



Unemployment Insurance Advisory Committee

Meeting details

Date: Wednesday, September 8, 2021

Time: 10:00 a.m. to 12:00 p.m.

Location: Zoom

Committee members present

- Robert Battles
- Tammie Hetrick
- Joy Emory
- Cindy Richardson
- Josh Swanson
- Brenda Wiest
- Jerry VanderWood

Committee members absent

- Julia Gorton
- Sybill Hyppolite

ESD staff

- Joy Adams
- Nick Demerice
- Joshua Dye
- Stasha Espinosa
- Wendy Goldmark
- Matt Klein
- Matt LePalm
- Nona Mallicoat
- Scott Michael
- Jairus Rice
- Jeff Robinson
- 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=2021091044>

Welcome and Opening Remarks

Employment Security Department (ESD) Director, Dan Zeitlin, welcomed everyone and asked Wendy Goldmark to take roll call. All committee members were present except Julia Gorton and Sybill Hyppolite.

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 August 11, 2021 and provide their feedback. Brenda Wiest made a motion to approve the minutes and Josh Swanson seconded the motion. Dan asked for all members in favor to say, "Aye." All members responded, "Aye". Dan asked members that oppose to say, "Nay." No one responded. The August 11, 2021 meeting minutes were approved.

Opening Discussion

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

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

Dan Zeitlin handed the meeting over to Joy Adams to continue with the discussion.

UI Program Update

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

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

Communication 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.

Dan Zeitlin handed the meeting over to Scott Michael to continue with the discussion.

Employer Vaccine Mandates and Unemployment Insurance

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.”

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

Dan Zeitlin handed the meeting over to Jeff Robinson and Matt LaPalm to continue with the discussion.

SB 5061 Report = 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.

Jeff Robinson handed the meeting back to Dan Zeitlin to continue the discussion.

Action Items

None

Next Agenda Discussion

- September UI Trust Fund Report

Public Comments

Kory Olson - Claimant

Adjourned

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 11:11 a.m.

Next meeting

A special September Trust Fund Report meeting is scheduled for Wednesday, September 29, 2021 from 10:00 a.m. to 11:00 p.m. via Zoom

The next regularly scheduled Unemployment Insurance Advisory Committee meeting is on Wednesday, October 13, 2021 from 10:00 a.m. to 12:00 p.m. via Zoom.

Addendum I

Agenda

Unemployment Insurance Advisory Committee (UIAC)

Wednesday, September 8, 2021 | 10:00 am – 12:00 pm | Via Zoom

Agenda Items

Time	Topic
10:00 am	Welcome from Dan Zeitlin, Director, Employment System Policy & Integrity (ESPI) Division, Employment Security Department (ESD) ✓ Agenda Review
10:05 am	Approval of August 11, 2021 Meeting Minutes
10:10 am	UI Program Update <ul style="list-style-type: none">○ Joy Adams, UI Quality Assurance and Operations Manager, ESD
10:30 am	UI Policy Update <ul style="list-style-type: none">○ Scott Michael, Legal Services Manager, ESD
11:00 am	Break
11:10 am	SB 5061 Report Discussion <ul style="list-style-type: none">○ Jeff Robinson, UI Research and Forecasting Manager, ESD
11:40 am	Next Agenda Discussion <ul style="list-style-type: none">○ Dan Zeitlin, ESPI Director, ESD
11:50 am	Public Comments
12:00 pm	Adjourn

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

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