

Concise Explanatory Statement

COVID 19 Emergency Rules – Phase 4

Introduction

Pursuant to RCW 34.05.325(6), the Employment Security Department (Department) hereby provides the Department’s reasons for adopting the rules, a description of the variances between the proposed rules and the final rules, and a summary of comments received regarding the proposed rules and responses to the comments

Reasons for adopting the rule

In February of 2020, Governor Inslee proclaimed a State of Emergency in Washington regarding COVID-19. The Department filed a series of emergency rules in order to support the State’s emergency response. The Department is adopting permanent rules to add the protections and flexibilities provided by the emergency rules to the Washington Administrative Code. The proposed rules at issue in the COVID 19 Emergency Rules – Phase 4 rulemaking:

- Clarify the priority between Pandemic Unemployment Assistance benefits, Pandemic Emergency Unemployment Compensation benefits, extended benefits, and regular unemployment insurance benefits
- Clarify that Pandemic Unemployment Assistance benefits will be deducted from the maximum benefits payable on an individual’s new claim if the weekly benefit amount between the two claims is equal.
- Allow the Employment Security Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid; and
- Clarify that the waiting week requirement is waived when the one week waiting period is fully paid or reimbursed by the federal government

Variance between proposed rule and final rule

There is no variance between the proposed and the final rule.

Summary of comments to proposed rules and agency response

Public Comment	Agency Response
<p>Anne Paxton and Lavena Staten, Unemployment Law Project</p> <p>The Unemployment Law Project supports the proposed rule. The rule provides a needed update of archaic and overbroad language which places difficult conditions on unemployed workers seeking a job. It also adapts state law to family and workplace realities. In addition, it complies with federal law in adopting policies supported by the U.S. Department of Labor, and it carries out the explicit purpose of</p>	<p>The Employment Security Department is adopting the rules as proposed.</p>

<p>Title 50 RCW to ease the burden of unemployment on workers.</p>	
<p>Multiple submissions via e-mail</p> <p>The Department received 293 submissions requesting blanket overpayment waivers for all overpayments that occurred during the pandemic period as a matter of equity and good conscience.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking.</p>
<p>Shirley Berg</p> <p>Testimony was provided in support of an individual request for an overpayment.</p> <p>The Department sent an overpayment notice to the claimant informing of a \$27,000 overpayment. The claimant has attempted to contact the Department, each time connecting with a different customer service representative. Each different representative then provided differing information. The collection letters indicate the possibility of garnishing income tax returns, savings, or other accounts. The claimant feels that the overpayment was through no fault of the claimant’s and the overpayments should be waived.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>Individual waiver requests are outside the scope of this rulemaking.</p>
<p>Chelsea Rustad, Working Washington</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-</p>

