



## Unemployment Insurance Advisory Committee

### Meeting details

**Date:** Wednesday, October 18th, 2023

**Time:** 10:00am - 12:00 pm

**Location:** Zoom

#### Committee members and alternates present

##### Employee Representatives

- Sybill Hyppolite, Washington State Labor Council
- Cindy Richardson, UNITE HERE Local 8
- Josh Swanson, Operating Engineers 302
- Brenda Wiest, Teamsters 117

##### Employer Representatives

- Bob Battles, Association of Washington Business
- Josie Cummings, Avista Corp
- Julia Gorton, Washington Hospitality Association
- Tammie Hetrick, Washington Food Industry Association

##### General Public Representatives

- Anne Paxton, Unemployment Law Project
- William Westmoreland, Pac Mtn WF Dev Council

##### ESD staff

- Joy Adams
- Joshua Dye
- Vaughn Ellis
- Colin Helsley
- Caitlyn Jekel
- Matt Klein
- Scott Michael
- JR Richards
- Stephanie Sams

#### Committee members and alternates absent

- Monica Holland, Northwest Justice Project (alternate public rep)
- Joe Kendo, WA State Labor Council (employee rep)
- Allyson O'Malley-Jones, Northwest Justice Project (alternate public rep)
- Courtney Williams, Community Employment Alliance (public rep)

## Summary

### Meeting Recorded

This meeting was [recorded](#) and also livestreamed by TVW.

### Welcome and Opening Remarks

- ESD Unemployment Insurance Customer Support Director, JR Richards, welcomed everyone and asked committee assistant Colin Helsley to call roll.

### Agenda

JR Richards reviewed the following agenda items (also see Addendum I.)

- Approval of meeting Sept. 11 meeting minutes
- WBA report recap, Q&A
- Legislation and Rule Making
- Legislative & Apprenticeship reports
- Sept. Trust Fund Report
- Break (10 mins)
- UI Equity Grants
- State Quality Service Plan update
- Overpayments report
- Relief of Benefit Charges for Discharges Required by Law
- Public Comment
- Adjourn

### Meeting Minutes

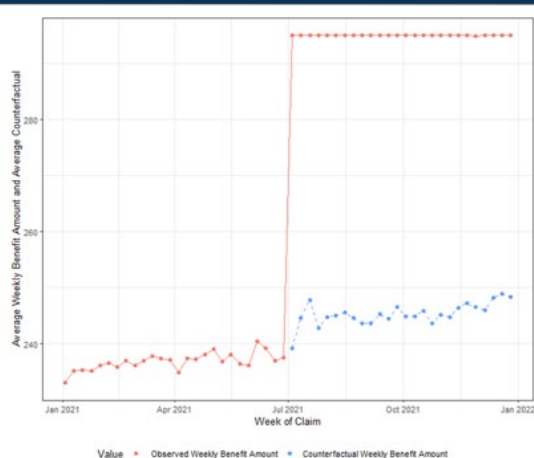
JR Richards requested that everyone review the September 2023 UIAC meeting minutes and provide their feedback. Brenda Weist made a motion to approve the minutes and William Westmoreland seconded the motion. All in favor said “aye”, no members were opposed. The September 11th, 2023 meeting minutes were approved.

### MWBA Report Recap, Q&A

JR Richards handed the meeting over to Matt Klein, Operations Research Specialist, ESD, to provide a recap of the Minimum Weekly Benefit Amount report.

Matt presented information from the following slides:

## Minimum WBA increased to \$295/week



## Modeling exercise



- Regression analysis – condition on observables
- Model impact on:
  - Earnings in the 4 quarters after the claim
  - Employment probability in the 4 quarters after the claim
  - Hours worked in the 4 quarters after the claim
  - Hourly wages in the four quarters after the claim

## Effect of the MWBA increase



- Longer job search
  - Lower probability of employment in the quarter after claim
  - Similar probability of employment by 3rd quarter after claim
- Higher Wages
  - \$0.36/hour in 3rd quarter after the claim
- More hours worked, once reemployed
  - 36.6 hours more in the third quarter after the claim
- More money earned, once reemployed
  - \$918.26 more in the third quarter after the claim

