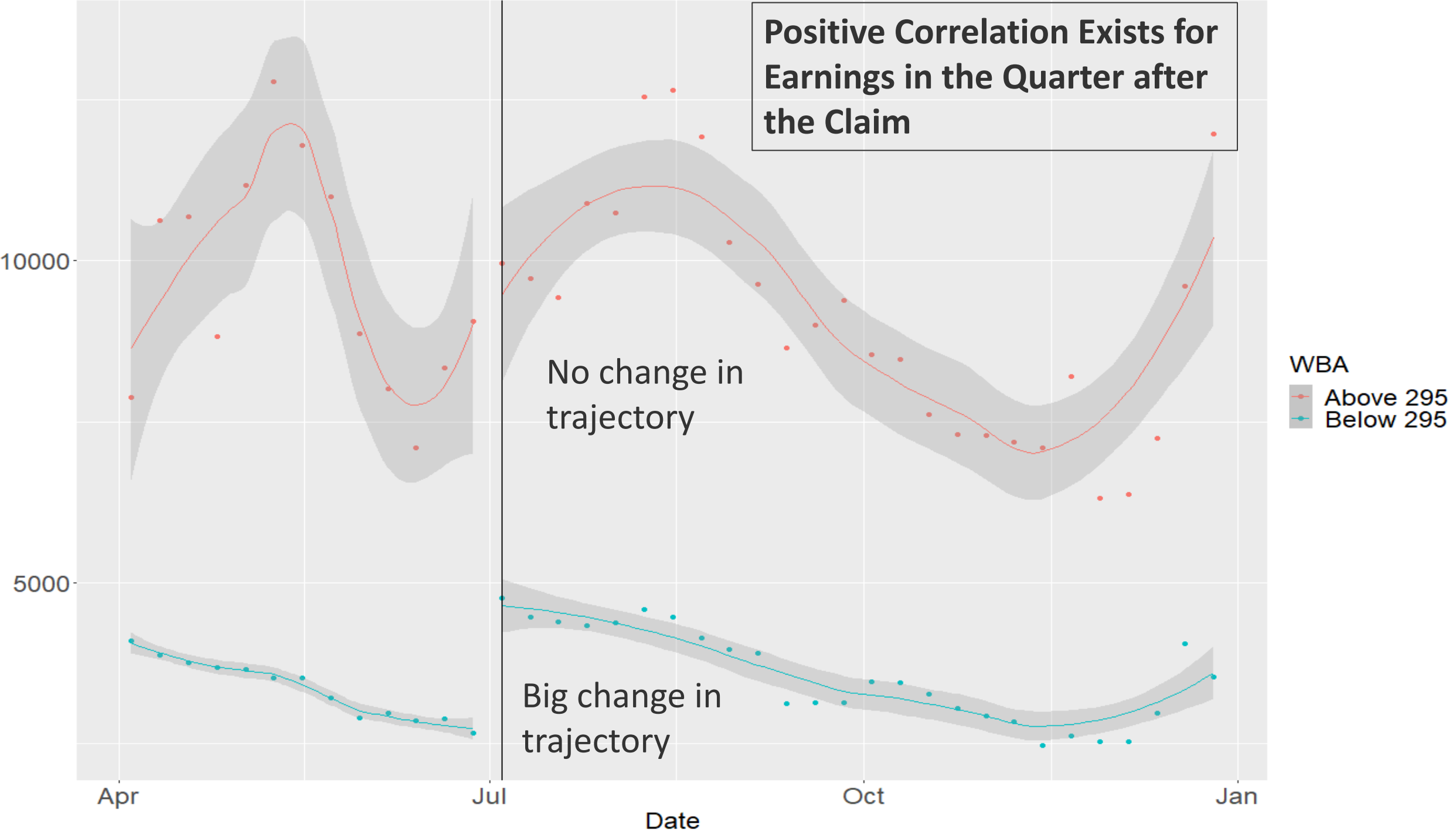
Minimum Weekly Benefit Amount Report



- Minimum increased from \$201/week to \$295/week on July 4, 2021
- If you would have received \$285/week in the absence of ESSB 5061, now you get \$10/week more



Average Earnings in the Quarter After The Claim





Less Evidence that Correlation Exists for Total Benefits Claimed

WBA
Above 295
Below 295

Minimum Weekly Benefit Amount Report



Cause and Effect Modeling

- Claimants from April 1 - August 8, 2021
- Identify which claimants were impacted by SB5061, and by how much
- Regression models controlling for:
 - Who was impacted by the MWBA increase
 - Amount of WBA
 - Macroeconomic factors (at the weekly level)
- Consistent approach possible in future studies

Minimum Weekly Benefit Amount Report



We estimate that that, on average, for claimants who:

- Got the Minimum Weekly Benefit Amount
 - Registered for UI during the weeks from July 4 to August 8, 2021
1. The MWBA increase caused an increase of \$1,760.20 in average earnings in the quarter after the claim
 2. The MWBA increase caused a decrease of 1.9 weeks in average claim duration
 3. The MWBA increase caused a slight decrease in total dollars claimed in UI compensation

Minimum Weekly Benefit Amount Report



Questions

Future Topics



- UI Overpayments
- ESSB 5193 (2021) Implementation
- CARES Act Program Close-Out
- State Quality Service Plan
- UI Trust Fund Reports (September/November)
- Grants: Equity and UI Navigators
- Appeals Backlog

Closing



- March 25 meeting minutes
- Public Comment