

A photograph showing the silhouettes of several people standing in a room with large windows. The sun is shining through the windows, creating a bright, hazy light. The people appear to be in a meeting or collaborative work environment.

Unemployment Insurance ADVISORY COMMITTEE



Employment Security Department
WASHINGTON STATE

Agenda



- I. Approval of Oct. 22, 2025 meeting minutes
- II. Introducing ESD Chief Review Judge
- III. Open Public Meeting Act Training – Office of Attorney General
- IV. 2026 Proposed Meeting Schedule
- V. UI Trust Fund Report
- VI. Reemployment Services and Eligibility Assessment (RESEA)
- VII. ESSB 5041 – Striking Workers Update
- VIII. 2026 Legislative Update
- IX. Public comment
- X. Adjourn

Introducing ESD Chief Review Judge

Dan Zeitlin, Chief of Staff, ESD



**Employment
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WASHINGTON STATE

Brittani Stewart, Chief Review Judge



- **Leadership Role:** Heads the Commissioner's Review Office — issues final agency decisions in UI & PFML
- **Authority:** Sole position authorized to publish precedential decisions shaping Washington law & policy
- **Experience:**
 - Deputy Chief Review Judge since 2022
 - Former Administrative Law Judge & Senior ALJ at OAH
 - 8+ years applying unemployment insurance rules to thousands of cases
- **Public Service Background:**
 - Department of Social & Health Services
 - Washington State Senate
 - Washington State Parks
 - Early career at ESD as unemployment claims specialist

Open Public Meeting Act Training – Office of Attorney General



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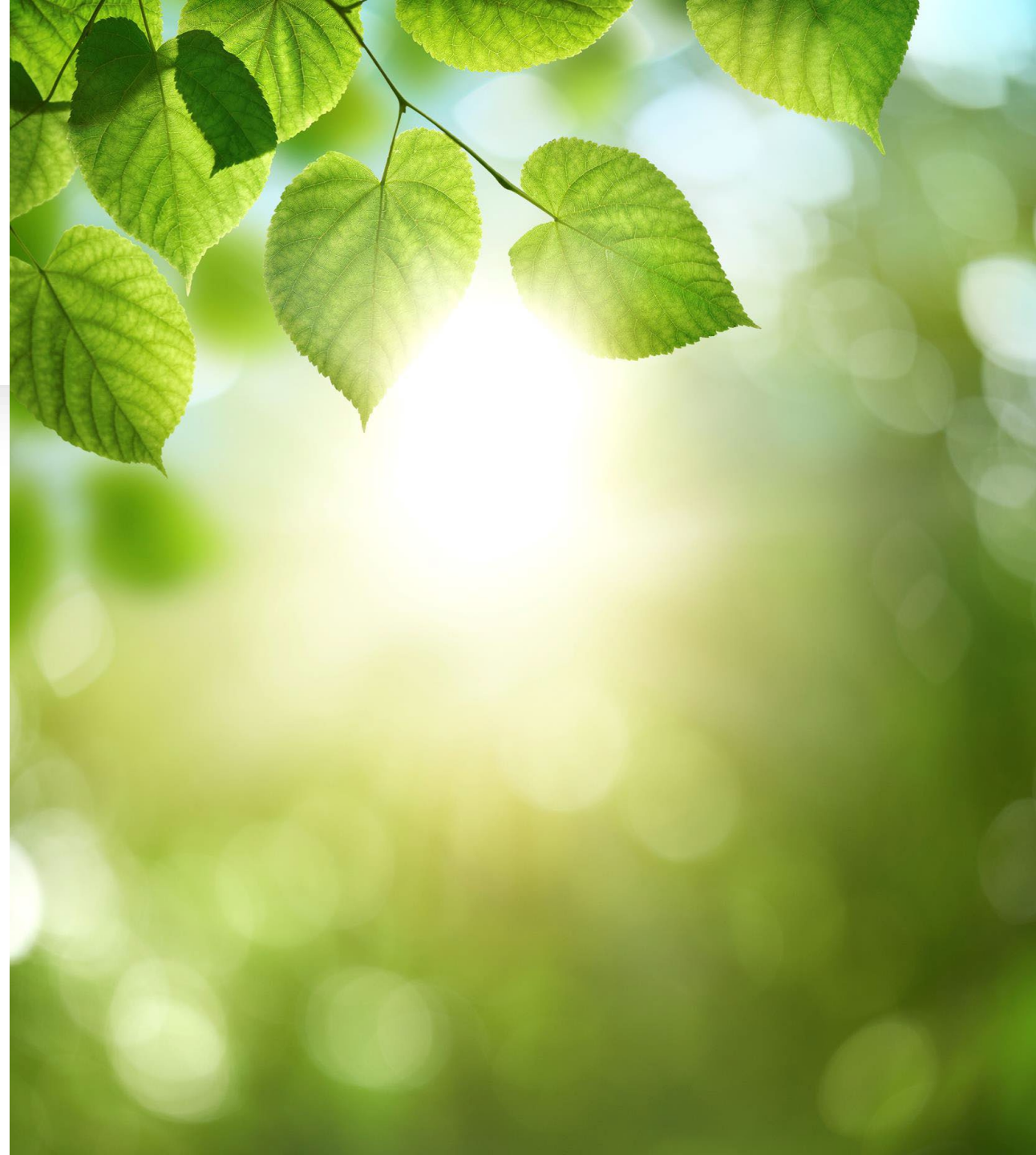
Lisa Petersen, Section Chief, ATG