Julia Gorton asked if this most current report is based on the August through December claims or April through December. Matt answered that in this report, the statistical analysis conducted includes information

on all those who claimed in 2021. Julia then asked for clarification on the references to 36 cents more per hour for 36 extra hours per quarter. Matt answered that those two numbers were not simply multiplied together and added “We have the number of hours they worked... we know that they would have worked 36.6 hours fewer in the absence of [bill] 5061, and we know what their hourly earnings would have been. So, you can compare how much money and how much they worked in reality to how much money and how much they would have worked otherwise and conduct the calculation that way.” Matt also offered to provide this information in writing.

Anne Paxton referenced the third paragraph of page nine of the report which states “the increase had a large positive impact on workers’ careers. One explanation is that the increase in the MWB allowed claimants to pass on low-paying job opportunities that they otherwise would have had to settle for”. Anne asked for evidence in support of this statement. Matt answered that the evidence outlined in the slides indicates that claimants took a longer time to find a job, but once they found a job that paid them more money per hour, they worked more hours, and earned more money overall. Anne then referenced page 11 of the report and the increase in employers’ revenues. Anne asked how this result was found and Matt answered that impacted workers were getting about a thousand dollars more per quarter from employment than they otherwise would have, and this would lead to more money in the economy for workers to spend.

Josie Cummings referenced the 36-cent increase per hour - possibly due to claimants being able to wait for a more suitable job - and noted that with the suitability requirements in law claimants shouldn't be able to turn down offers, especially with only a 36-cent increase, and asked how this point came about. Matt answered that there are two different ways that explanation fits with this data, the first being with the results found, and the second being from economic theory. He stated “when people have more generous benefit amounts, and they're getting more compensation each week, the jobs they're looking for are different. The applications they're submitting are to places that have higher wages and clear that minimum threshold. So, in the absence of [senate bill] 5061, that threshold will be lower, the reservation wage would be lower, and they'd be applying for a different group of jobs.” Josie stated she would be interested in seeing any data on that and could follow up via email. She then asked if more hours worked, and a wage increase could be attributed to any outside economic impacts starting in 2021 such as the aftermath of the COVID-19 pandemic. Matt answered that this question was addressed in an appendix of the 2022 report. He stated “the short answer is we are able to account for the conditions in the economy through a method called fixed effects in our regression. The long answer is described in the appendices in the 2022 report about how that happens in practice or rather how that statistical method means the measurements we're making are not affected by the unusual circumstances that we're studying”.

Julia Gorton asked if these claimants are people who lost their jobs in 2021 and are minimum weekly benefit amount recipients, part time workers and folks making minimum wage. Matt answered, “These are the claimants who have the lowest incomes in their base year, so, the period of time that ESD uses to calculate their weekly benefit amount.” Julia then asked whether the 2022 increase in the Washington minimum wage from \$13.69 to \$14.49 was accounted for. Matt referenced the fixed effects methods and noted that it also accounts for the changes over time in the minimum wage. “The measurement shows that they're making more money than they would have if the minimum weekly benefit amount did not increase”. Julia acknowledged the point about longer claim duration but noted that the report also says that the increase reduced claim duration by 1.9 weeks. Matt stated that this was because the increase in the weekly benefit amount in fact resulted in a decrease in the number of weeks a person could claim before exhausting their benefits. So, for most of these claimants, the maximum dollars they could get over the course of their benefit year didn't change, but the

amount of money they got per week did increase quite a bit. Julia asked if less time was being spent on unemployment, how this aligned with the statement that more time is spent looking for different jobs. Matt answered that people's unemployment spells aren't necessarily 100% covered by their UI claim duration, so they can be unemployed longer than they have benefits available for, which is likely what was happening here.

William Westmoreland asked what the higher wages are comparable to – similar job seekers with similar demographics, or to the same person's previous wage? Matt answered that the higher wages were compared to how much money these individuals would have received in the absence of the policy change. William asked how it could be known what their wages would have been without the policy change. Matt answered that this was determined through a type of regression analysis. Matt added that this answer may be too broad to be useful and noted that the full answer is given in the report and that the statistical model is broken down in more depth in the appendices of the 2022 report. William asked if qualitative analysis was done on any of these recipients. Matt answered no.