<p>Testimony was provided in support of implementing a blanket waiver for overpayments. The individual’s husband received an overpayment notification letter in December of 2021 in the amount of \$7,904. The notification contained language stating that wages could be garnished, or liens may be issued against tax refunds. The letter also indicated that interest will be charged on outstanding overpayment balances. The Department is experiencing a backlog of more than 40,000 appeals and an estimated delay of 167 days before appeals are held.</p> <p>Will payments be refunded if waivers are ultimately issued? What does the Department do if a claimant is unable to repay the overpayment? There is an opportunity to change rules if the Department is so inclined.</p> <p>The ethical thing for the Department to do is to immediately suspend overpayment repayments and issue a permanent waiver for pandemic era overpayments. Additionally, Pandemic Unemployment Assistance are federal funds and should not have interest charged.</p>	<p>13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking.</p>
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<p>Dora Poqui</p> <p>Testimony was provided in support of implementing the USDOL’s seven approved scenarios for implementing a blanket waiver for overpayments. The claimant opened a claim in January of 2021, and it took twelve weeks to receive the first payment. Shortly after, the Department switched the claimant from Pandemic Unemployment Assistance to regular unemployment, generating an overpayment of \$9,800. The claimant appealed but had \$743 garnished from the claimant’s checking account. In July of 2021, the claimant received a notice of an overpayment balance of more than \$10,000. Due to the pandemic, the claimant lost their home, contracted COVID-19, and lost five family members to COVID-19.</p> <p>The claimant won their appeal hearing in February of 2022 but still received overpayment notices. The claimant was unable to reach the Department through e-mail or phone.</p> <p>The claimant supports the Department adopting the seven approved scenarios for implementing a blanket waiver for overpayments.</p>	<p>On February 7, 2022, the USDOL issued Unemployment Insurance Program Letter Number 20-21, Change 1 (UIPL 20-21, Change 1). UIPL 20-21, Change 1 provided guidance for states that choose to adopt blanket overpayment waivers in certain scenarios.</p> <p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p>
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	<p>The blanket overpayment waiver guidance issued in UIPL 20-21, Change 1 is outside the scope of this rulemaking.</p>
<p>Sarah Gardner</p> <p>Testimony was provided urging the Department to amend section 3 of the phase four rule to include a clearly stated overpayment waiver for overpayments associated with a change in programs.</p> <p>Additionally, the testimony urges the Department to stop all active collections and immediately implement a waiver for all pandemic era overpayments.</p> <p>The claimant received an overpayment notice due to being moved from Pandemic Unemployment Assistance to regular unemployment insurance. The claimant was informed by the Department that applying for a waiver would reduce the overpayment to \$79 and the claimant was eligible for additional benefits. The claimant did not receive additional benefits or see an overpayment reduction.</p> <p>In November of 2021, the claimant spoke with a representative. The representative told the claimant that their old claim would be reopened, and the overpayment removed. It never happened. During this time, the Department began recouping the claimant’s weekly benefits in the amount of \$751, while adding an additional overpayment of \$109.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>The Department believes the proposed rule language provides clear and concise direction for the overpayment waiver in question..</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking, and individual waiver requests are outside the scope of this rulemaking.</p>
<p>Jesse Dold</p> <p>Testimony was provided in support of implementing a blanket waiver for overpayments The claimant received a notice from the Department requesting repayment of overpayments due to an ‘able and available’ issue. The claimant provided the requested documentation but did not receive follow up from the Department indicating the disposition of the claim.</p> <p>The claimant is in favor of a blanket waiver for overpayments.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p>

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<p>John Williams Jr.</p> <p>The claimant provided testimony about the frustration and harm caused by overpayment notices.</p> <p>The claimant supports the adoption of the scenarios for overpayment waivers outlined by the U.S. Department of Labor (USDOL). Any procedures needed to adopt these should be expedited.</p>	<p>On February 7, 2022, the USDOL issued Unemployment Insurance Program Letter Number 20-21, Change 1 (UIPL 20-21, Change 1). UIPL 20-21, Change 1 provided guidance for states that choose to adopt blanket overpayment waivers in certain scenarios.</p> <p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>The blanket overpayment waiver guidance issued in UIPL 20-21, Change 1 is outside the scope of this rulemaking.</p>
<p>Larissa Flora, Working Washington</p> <p>Testimony was provided in support of blanket waivers, including expediting procedures for expanded blanket waivers.</p>	<p>On February 7, 2022, the USDOL issued Unemployment Insurance Program Letter Number 20-21, Change 1 (UIPL 20-21, Change 1). UIPL 20-21, Change 1 provided guidance for states that choose to adopt blanket overpayment waivers in certain scenarios.</p> <p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA)</p>

	<p>benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>The blanket overpayment waiver guidance issued in UIPL 20-21, Change 1 is outside the scope of this rulemaking.</p>
<p>Lexi Reyelts Salas</p> <p>Testimony was provided regarding claimants attempting to provide documentation requested by the Department, who are dealing with overpayments through no fault of their own.</p> <p>The claimant supports the use of a blanket waiver, as well as an expedited process to adopt the seven approved overpayment waiver scenarios provided by the USDOL.</p>	<p>On February 7, 2022, the USDOL issued Unemployment Insurance Program Letter Number 20-21, Change 1 (UIPL 20-21, Change 1). UIPL 20-21, Change 1 provided guidance for states that choose to adopt blanket overpayment waivers in certain scenarios.</p> <p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>The blanket overpayment waiver guidance issued in UIPL 20-21, Change 1 is outside the scope of this rulemaking.</p>
<p>Melissa Turner</p> <p>Testimony was provided in support of implementing a blanket waiver for overpayments. The claimant received an overpayment notice of just under \$20,000. In April of 2020, the claimant was flagged for possible fraud due to another person using the claimant’s Social Security number to open a business.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic</p>