OPEN PUBLIC MEETING BASICS



We will cover:

- Purpose
- Scope (Who and what is covered)
- Types of Meetings
- Executive Session
- Rules on public attendance and conduct
- Penalties and remedies for violations



Washington's Open Public Meetings Act (OPMA)

- Passed in 1971
- Requires meetings to be open to the public, gavel to gavel.
- Agencies exist to aid in the conduct of the people's business
- Purpose is to allow the public to view the "decision making process."

Open Government Laws Like the OPMA are Often Called "Transparency Laws" or "Sunshine Laws" because they "shine light" on government.

Transparency builds public confidence in government.

"Sunlight is the best disinfectant."



U.S. Supreme Court Justice
Louis Brandeis

Interpreting the OPMA

Act is liberally
construed.

Exceptions are read
narrowly

Error on side of
transparency

WHO IS COVERED BY THE OPMA?

- The OPMA applies to “all meetings of the governing body of a public agency”
- **Public Agency:** state board, commission,, department, educational institution, or other state agency which is created by or pursuant to statute.
- **Governing Body:** multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment

RCW 42.30.020



The OPMA Does Not Apply To

These entities:

- Courts
- Legislature
- Agencies not defined as “public agency” in OPMA, such as agencies governed by a single individual
- Private organizations



These activities:

- Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle)
- Quasi-judicial matters
- Matters governed by the WA Administrative Procedure Act, RCW 34.05
- Collective bargaining

General requirements of the OPMA

- All meetings of the governing body must be open to the public
- No secret (anonymous) voting
- Decisions on motions, proposals, resolutions, orders, or ordinances (“final action”) must be adopted at a public meeting or they will be invalid



What is considered a “meeting” under the OPMA?

- A “meeting” of a governing body occurs when a majority of its members gathers with the collective intent of taking “action,” a.k.a. transacting the governing body's business.
- Quorum
 - Minimum number required by statute, rule or by-laws
 - Typically, a majority of members present

What is “action” under the OPMA?

- **“Action”** means “the **transaction of the official business of the public agency**” and includes:
 - Taking public testimony
 - Deliberations and discussions
 - Reviews
 - Evaluations
 - Final actions – collective positive/negative decision. RCW 42.30.020.

COMMON ACTIVITIES THAT COULD BE A MEETING:



- Serial emails
- Group texts



- Social events
- Office gatherings



- Zoom/Teams
- Etc.