Bob stated that the conclusion reached in the report that claimants had more money solely because they had better benefits is a huge leap and does not account for the increase in minimum wage and the effects of the pandemic. Bob also stated his opinion that this conclusion is incorrect.

JR thanked the committee members for their questions and comments. She reminded committee members that they can reply directly to the content of the study of the report and offered more time and space to meet in smaller groups to dive into the more technical areas of these questions.

Bob asked for a timeline on when comments can be included in the report. Caitlyn Jekel answered that the report is due December 1<sup>st</sup> and will be sent to OFM at the beginning of December for review of comments. Ideally comments would be received by November 3<sup>rd</sup>, if not then an extension could be made of one or two weeks.

Sybill Hyppolite stated that she would be interested in an additional conversation about this and commented on the confusion around the methodology used in the report. She asked how advanced the methods used in this study were. Matt answered that these could be considered master's level topics.

### **Legislation and Rule Making**

JR Richards then handed the floor to Caitlyn Jekel, Government Relations Director, ESD who reminded the committee that ESD submitted three agency request proposals to OFM and the governor's office for consideration in the 2024 legislative session. Caitlyn added that the review process is still underway and there are no updates at this time but provided an opportunity for questions or comments on these proposals (below).



## Legislation and Rule Making



Unemployment Insurance proposals submitted to OFM for consideration in the 2024 legislative session, awaiting approval:

- **Pandemic-era overpayment interest:** not charge interest on any overpayments that were paid for weeks claimed from February 2020 through September 2021, lapsing the pause on Jan 1, 2025.
- **Relief of Benefit Charges:** employers may receive relief without being required to file an application for relief under various circumstances.
- **Voluntary Contribution sunset:** remove sunset to temporary changes to voluntary contributions program in 2021, which removed the 10% surcharge and opened the program to more employers.

Hearing no questions, Caitlyn handed the floor to Stephanie Frazee, Legislation and Rules Coordinator, ESD to provide Rule Making updates. Stephanie presented on the following slides.

## Rulemaking



- **Public Records Procedures** – Formally adopted rules allowing persons making public records requests to ask for an internal agency review of the response to their public records requests and removing requirement for requestors to provide their mailing address in their request. Rules become effective November 6, 2023.
- **SOC Code Reporting for Tribes (HB 1684)** – Officially proposed rules allowing tribes to report or not report SOC Codes or job titles on their quarterly reports as they see fit. Hearing held October 5, 2023. Working on formally adopting rules.

## Rulemaking



- **Expanded Voluntary Quits (HB 1106)** – Officially proposed rules with definitions of “family member” consistent with PFML definitions and incorporating updates from the bill that are effective September 3, 2023. Hearing is October 26, 2023. Held a listening session regarding other aspects of rulemaking on September 28, 2023.
- **Transportation Network Companies (HB 1570)** – Officially proposed rules stating that “hours worked” for purposes of driving for a TNC should be reported as “passenger platform time” doubled. Hearing is October 31, 2023.

## Rulemaking



- **Overpayment Waivers** – Extended emergency rules a second time, until February 3, 2024. Permanent rulemaking has started, and we are working on formally proposing permanent rules.
- **Conditional Benefit Definition** – Working on formally proposing rules defining the circumstances under which the Department pays benefits on a conditional basis.
- **Wildfires and Other Disasters** – Filed emergency rules in response to wildfires in the state. Emergency rules expire December 23, 2023. Filed preproposal statement on permanent rulemaking and shared with stakeholders.

Anne Paxton asked about the status of the proposed rule on lifting the ban on waiver of overpayments where there's finding of misconduct. Stephanie answered that addressing discharge due to misconduct is being limited just to the pandemic era. Addressing this on a wider basis is still under discussion but would need to be done in a different rulemaking.

## Legislative Reports

JR then handed the floor to Caitlyn Jekel to present updates on legislative reports. Caitlyn gave an overview of the information in the following slides.