<p>In September of 2020, the claimant received a lump sum payment of accrued benefits after providing the documentation requested by the Department, followed by approximately sixty pieces of mail within a week, each item relaying the same information.</p> <p>In January of 2022, the claimant received an overpayment notice for the entire lump sum plus the supplemental \$600 and \$300 provided by the CARES Act.</p> <p>The claimant supports a blanket waiver for pandemic era overpayments.</p>	<p>Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking.</p>
<p>Nicole Kennedy</p> <p>Testimony was provided in support of implementing a blanket waiver for overpayments. In March of 2020, the claimant opened a new claim and received benefit payments in April and May. After the first week of May, the claimant did not receive benefits and did not receive any communication from the Department regarding the stop in benefit payments.</p> <p>After several unsuccessful attempts to contact the Department, the claimant connected with a representative who referred to the claimant's situation as a merging of unemployment benefits to Pandemic Unemployment Relief. The claimant was subject to multiple months of questions and e-mails requesting different types of documents. The claimant's benefits were reinstated in December of 2020.</p> <p>The claimant received an overpayment notice for more than \$52,000, which is more than twice the amount the claimant received in benefits. The claimant made repeated calls to the Department, waiting on hold for hours. When the claimant spoke to a representative, the representative did not provide assistance.</p> <p>During the last couple of years, the claimant felt disconnected from society and family and fell into depression. The overpayment notices created additional stress to the claimant, leading to panic and anxiety attacks.</p> <p>Recently, the claimant received a notice of a smaller overpayment, but that overpayment was sent to a</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process "blanket waivers" of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking.</p>

<p>collection agency and negatively impacted the claimant’s credit rating.</p> <p>The claimant received help following testimony at the January public hearing but feels everyone should receive this level of assistance.</p> <p>The claimant requests a complete and permanent blanket waiver for pandemic era overpayments.</p>	
<p>Rebekah Green</p> <p>Testimony was provided in support of implementing the USDOL’s seven approved scenarios for implementing a blanket waiver for overpayments. The claimant applied for pandemic relief in March of 2020. The claimant supports a complete waiver of all overpayments associated with the pandemic state of emergency. The claimant received overpayment notices ranging from \$236 to \$19,500.</p> <p>During the pandemic, the claimant built a doula practice, and used Pandemic Unemployment Assistance funds for tools to work with clients.</p> <p>During the pandemic, the owner of the claimant’s house decided to sell, and caused the claimant to live in short-term rentals and with friends.</p> <p>The claimant chose not to appeal the Department’s determination decisions, having already provided the requested documentation. The claimant does not have the money to repay the overpayments. The claimant feels the Department is notorious for being redundant, highly noncommunicative, and prone to mistakes.</p> <p>The claimant supports the adoption of the federally supported complete and permanent waiver of overpayments.</p>	<p>On February 7, 2022, the USDOL issued Unemployment Insurance Program Letter Number 20-21, Change 1 (UIPL 20-21, Change 1). UIPL 20-21, Change 1 provided guidance for states that choose to adopt blanket overpayment waivers in certain scenarios.</p> <p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>The blanket overpayment waiver guidance issued in UIPL 20-21, Change 1 and general overpayments waivers are outside the scope of this rulemaking.</p>
<p>Rosa da Silva</p> <p>Testimony was provided in support of implementing a blanket waiver for overpayments. In March of 2020, the claimant lost their job due to COVID. It took nine months for benefits to be paid. During that time, the claimant’s rent accumulated to between \$10,000 to \$15,000. A month after receiving benefit payments, the claimant was sent to adjudication regarding a question over the claimant’s identification, even though the claimant provided an identification card multiple times.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different</p>