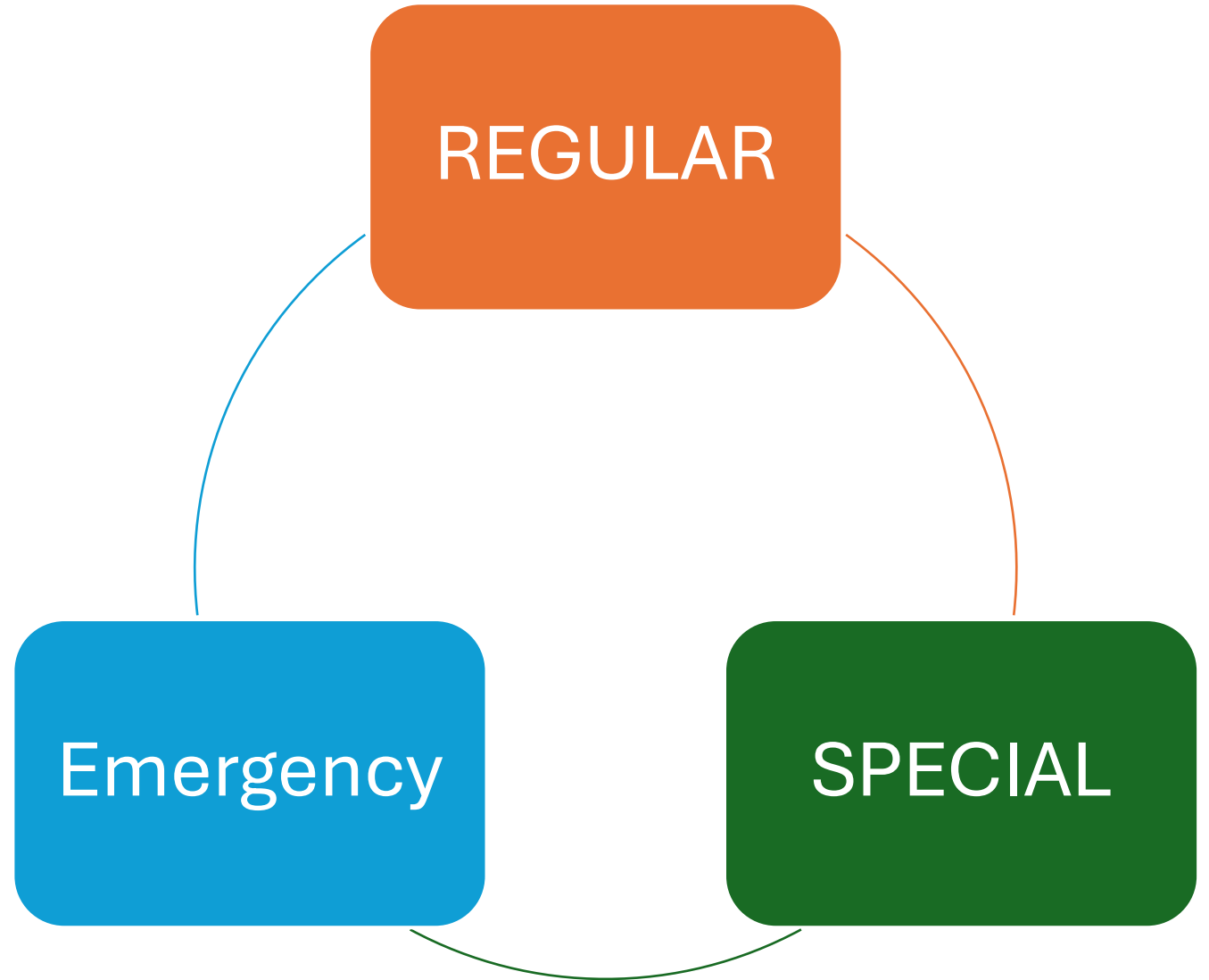
Main Point:

- Collective intent by a majority to meet and transact business.

What is a “serial” communication?

- Any chain communication in which less than a quorum is present, but the information is repeated such that a quorum has participated
 - Ex: A talks to B about agency business, B repeats what A said to C, etc.

TYPES OF MEETINGS



Regular meetings under the OPMA

- Recurring meetings held according to a regular schedule
- The governing body must establish the date and time of the regular meetings by resolution, order, or rule
- The agenda can be amended and final action can be taken on items on the agenda
 - **Governing body shall provide an opportunity at or before every regular meeting at which final action is taken for public comment** (new requirement effective June 1, 2022)

RCW 42.30.075.





Special meetings under the OPMA

- Any meeting other than a regular meeting
- May be called by the presiding officer or a majority of the members of the governing body
- Notice requirements
 - Notice must specify the time and place and specific business to be transacted
 - Cannot take final action on a topic unless the topic was listed in the notice
 - Exception: No notice required for a special meeting that is called to deal with an emergency

RCW 42.30.080.

Emergency Meetings

- Notice is not required when special meeting called to deal with an emergency
- Emergency involves injury or damage to persons or property or the likelihood of such injury or damage
- Where time requirements of notice make notice impractical and increase likelihood of such injury or damage





Executive sessions

- Part of a regular or special meeting that is closed to the public.
- Limited to specific purposes set out in the OPMA, including:
 - Real estate selection, sale, lease
 - Publicly bid contracts
 - Evaluating complaints against a public officer or employee
 - Evaluating qualifications of applicant for public employment
 - Meet with legal counsel about enforcement actions, litigation, potential litigation
- Presiding officer must announce the purpose of executive session and time it will end; may extend time by further announcement.