## Legislative reports



### Apprenticeship Workgroup (SHB 1458, 2023)

The Legislature directed Employment Security to convene a workgroup to identify and address legal and procedural barriers faced by eligible claimants participating in apprenticeship programs when those claimants seek timely access to unemployment benefits.

#### Recommendations:

- Establish training on filing claims and navigating the unemployment system for apprentices and apprentice advocate groups.
- Educate apprentices to be proactive in getting ready to file a claim and resolving issues.
- Technological changes that would streamline the benefit application process.
- Additional sources of funding, such as state and federal grants, can be developed to help fill gaps where unemployment insurance is not an appropriate source of funding to meet the needs of apprentices.
- State law could be adjusted so a higher percentage of earnings are “disregarded” for claimants who are working part-time while claiming benefits.

Report due to the legislature: December 1, 2023.

Sybill Hyppolite thanked Caitlyn for her work on the apprenticeship workgroup and mentioned that some of the originally proposed solutions that were coming from labor, like waving the waiting week for apprentices, presumptions, pre-adjudication, etc. are not viable options for Washington, so those will not be coming back. Sybill also stated “we agree that there is a large gap in support and so we will be looking to solutions to make sure that people in apprenticeships can access the support that they need... or establishing dedicated funding

to fill the gap in UI support. So, again thank you for your work, and we'll be looking for solutions elsewhere." Caitlyn thanked Sybil for her comment as well as others on the call who were involved in the work.

William Westmoreland asked how impact to total annual earnings was looked at for the participants as they are out of work for the duration of their apprenticeships, and further if there is a possibility of leveraging ECSA to provide transition support as they complete their apprenticeship and move into earning a self-sufficient wage. Caitlyn explained to the group that ECSA (Economic Security For All) "is a funding mechanism that started with federal workforce funds through the governor's innovation pool and has ultimately become something that the state legislature has invested in further, which is allowing the local workforce system to have some flexible funding to work with individuals both who are below 200% of the federal poverty line and those who are just above it but at risk of falling into poverty to fill those gaps as people are on an employment pathway to self-sufficiency." Caitlyn added that ECSA absolutely fits for this population as a funding source other than UI to support people in these apprenticeships and avoid losing them from the program due to lack of economic support during transition out of apprenticeships or during adjudication periods.

Julia Gorton addressed the final bullet point on the slide and asked if this is the Shared Work program or if it is something specific to apprenticeships. Caitlyn answered that Shared Work involves being connected to one employer and registered apprenticeships aren't working that way, so Shared Work isn't the exact model, but was in the spirit of what was being discussed, and that there would be a benefit beyond just registered apprenticeship if a policy like that were to be considered.

Caitlyn reminded the committee that final review is still underway and that committee members may email her with additional comments they would like noted in the report. She then continued to the next legislative report:

## Legislative reports



The 2023-25 Enacted Operating Budget contained a General Fund-State appropriation for Employment Security to backfill the agency's shortfall in federal funding.

The department will issue two reports which detail the use of these funds and provide recommendations for long-term solutions to address the impact of federal funding reductions on administration of the unemployment insurance (UI) program.

Highlights include:

- Federal funding never fully supports Washington's UI program.
- Ongoing funding challenges will require continued and increased leveraging of state accounts.
- Employment Security will continue to identify program efficiencies that reduce cost, but additional state revenue sources should be considered to ensure long-term sustainability and a UI program that provides equitable access to services while maintaining program integrity.

Report due to the legislature: December 1, 2023.

William Westmoreland asked if the agency's overhead and general budget will be part of the consideration or will it strictly be focused on this program. Caitlyn answered that programs that support the public workforce system and WorkSource are part of this conversation because some of the costs that draw against the state accounts that partially fund the UI program do include that. She added that every year, ESD produces a full financial report which documents all sources of funding.



### September Trust Fund Report

JR then introduced Vaughn Ellis, Actuary Analyst, ESD to present information about the September Trust Fund Report. Vaughn gave an overview of information from the following slides.