<p>The claimant attempted to contact the Department multiple times over a two-year period without receiving a call-back or speaking to a representative. When calling, the claimant received a recorded message that the Department was experiencing high call volume, asked the claimant to call later, and then disconnected the line. The claimant attempted to contact the Department using the secure messaging system but did not receive a response. The claimant has contacted the Governor’s office and the news. Benefits were paid the day after appearing on the news.</p> <p>The claimant recently had a baby, had to deal with their mother’s cancer and subsequent death, while trying to support three kids.</p> <p>The claimant was moved from PUA to regular unemployment benefits, by the Department. The claimant followed all the rules, yet is still receiving overpayment notices.</p> <p>The claimant supports a blanket waiver and the Department should provide restitution to claimants for the pain and suffering endured.</p>	<p>type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking.</p>
<p>Tracey Stinson</p> <p>Testimony was provided in support of a complete blanket waiver for all overpayments associated with pandemic era benefits. Both of the claimant’s businesses were closed during the pandemic, being returned to work in June of 2020 at 25% capacity. The claimant was switched between three different types of unemployment benefits. The changes were not explained.</p> <p>The claimant received an overpayment notice in September of 2021. The claimant received an additional notice the \$500 was to be repaid due to lack of documentation from January 2021. The Department sent a notice of possible wage garnishment to recover the \$500.</p> <p>The claimant cannot afford to repay the \$500 and asks for a complete overpayment waiver.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking. Individual waiver requests are also outside the scope of this rulemaking.</p>

<p>Gladys Brimeh</p> <p>Testimony was provided in support of an individual request for an overpayment. The claimant filed a claim and was told they did not qualify for regular unemployment benefits but instead qualified for Pandemic Unemployment Assistance. The claimant submitted all requested documentation.</p> <p>The claimant received an overpayment notice of \$16,000, stating the claimant quit their job. The claimant did not quit but talked to their human resources and explained the situation. The claimant was told to remain in contact with the employer and they would let the claimant know of any changes.</p> <p>The claimant requests that the Department reexamine the decision.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>Requests for review of individual cases are outside the scope of this rulemaking.</p>
<p>Briteny O’Leary</p> <p>Testimony was provided in support of implementing a blanket waiver for overpayments. The claimant was switched between regular unemployment benefits and Pandemic Unemployment Assistance because the claimant was considered high-risk for COVID-19.</p> <p>The Department asked that the claimant call in to report the claimant’s schedule, but it never worked. The claimant spoke to a representative that assured the claimant that any difference in benefit amounts would be waived, but the claimant now has an overpayment of \$15,000.</p> <p>The Department claimed the claimant’s income tax return to go toward the overpayment. The claimant requests a waiver for pandemic era overpayments.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19 emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.</p> <p>A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking.</p>
<p>Mark Padgett</p> <p>Testimony was provided in support of implementing a blanket waiver for overpayments. The claimant became a single father during the pandemic. School closures caused the claimant to be unable to work.</p>	<p>The subject of the current rulemaking, as designated in the Preproposal Statement of Inquiry (WSR 20-13-041), is whether the emergency rules adopted by the Department during the COVID-19 response should be made permanent. During the COVID-19</p>

The claimant received an overpayment notice of \$15,000, but the claimant is unable to get in contact with anyone from the Department to explain the issue.

The claimant requests that the Department adopt a blanket waiver for pandemic era overpayments.

emergency, the Department adopted an emergency rule that allowed the Department to process “blanket waivers” of overpayments of Pandemic Emergency Unemployment Compensation (PEUC) and Pandemic Unemployment Assistance (PUA) benefits if a claimant was paid PEUC or PUA benefits when they should have been paid a different type of unemployment benefit, such as state unemployment insurance benefits, instead, and the weekly benefit amount on the PEUC or PUA claim was higher than the weekly benefit amount on the claim the claimant should have been paid. The final rule will make that emergency rule permanent.

A general overpayment waiver for all overpayments during the pandemic is outside the scope of this rulemaking.