Public attendance and conduct during meetings

- Any member of public must be permitted to attend. Agency cannot require any conditions for attendance, such as signing in.
- Must allow public comment at regular meeting at which final action is taken, this can be accomplished orally at the meeting or by written comment before the meeting
- Governing body can impose “generally applicable conditions ... reasonably necessary to protect the public health or safety, or to protect against interruption of the meeting.” RCW 42.30.050.
 - E.g., remove disruptive attendees; clear meeting room; move meeting to new location.

RCW 42.30.040, .050.



Minutes

- Minutes of all regular and special meetings must be promptly recorded and open to public inspection
- Law doesn't specify a format; agency has discretion on how detailed minutes must be
- Minutes of executive sessions aren't required, but agency must enter the announced *purpose* of the executive session in the minutes.

RCW 42.30.035; RCW 42.30.110(2).



Penalties for violating the OPMA



- Any person” may bring action for an OPMA violation. Remedies:
 - Mandamus or injunction to stop or prevent violations ([RCW 42.30.130](#))
 - Void decisions adopted at meeting that violated OPMA
 - Costs and reasonable attorney fees
- Personal liability for members
 - \$500 civil penalty for first knowing violation
 - \$1000 civil penalty for successive knowing violations

RCW 42.30.120.

Risk Management Tips

- Establish a culture of compliance with the OPMA.
- Receive training on the OPMA.
- Review available resources; institute best practices.
- Keep updated on current developments in OPMA; correctly apply law.
 - *Remember: the OPMA can change through amendments, or develop through case law.*
 - *Remember: other laws can govern an agency's meeting procedures.*
- Consult with agency's legal counsel.



OPMA Training

- The “Open Government Trainings Act” requires OPMA training for every member of a governing body within 90 days of taking their oath or assuming their duties. Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.
- Training resources, videos, and more information about the Act (a “Q & A”) are available on the Attorney General’s Office Open Government Training Web Page:
<http://www.atg.wa.gov/OpenGovernmentTraining.aspx>





OPMA Resources

- AGO's Open Government page
 - Open Government Training (<https://www.atg.wa.gov/open-government-training>)
 - Open Government Resource Manual (<https://www.atg.wa.gov/open-government-internet-manual>)
 - AGO opinions about the OPMA ([Indices \(agportal-s3bucket.s3.amazonaws.com\)](https://agportal-s3bucket.s3.amazonaws.com))
- Municipal Research and Services Center
 - One-page guides on OPMA topics (<https://mrsc.org/Home/Explore-Topics/Legal/Open-Government/Open-Public-Meetings-Act/Open-Public-Meetings-Act-Basics.aspx>)

2026 Proposed Meeting Schedule



**Employment
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JR Richards, Insurance Services Director, ESD

2026 Proposed Meeting Schedule



| Date | Proposed agenda items | Date | Proposed agenda items |
|--|--|--|--|
| January 30 – Friday February 20 – Friday March 20 – Friday 1:30 to 2:30 | Legislative session update Rulemaking update General UI updates | September 16 – Wednesday 1:30 to 3:30 | Labor Market – Economic Outlook UI Peak Report Rulemaking update |
| June 24 – Wednesday 1:30 to 3:30 | Legislative Implementation Rulemaking updates | October 21 – Wednesday 1:30 to 3:30 | Trust Fund Report 2027 Proposed Meeting Schedule Benefit Charging Relief – Report |
| August 19 – Wednesday 1:30 to 3:30 | Trust Fund Report Agency Request Legislation Rulemaking update Agency Budget – Decision Packages | December 9 – Wednesday 1:30 to 3:30 | Legislative and Government Affairs Update Governor’s Budget Trust Fund Report |

UI Trust Fund Report



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Eve Sheng, Managing Actuary, ESD

Key Takeaways vs. September Report



What the new data tells us for 2025

Similar taxable wage base at \$157B

Same 2026 social cost factor at 0.6%

Higher total wage base at \$278B

Lower month of benefits at 7.6 month (vs. projected 7.9 month)



How this affects projected solvency measures

2026: month of benefit at 6.9 (vs. 7.1 month previously)

2027: month of benefit at 6.7 (vs. 6.3 month)

2028 & 2029: month of benefit at 7.0 month (vs. Below 7.0)