## Unemployment Insurance Trust Fund



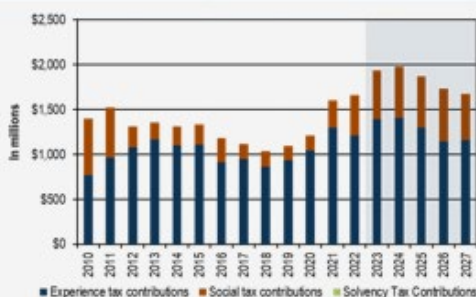
- On September 30<sup>th</sup>, the UI trust fund held approximately \$3.52 billion, in line with [projections](#)



## Employer Contributions



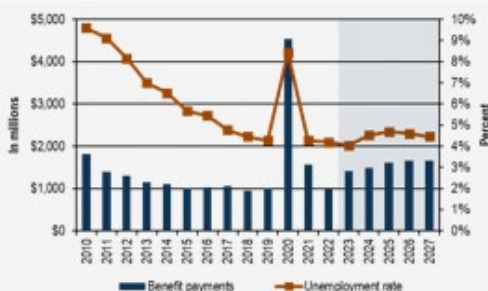
Projected Employer Contributions	June 2023	September 2023
2023	\$1.9 Billion	\$1.9 Billion
2024	\$1.9 Billion	\$2.0 Billion



## Benefit Payments



Projected Benefit Payments	June 2023	September 2023
2023	\$1.4 Billion	\$1.4 Billion
2024	\$1.6 Billion	\$1.5 Billion



Seeing no questions, JR introduced Stephanie Sams, UICS Policy & Legislative Implementation Manager, ESD.

### UI Equity Grants

Stephanie explained that the grants discussed here are ARPA (American Rescue Plan Act) Grants and added that these funding opportunities became available to all states in 2021 and 2022 and that ESD applied and was awarded these grants, noting that they are investments in processes to improve technology, work processes, and equity opportunities, and that ESD will be applying for a no-cost extension with the US Department of Labor on a handful of them. Stephanie stated she would return to this topic in a future meeting and invited committee members to reach out to her with any questions.

## UI Equity Grants



Project Name	Project Status	Funding Source
UI Navigators Grant - Navigator Grant Project	Active- In Progress	ARPA
Tiger Teams - Prioritize SQRs	Completed	Tiger Teams- ARPA
Tiger Teams Adjudication Tool - Standard Work Content Modernization	Active- In Progress	Tiger Teams- ARPA
Translation Services Project	In Discovery	UI Equity- ARPA
Customer Experience Data Product	In Discovery	UI Equity- ARPA
ESD Website Modernization	Active- In Progress	UI Equity- ARPA
UC Equity Data Partnership	Active- In Progress	UI Equity- ARPA
UC Data Adverse Impact & Analysis (Equity Investigations & Evaluations)	Active- In Progress	UI Equity- ARPA
Upstream Identity Verification (UIV)	Closed/Moved	ARPA

JR added that the funding from these grants does not support ESD’s everyday business but rather very specific work towards creating efficiencies, improving access, and lessening the burden of funding for everyday business.

A question was asked in chat from Deborah: “Can you provided info on the upstream ID verification that is closed?” Stephanie answered that ESD is still pursuing the intent that was behind this funding ask, but is rescoping it and moving it to more integrity specific grants. Stephanie added that she is happy to take further questions via email.

### State Quality Service Plan Update

JR handed the floor to Zoe Zadworny, UI Quality Assurance, ESD who provided the State Quality Service Plan update using the following slides.

## State Quality Service Plan Update

**Program Re-cap:**

- USDOL provides ALL States with an SQSP workbook at the start of each Biennial Federal Fiscal Year that covers all UI program areas that did not meet USDOL Acceptable Levels of Performance (ALPs).
- Each State then establishes Corrective Action Plans (CAPs) and MILESTONES to address those areas that did not meet the USDOL ALPs.
- Half-way through the Biennial Year Plan (BYP), USDOL reevaluates the states performance using more current data and provides each state with a revised plan (SQSP AYP) - CURRENT STATE.
- Once the SQSP plans are finalized and approved for each BYP and AYP, states then report quarterly performance data and milestone progress to USDOL Regional Office(s).
- SQSP CAPs are typically set using data from quarter ending 3/31 for both BYP and AYP. Many of the measures tracked are assessed using a 12-month rolling average of performance data.

