

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

September 8, 2021

Agenda



- UI Program Update
- UI Policy Update
- SB 5061 Report Discussion

UI Program Update



**Employment
Security
Department**
WASHINGTON STATE

Unemployment Insurance Advisory Committee Presentation

September 8, 2021

Joy Adams, UI Quality Assurance and Operations Manager

Employment Security Department

CARES Act Program Expiration



The week ending **September 4, 2021** was the last week for which a person can claim the following federal benefits:

- **PUA** (Benefits for those who do not qualify for regular unemployment)
- **PEUC** (Extra weeks of benefits when regular claim expires)
- **FPUC** (Bonus \$300 added on to weekly benefit checks)

Payments for these benefits can occur after September 4, 2021 when:

- Claim is allowed to be backdated
- Payment is held while an issue is adjudicated
- A denial of benefits is overturned on appeal

Last day to file an initial application for PUA is **October 6, 2021**

CARES Act Program Expiration



The week ending **September 4, 2021** was also the last week for which:

- Claimants do not have to serve an unpaid waiting week
- The first week of benefits is federally funded and not charged to employers
- Shared work benefits are federally funded and not charged to employers
- Reimbursable employers get a 75% reduction in their benefit charges

If the payment is made after **September 4, 2021**, employers will still see benefit charge relief, so long as the benefits are paid for the week of unemployment ending **September 4, 2021** (or prior)

Communicating about end of CARES Act



Communications Plan

- Program end dates are posted on our website, including language landing pages.
- We have been messaging impacted groups of claimants through a variety of channels.
- Our communications campaign to claimants and employers also included:
 - Updated letters as needed
 - Information in employer newsletter
 - Website content
 - Social media
 - Banner in eServices
 - FAQs
 - Phone hold message
 - Media outreach, including Spanish language radio

What Comes Next?



September is Workforce Development Month

In Washington, more and more workers are heading to WorkSource centers and to WorkSourceWA.com for help finding that next job or career.

- Job seekers registering on WorkSourceWA.com increased from about 8,500 in June to over 21,000 in July.
- Also in July, customers created nearly 14,000 resumes on the website. That's the highest in a month since WorkSourceWA.com launched in 2016.

Focus on Workforce Development



WorkSource staff have been gearing up for several months now:

- Virtual job fairs have been happening monthly. Some areas have hosted socially distanced in-person hiring events.
- Workshops in resume writing, interviewing skills and more are so popular, the waiting lists are bigger than ever.
- Most services continue virtually, but many offices recently added in-person support for customers with limited digital literacy or without digital access.
- Our live chat feature has shifted from a focus on unemployment to re-employment.

UI Program Updates



Work Search Reinstatement

- In July, claimants resumed reporting work search activity on their weekly claim.
- Job search activities posted on 16 language landing pages, in addition to return to work and refusal of work content.
- Job search pages account for 9% of total downloads from the language landing pages since July 12th.

Potential New Claims

- Re-launched regular reviews for new claim eligibility June 11th.
- 105,000 claimants asked to respond to questionnaire; over 87,000 have responded to date.
- Outreach continues to connect remaining claimants with claims agents.
- Beginning September 1st, we began setting issues for claimants who have not responded timely.

Standard Occupational Code (SOC) Reporting Pilot



SOC Reporting Pilot

- [HB 2308](#) (2020) requires ESD to capture occupational information from employers.
- Reporting is optional until October 1, 2022 (Q4-2022).
- Occupational information will help our postsecondary system evaluate if they are meeting workforce demand and help job seekers plan for careers.
- We will begin a pilot with select employers this fall.
- We aim to share the results of the pilot in summer of 2022.

Employer Vaccine Mandates and Unemployment Insurance



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Scott Michael, Legal Services Coordination Manager

Employment Security Department

Important Ground Rules



“IT DEPENDS”

- The laws surrounding when someone is qualified to receive benefits are intricate and complex
- Each case is always adjudicated on its own merits as small differences in facts can lead to a different outcome
- Any guidance will not be able to cover all actual or hypothetical scenarios

Quit versus Discharge



If Separation is **Quit**:

- Employee has burden of proof to show “good cause” for quitting

If Separation is **Discharge**:

- Employer has burden of proof to show employee was discharged for “misconduct”

Discharges



“Misconduct” is defined in [RCW 50.04.294](#) through a nonexclusive list of examples, including:

- Deliberate disregard of standards of behavior an employer has the right to expect of an employee
- Willful or wanton disregard of the rights, title and interests of the employer, which includes:
 - Violation of known and reasonable company rule.

Quits



Quit due to Illness or Disability

Employee has an illness or disability; the employee notifies the employer of the issue; but the illness or disability cannot be accommodated

Quit due to Religious Convictions or Sincere Moral Beliefs

Employer changes the employee's job duties or conditions in a way that violates the employee's religious convictions or sincere moral beliefs; the employee notifies the employer of the issue; but the religious conviction or sincere moral belief cannot be accommodated

Impact on Benefits and Tax Rates



- If claimant is discharged for misconduct
 - Benefits are denied
 - Employer not charged for benefits
- If claimant is discharged, but not for misconduct
 - Benefits are allowed
 - Employer is charged for their share of the benefits
 - **BUT** Employer may request relief of benefit charges if “the employee was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.”

Impact on Benefits and Tax Rates



- If claimant quits without good cause
 - Benefits are denied
 - Employer not charged for benefits
- If claimant quits with good cause due to illness/disability
 - Benefits are allowed
 - Employer not charged for benefits
- If claimant quits with good cause for religious/moral reasons
 - Benefits are allowed
 - Employer is charged for benefits

SB 5061 Report



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Jeff Robinson, UI Research and Forecasting Manager

Matthew Klein, Operations Research Specialist

Employment Security Department

SB 5061 – Three Reports



- Report 1: Annual UITF balance update.
- Report 2: Annual report on the net impact of the Minimum Weekly Benefit Amount (MWBA) increase.
- Report 3: One-time report reviewing the taxable wage base change.

SB 5061 – MWBA Net Impact Evaluation



- Requirement – study the impact on:
 - wages earned
 - benefits claimed
 - claim duration
- Data limitations
 - Lack of maturity
 - Small sample size
- Evaluation methodology – Interrupted Time Series
 - Recommended by DOL for policy/program evaluation
- Reports required in 2022, 2023, 2024, and 2025 as well

SB 5061 – Taxable Wage Report



- Requirements:
 - Report on the amount of wages subject to Unemployment Insurance (UI) tax for small (0-99), medium (100-999), and large (> 1,000) employers
 - Report on the amounts of wages subject to UI tax for different industry sectors
 - How changes to the taxable wages would impact UI trust fund balance and employer contributions.
 - Simulation of a change in taxable wage base for 2020 and impacts on the percent of wages subject to UI tax and the UI trust fund balance.
- Evaluation methodology – Descriptive analysis of 2020 UI tax records
- Report required in 2021

UIAC Engagement



- The report must be submitted by December 1, 2021, and annually thereafter until December 1, 2025 (UITF and MWBA).
- The report must be specifically discussed in a minimum of two UIAC meetings (first discussed on June 9, 2021).
- The report must include a section for UIAC members to respond directly to the contents of the report.

Closing



- Next Agenda - discussion
- Public Comment
- Adjournment