Key consequences

→ **Sooner** solvency tax in 2027, one year earlier

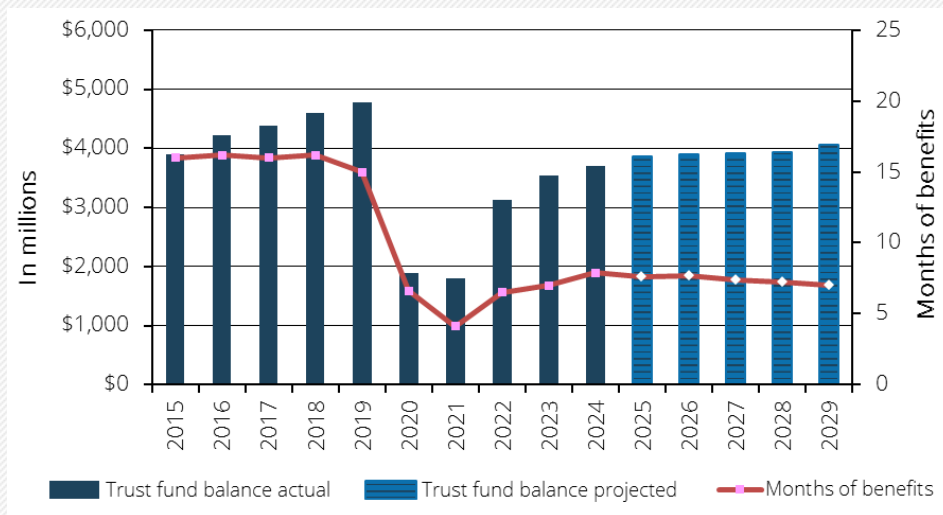
→ **Improved** trust fund balance by 2029

Trust Fund Balance

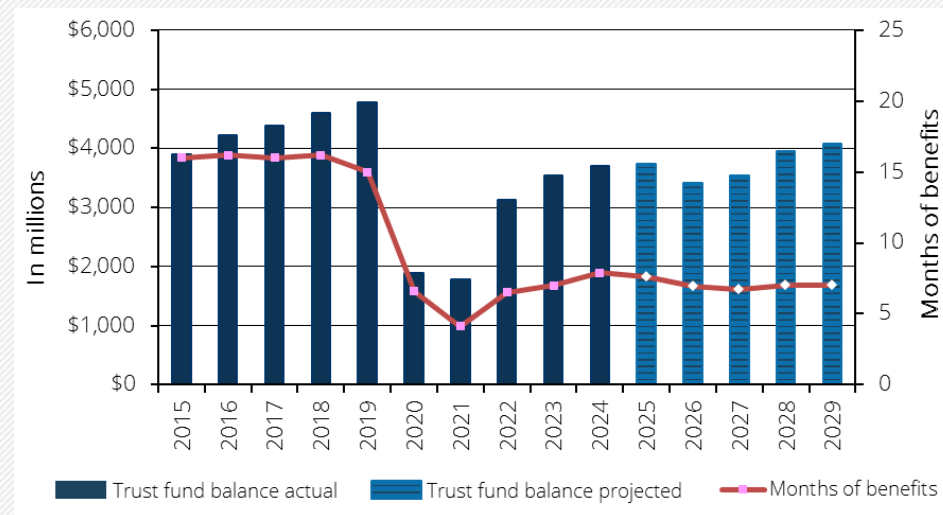


On October 30, the UI trust fund held approximately \$3.8 billion, and we project a balance of \$3.7 billion at end of 2025

Regression Forecast (Old Model)



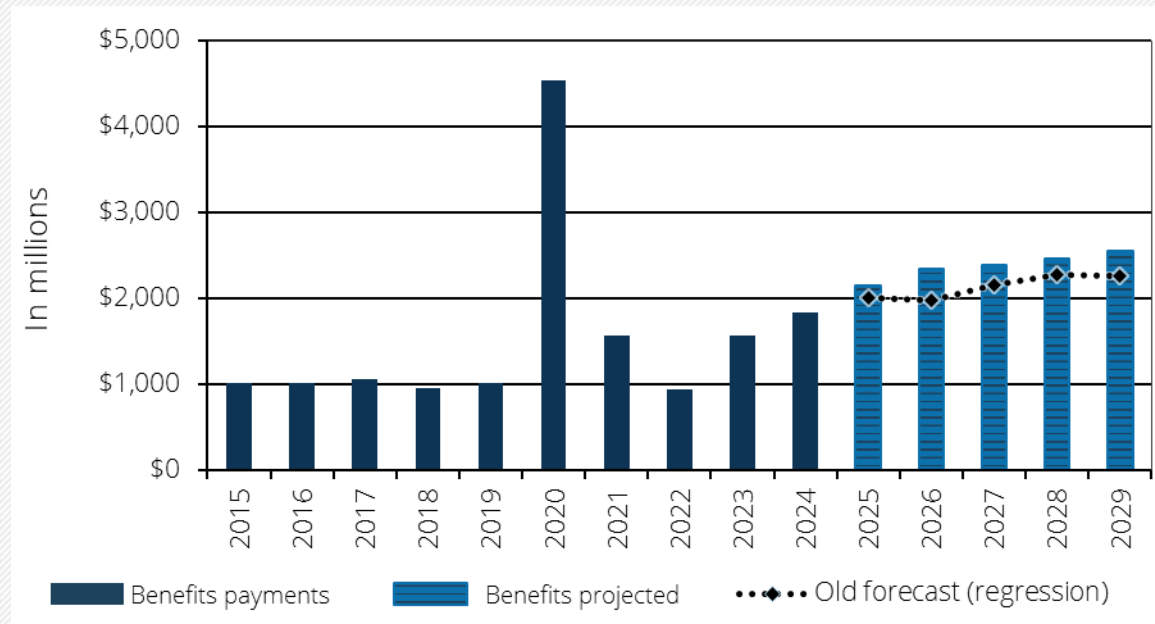
Time Series Forecast (Updated Model)