## State Quality Service Plan Update

MEASURES & PROGRAMS		Acceptable Level of Performance (ALP)	SSQP FY24	SSQP FY23
BENEFITS	<a href="#">Claim Payment Performance</a>	≥ 87%	82.82%	82.31%
	<a href="#">Claim Payment Performance (Pre-Open 1521 Pass)</a>	≥ 87%	83.11%	81.79%
	<a href="#">Claim Payment Performance (Pre-Open 1521 Pass)</a>	≥ 79%	49.33%	53.52%
	<a href="#">Claim Payment Performance (Pre-Open 1521 Pass)</a>	≥ 83%	80.88%	72.77%
	<a href="#">Claim Payment Performance (Pre-Open 1521 Pass)</a>	≥ 78%	69.88%	67.32%
	<a href="#">Nonmonetary Determination Timeliness</a>	≥ 89%	66.37%	57.30%
	<a href="#">Nonmonetary Determination Quality - Separation</a>	≥ 75%	56.83%	52.94%
	<a href="#">Nonmonetary Determination Quality - Benefits</a>	≥ 75%	63.85%	63.21%
	<a href="#">Lower Jurisdiction Appeals (All Cases)</a>	≥ 88%	1.62%	1.68%
	<a href="#">Lower Jurisdiction Appeals (1st Level)</a>	≥ 88%	3.55%	3.24%
APPEALS	<a href="#">Average Day of Pendency Lower Jurisdiction Appeals</a>	≤ 30 days	141.5	108.2
	<a href="#">Average Day of Pendency Higher Jurisdiction Appeals</a>	≤ 60 days	9.5	11.3
	<a href="#">Lower Jurisdiction Appeals Quality</a>	≥ 80%	63.88%	66.91%
TAX	<a href="#">New Combined State Determination Timeliness</a>	≥ 70%	83.3%	84.90%
	<a href="#">Tax Quality (Part A)</a>	No more than 3 tax functions fail in one year	Pass	Pass
	<a href="#">Tax Quality (Part B)</a>	One tax function cannot fail for 3 consecutive years	Fail: State-Residence, Collection Debt-Substance	Fail: Collection, Debt-Subst
	<a href="#">TDS System Function</a>	Pass	Pass	Fail: Collection, Debt-Subst
	<a href="#">Objective Audit Measure</a>	Pass & Recalculate ≥ 7	Fail: Factor 1: 0.8	Fail: Factor 1: 0.8
INTEGRITY	<a href="#">Unemployment Insurance Measure</a>	≤ 18%	18.48%	7.85%
	<a href="#">Retention of Determination - 3 Year Measure</a>	≥ 50% & ≤ 95%	351.81%	449.64%
	<a href="#">Unemployment Insurance Measure</a>	≥ 68%	15.88%	16.95%
	<a href="#">Data Validation - Benefits UI Submitted &amp; Pending</a>	All Benefit Pops Submitted & Pending	Fail: Benefits 4 & 12 Not Subm: Benefits 1, 3, 5a, 5, 13-15, BTD 1-6, Module 3	Not Subm: Population 3-5, 12, 13, 15, BTD 2 & 3
	<a href="#">Data Validation - Tax (All Submitted &amp; Pending)</a>	All Tax Pops Submitted & Pending	Not Subm: Tax 2; TFS 1; Wage Error	Fail: TFS 1 Fail Subm: Tax 5

## State Quality Service Plan Update



Focus for upcoming year and National Priorities (UIPL 09-23):

- **Moving forward**
  - Rebuilding and improving program performance by addressing the significant impact that the workload created by the COVID-19 pandemic continues to have on the UI system
  - Focus on improving timely delivery of benefit payments and reduction of the UI appeals and adjudication backlog
  - Ensuring equitable access to UI programs
  - Addressing worker misclassification
  - Ensuring accurate and complete reporting of ETA required reports
- **Re-employment services**
  - Supporting claimants through Reemployment Services and Eligibility Assessments (RESEA), Short-Time Compensation (STC), robust work search activities and other targeted initiatives.
- **Recovery**
  - Ensuring integrity by assessing and evaluating fraud risks, implement and maintain sufficient controls to mitigate fraud and reduce improper payments

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William Westmoreland asked for further elaboration on what is meant by ensuring equitable access to UI programs and whether this plan will address the issue of unnecessary competition for reemployment services. Zoe answered that the bullet point items are what USDL has designated as national priorities and it's up to each state on how to implement them. Without a subject matter expert present to address this in more detail, JR stated that this question would be captured and followed up on.

### Overpayments Update

JR Richards presented an update on pandemic era overpayments.

## Overpayments Update



### Milestones

- 2.8 million waived (1,184 customers)
- @ 90% waiver approval rate

### Next

- Communication and outreach
- Hiring and training

Josh Swanson asked for further clarification on the outreach strategy and noted that he hasn't been hearing very much about this. JR answered that individuals who currently have a pandemic era overpayment on the books are receiving both web notices (emails) and paper letters informing them that they have a pandemic era overpayment and may be eligible for a waiver. She added that individuals with overpayments that were already



paid back or offset are receiving communication informing them that they may be eligible for a waiver and therefore repayment. JR noted that this has caused some confusion. JR also added that there is a large population of individuals who had or have a pandemic era overpayment that are not engaging with ESD which may have something to do with why Josh has not heard much about waiver outreach.

Anne Paxton noted that this is a very encouraging report and commented that she'd received a few reports from claimants who have been denied waivers, in particular one who was denied because they could afford to pay back the overpayment. Anne asked if financial hardship is still being required for waiver of overpayments. JR answered that financial hardship is one of the criteria considered but not the only one, and added that denied waivers are being looked at by a small team who are investigating more in-depth the reasons behind denial. JR also explained that updating letters is not a simple process, but that this can be an area where further work can be done if needed.

Sybill Hyppolite expressed that these are great milestones to see and asked about the total number of people who have applied for waivers thus far. JR answered that the number is 40,612 as of this morning. Sybill asked since 1,184 is a small portion of that total, what is the envisioned timeline for getting through all the waiver applications. JR answered that as ESD adjudicators are getting more comfortable with the process, the average time to process an individual waiver is shortening, and the goal for processing time is 30 minutes. JR continued by stating that ESD is on track to be able to process the assumed number of waivers by the time funding ends, and that it is still early in this timeframe so this could change, adding that the modeling is being looked at on a weekly basis to identify any adjustments needed. Sybill thanked JR for this answer and expressed interest in helping to get the word out to bridge the gap in expected applications. Sybill asked for a contact to reach out to on messaging for workers. JR directed Sybill to the committee administrative assistant's email for routing to the correct contacts ([camille.galeno@esd.wa.gov](mailto:camille.galeno@esd.wa.gov)), and thanked Sybill for this offer of assistance in the outreach effort.

Josh Swanson asked whether UI appeals intersect with overpayments and do they reconcile, and also how outreach can be boosted. JR answered the second part of Josh's question with the following info: ESD has updated their outward facing website and put together materials specific to employers and HR departments. JR offered to share this info with the entire committee. Scott Michael answered Josh's first question with the following info: There is overlap in these areas, and ESD has monthly meetings with the Office of Administrative Hearings and are working on coordination with OAH on waivers for claimants who also have appeals. Scott added that some cases are more complex than others and that ESD will be happy to work with Scott and any of his members who may have one of these more complex cases. Josh asked about the timeframe penalty and if it's eliminated for true overpayment waivers. With respect to time left in the meeting JR offered to capture Josh's questions and follow up.

### **Relief of Benefit Charges for Discharges Required by Law**

Scott Michael provided a report on relief of benefit charges for discharges required by law, using the following slide.