Benefit Payments



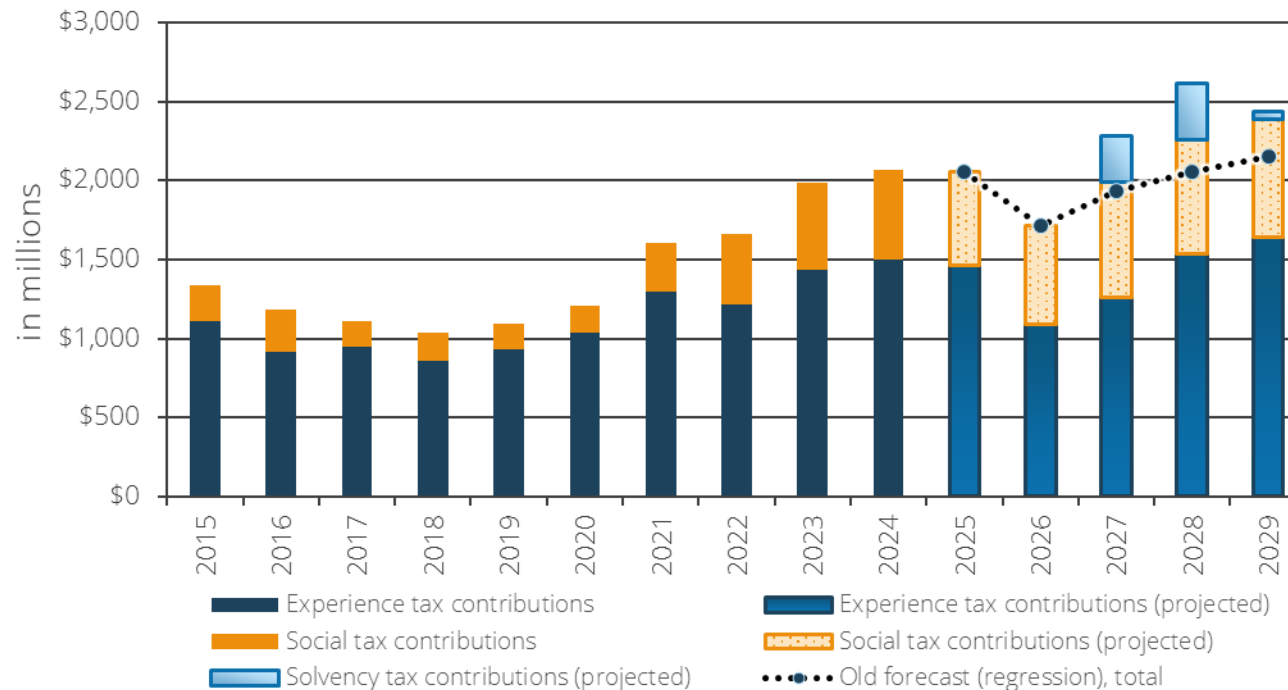
| Projected Benefit Payments | September 2025 | November 2025 |
|----------------------------|----------------|----------------|
| 2025 | \$ 2.2 Billion | \$ 2.1 Billion |
| 2026 | \$ 2.4 Billion | \$ 2.3 Billion |



Employer Contributions



| Projected Employer Contributions | September 2025 | November 2025 |
|----------------------------------|----------------|---------------|
| 2025 | \$2.0 Billion | \$2.1 Billion |
| 2026 | \$1.7 Billion | \$1.8 Billion |



Employer Tax Rate (Aggregated Average)



| Taxes | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
| → Average experience tax rate | 0.88% | 0.76% | 0.65% | 0.76% | 0.88% | 0.88% |
| Experience tax contributions (millions) | \$1,496.4 | \$1,466.3 | \$1,086.0 | \$1,263.9 | \$1,537.9 | \$1,642.3 |
| Flat social tax rate | 0.60% | 0.60% | 0.60% | 0.66% | 0.60% | 0.60% |
| Social tax contributions (millions) | \$571.9 | \$593.2 | \$631.6 | \$725.1 | \$720.5 | \$746.9 |
| Solvency tax contributions (millions) | 0 | 0 | 0 | \$293.4 | \$356.1 | \$50.3 |
| → Total average tax rate | 1.42% | 1.38% | 1.08% | 1.35% | 1.47% | 1.31% |
| Total tax contributions (millions) | \$2,068.3 | \$2,114.7 | \$1,759.9 | \$2,282.5 | \$2,614.4 | \$2,439.5 |

September trust fund report Figure 4.a.

Reemployment Services and Eligibility Assessment (RESEA)



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Alberto Isiordia, Assistant Director of Operations, ESD

Reemployment Services and Eligibility Assessment (RESEA)



The purposes of the RESEA program are identified in Section 306(b) of the Social Security Act (SSA):

- To improve employment outcomes of UI recipients **and reduce the average duration of UI receipt** through employment;
- To **strengthen program integrity and reduce improper UI payments** through the detection and prevention of such payments to ineligible individuals;
- To promote alignment with WIOA's broader vision of **increased program integration and service delivery for job seekers, including UI claimants**; and
- To establish RESEA as an **entry point for UI claimants into other workforce system partner programs.**

ESD Workforce Services at WorkSource



WorkSource is Washington State's brand for American Job Centers (AJCs)—a nationwide network of one-stop partnerships mandated and partially funded by the federal government to provide workforce development services. As a major partner (34 comprehensive and affiliate centers along with 16 smaller offices across five regions), ESD delivers key workforce services to both job seekers and employers in-person and virtually.

Cross Divisional Partnership



Workforce Services

- Lead program and State Plan development
- Program Operations (service delivery)

Insurance Services (UI Program)

- UTAB (claimant selection) & Adjudication
- UI Eligibility training

Labor Market Information and Research

- Operational data
- Program evaluation

Employment System Policy & Integrity

- Policy
- Monitoring

Information Technology Services

- Database management (RAS, ETO)
- Federal report generation

Financial Services

- Funds management & federal reporting

Claimant Selection & Services



Claimants profiling system identifies new, permanently separated claimants most likely to exhaust regular UI benefits, who need job search assistance services. These eligible claimants are then sent to the RESEA self-scheduler pool to await selection for a service appointment.

- Approximately 39,000 unique customers are served each year
- Approximately 63,000 service appointment are held each year

Claimants are required to have one initial appointment, at least one subsequent appointment and an individualized reemployment plan.

Appointments



| Required |
|--|
| UI eligibility and work search review |
| Employability Needs Assessment |
| Customized labor market information |
| Development of a reemployment plan tailored to claimant needs for initial appointment and for each additional subsequent appointment |
| Information and referrals to reemployment services and training |
| Orientation and referral to Work Source activities and services and referral to other supportive resources |
| Co-enrollment in Wagner-Peyser (initial appointment only) |

Evidence Based Approach



Section 306(c)(2), SSA, requires that states dedicate a percentage of RESEA funding to evidence-based interventions with a high or moderate causal evidence rating that improve employment and earnings outcomes for RESEA participants.

The evidence-based percentage is:

- 40% in FY 2025 and FY 2026
- 50% after FY 2026.

Section 306(d) requires that states conduct an evaluation for any RESEA intervention that the state implements, and which does not already have evidence that it is an effective approach to aiding claimants.

Evaluation



ESD Randomized Control Trials

In 2022 and 2023, **RESEA reduced:**

- Claim duration by 0.78 and 0.59 weeks, respectively
- Amount claimed by \$451.80 and \$295.34 per person, respectively
- Probability of exhausting benefits by 2.8 and 2.9 percentage points, respectively
- Probability of an (incorrect) payment made to ineligible claimants by 2.0 and 2.3 percentage points, respectively

In 2022 and 2023, **RESEA increased:**

- The probability of employment in the quarter after the claim by 2.5 and 1.3 percentage points, respectively

An implementation study of the pilot “following claimants to reemployment” was initiated in August 2025.

Oversight



Federal

US DOL Monitoring: 3-year cycle

Quarterly Reporting

- ETA 9128 – Reemployment and Eligibility Assessments Workload
- ETA 9129 – Reemployment and Eligibility Assessments Outcomes
- ETA 9178 – Quarterly Narrative Progress Report

State

Quarterly Local Office Monitoring

Yearly State Auditor's Office (SAO) Audit

State Monitoring: 3-year cycle

Annual Funding



Calendar year funding cycle

| Year | Base | Additional Funding | Outcome Payment | Total |
|------|--------------|--------------------|-----------------|--------------|
| 2023 | \$9,632,979 | \$2,352,966 | \$1,088,246 | \$13,074,191 |
| 2024 | \$9,770,996 | \$2,711,229 | \$1,142,073 | \$13,624,298 |
| 2025 | \$10,557,673 | \$2,420,058 | TBD* | \$12,977,731 |

Base formula funding is determined by Washington State unemployment rate and civilian labor force size.

Additional funding is based on funds made available to states when other states requested less than their maximum base award.

Outcome payments are awarded to states meeting both prior-year goals. In those goals were (1) FY 2024 UI duration 17 weeks and (2) reemployment target 59%.

ESD Strategic Plan Alignment



ESD is committed to enhancing workforce service delivery through portfolio projects that better serve customers, support our team members, and improve RESEA customer outcomes.

As part of ESD's Strategic Plan "Happy Customers" Goal, the following key RESEA projects include:

- Reimagine our RESEA program
- RESEA Assessment by American Institute for Full Employment
- Complete RESEA Workforce Pilots
- RESEA staff in resource rooms to support RESEA claimants
- RAS Phone Accommodation Project

Questions?



Alberto Isiordia
Assistant Director of Operations
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ESSB 5041 – Striking Workers Update



**Employment
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Department**
WASHINGTON STATE

Marypat Meuli, Group Product Manager, ESD

ESSB 5041 – Striking Workers Update



- Development:
 - Development on track and ready for implementation by Jan 1, 2026
- Communications:
 - December 10 - Employer webinar covering 2026 updates, including ESSB 5041
 - December 11 - Informational briefing for union leaders
 - December 12 - Article in employer newsletter
 - December 17 - Publishing info on esd.wa.gov/labor-disputes
- What we have learned so far during Reporting planning (first report is due Dec. 2026)
 - We are confident obtaining Strike Data:
 - ESD has identified good external sources for both large (BLS) and smaller strikes (ILR strike trackers)
 - ESD has an open channel with local communities through regional economists
 - Claim data:
 - Conducting discovery to confirm connection between reporting and the internal strike information collected from claimants and employers
 - Looking to the future:
 - We will watch how the implementation is working and will collect data to help us continuously improve

2026 Legislative Update



**Employment
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WASHINGTON STATE

Josh Dye, Government Relations Director, ESD

2026 Agency Request Legislation



| Subject | Summary |
|--|---|
| Updating certain Legislatively-mandated reports | <p>This legislation streamlines Paid Leave and Unemployment Insurance statutory reporting by shifting select reports from direct legislative submission to advisory committee review—preserving transparency and oversight while reducing administrative burden.</p> <ul style="list-style-type: none">• Confidentiality of ESD data and records• Employment service for people with disabilities• Impacts of flexibilities in work search methods, monitoring, and outcomes <p>Additionally,</p> <ul style="list-style-type: none">• The Annual Labor Market and Economic Report will be updated to align with federal standards and allow flexibility to include other relevant labor market information, supporting statewide budget efficiency goals.• Multiple Paid Family and Medical Leave reports would be consolidated into a single report |
| Tribal employer clarification and data privacy provisions for information collected under ESSB 5525 (2025) | <p>This bill will make layoff notices received under chapter 49.45 RCW public while excluding personally identifying details of impacted employees and exclude tribes from the “employer” definition to align with federal law.</p> |

Public Comment



**Employment
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WASHINGTON STATE

Public Comment



- If you would like to make public comment, please state your name and spell it so we can capture it correctly for the minutes, as well as the organization you represent if any.
- **Reminder:** Your comments are being recorded.
- If you would like your comments to be included in the meeting minutes, please submit them in writing via email to Camille Galeno at camille.galeno@esd.wa.gov. *(Camille's email will be posted in the chat)*
- Please limit your comments to **two minutes**.

Thank you

Unemployment Insurance ADVISORY COMMITTEE



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