## Relief of Benefit Charges



RCW 50.12.200(2) requires the Department to report to UIAC the amount of benefits not charged to employers because the employer discharged an individual because they were unable to satisfy a job prerequisite required by law or administrative rule

### From Fourth Quarter 2022 to Third Quarter 2023

- Relief has been granted 6 times, all related to claimant not having the required license or certification
- Total potential benefit charge relief across all 6 instances is \$14,465.17
  - Potential benefit charge relief = Maximum Benefits Payable X Employer's Percent of Base Year Wages

### **Public Comments**

JR reminded meeting participants that if they would like their comments captured in the meeting minutes to please email them to [camille.galeno@esd.wa.gov](mailto:camille.galeno@esd.wa.gov).

No public comments were made.

Julia Gorton made the following statement regarding the way the agency collects feedback on the minimum weekly benefit recipient study. Julia's comment is quoted as follows:

“This is the second year in a row we've raised concerns about the lack of acknowledgement of the economic conditions, and the second year in a row that they have not been adequately addressed. This is a report that should be submitted to the legislature. We have a citizen legislature, which means it needs to make sense regardless of whether or not you have a master's or a PhD in statistics and I think we are asking very legitimate questions that should be responded, and I hope they're not being disregarded simply because there's a lack of professional certification in that area. We are experts on our industry and we're experts on the way the unemployment insurance system impacts our industry. So, I hope that our comments are received and taken into account, and I look forward to additional conversation on this.”

JR thanked Julia for her comment and stated this would be reflected fully in the meeting minutes.

### **Adjourned**

JR Richards thanked everyone for joining and ended the meeting.

### **Action Items**

- JR Richard or appropriate subject matter expert to follow up with William Westmoreland regarding his request for further elaboration on what is meant by ensuring equitable access to UI programs under the State Quality Service Plan (see pg. 12).

- JR Richards to share with all committee members the overpayment waiver materials created for employers and HR departments to assist in answering employee questions about the waiver application process (see pg. 13, paragraph 4).
- Scott Michael/JR Richards to follow up with Josh Swanson with further info on how to support claimants with both pandemic era overpayments and appeals (see pg. 13, paragraph 4).

**Next meeting:**

December 6, 2023, from 10:00 a.m. to 12:00 p.m. via Zoom.

Addendum 1

Agenda

Unemployment Insurance Advisory Committee (UIAC)

Wednesday, Oct. 18, 2023 | 10:00 am - 12:00 pm | Via Zoom | 212 Maple Park Ave SE, Olympia, WA 98501

Time	Topic
10:00 am	Welcome from JR Richards, Unemployment Insurance Customer Support (UICS) Director, Employment Security Department (ESD) o Agenda overview
10:05 am	Approval of Sept. 11 <sup>th</sup> , 2023 meeting minutes
10:10 am	Minimum Weekly Benefit Amount report Matthew Klein
10:25 am	Legislation and Rule Making Caitlyn Jekel & Stephanie Frazee
10:35 am	Legislative reports & Apprenticeship <a href="#">report</a> Caitlyn Jekel
10:50 am	September Trust Fund Report Vaughn Ellis
10:55 am	BREAK (10 min)
11:05 am	UI Equity Grants Stephanie Sams
11:15 am	State Quality Service Plan Update Joy Adams or Nicole Sherman
11:45 am	Overpayments JR Richards
11:50 am	Relief of Benefit Charges for Discharges Scott Micheal
11:55 am	Public Comment
12:00 pm	Adjourn

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

**RECORDING DISCLAIMER:**

*This meeting is being recorded and will be live streamed by TVW. Please be advised that your image and voice will be captured and recorded during the videoconference. Your participation in this videoconference equals consent to be recorded as required by law.*

Addendum II



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**Unemployment Insurance Advisory Committee**

**Aug 2023 – June 2024 Meeting Dates**

<b>Date</b>	<b>Location</b>	<b>Host</b>	<b>Notes</b>
Aug 2, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Sept 11, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Oct 18, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Dec 6, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Jan 26, 2024 2:00 PM – 3:00 PM	Zoom	ESD	Recorded meeting
Feb 23, 2024 2:00 PM – 3:00 PM	Zoom	ESD	Recorded meeting
Mar 29, 2024 2:00 PM – 3:00 PM	Zoom	ESD	Recorded meeting
May 15, 2024 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
June 26, 2024 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting