

LEGISLATIVE REPORT

ESSB 5193

Quarterly report and adjudication pool status report



December 2022

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INTRODUCTION

[ESSB 5193](#), regarding unemployment insurance claim adjudicators and system enhancements, requires the Employment Security Department (ESD) to provide a quarterly report on progress implementing the bill to the House Labor and Workplace Standards Committee and the Senate Committee on Labor, Commerce, and Tribal Affairs. It also requires the department to produce a quarterly report on selected performance statistics. After passage of ESSB 5193, members of the Joint Legislative Audit and Review Committee (JLARC) requested ESD report additional information quarterly.

This report covers implementation and statistics for calendar quarter three, 2022 and is the final implementation report required under the legislation. This report also includes the annual status update on the reserve adjudicator pool required by Section 2 of the bill.

Q3 2022 Highlights

- 488 individuals active in the Reserve Adjudicators Pool
- Initial revisions complete on letters project content
- All advisory committee consultations complete
- Dedicated phone line implemented for customers with limited technology access

PART I

Implementation of ESSB 5193

ESD is making many changes and improvements to the unemployment insurance (UI) system to comply with [ESSB 5193](#). The department has divided implementation into five distinct projects:

- Reserve adjudicators
- Letters
- Advisory committee
- Phone lines
- Online data dashboard

This section contains a summary of ESD's progress on each of these projects.

Reserve adjudicators project

Section 2 of the bill requires ESD to “create a training program to prepare a reserve force of skilled unemployment insurance claims adjudicators who can be available quickly when claims volume demands.” The bill also requires ESD to provide an annual report on the number of persons with current certifications, the number of people employed by the department and over what period of time, and the adjudicator training and hiring costs.

Q3 2022 Update and annual reserve adjudicator pool status report

People with current certifications

As of September 30, 2022, 461 individuals held full NASWA certifications. That number increased to 488 individuals as of October 31, 2022.

ESD employment and training costs

ESD determined that training developed by the National Association of State Workforce Agencies (NASWA) was well-suited to meet the initial needs for adjudicator pool training. This training is available to ESD at no charge to the agency or to trainees. Trainees successfully completing the NASWA training receive nationally recognized certifications in (1) UI New Staff and Operations Integrity and (2) Adjudication and Fact Finding.

As of the end of quarter 3, 2022, no ESD staff members were hired exclusively to be adjudication reserve pool members. As previously reported, ESD identified non-permanent staff hired during the COVID-19 pandemic as good candidates to receive NASWA adjudication certification training. All non-permanent staff hired from August 2021 through October 2021 received both parts of the certification training as part of their onboarding training with ESD. Non-permanent staff hired prior to August 2021 were given the opportunity to take all required certification modules before the end of their employment with ESD. All staff exiting from ESD employment could volunteer to become part of the reserve adjudicator pool. Training time was billed under UI administrative expense and not charged to ESSB 5193 expenses.

All reserve pool members are required to participate in forty hours of continuing education annually through NASWA to remain eligible for immediate call up and temporary hire by ESD. Continuing education classes are available free of charge to any pool member. ESD employees can complete refresher training during work hours. Pool members who are not state employees are not reimbursed for training time.

Adjudication pool member who are activated will use recently developed Virtual Textbook modules as learning and reference materials for issue specific training they will take upon temporary hire as ESD adjudicators. Development costs of \$125,000 for the Virtual Textbook was paid for with federal COVID response funding and not charged to implementation expenses under ESSB 5193.

Other agency training costs

The ESD Training Unit completed an interagency agreement with the Health Care Authority (HCA) to train 50 staff in FY 23. Training will occur in phases with small groups to allow HCA to maintain their own priority workloads as staff participate in training. HCA staff will be allowed up to 40 hours to complete required NASWA training. Actual in-training hours will be billed back to ESD at HCA hourly staff rates upon completion of the training. Those expenditures will be reported in the next annual update.

Letters project

Sections 3(1) and (2) of the bill require ESD to revise all materials related to specific claimant cases and perform user testing. The overall goal is to make materials easier for claimants to understand and meet legal requirements to provide them information about unemployment insurance eligibility decisions.

Q3 2022 Update

UTAB, the UI benefits computer system, uses letter templates to provide customized letters that give details on UI benefit eligibility decisions to every claimant. Overall updates to templates were completed in previous quarters. ESD reorganized the letters project in quarter 3 to increase resources dedicated to the project, aiming to increase efficiency and produce content more quickly. The letter revision team completed work on monetary eligibility drop-ins and continued work on drop-in paragraphs that populate the non-monetary determination template. Paragraphs provide detailed information about why a claimant is found eligible or ineligible to receive UI benefits. The team made substantial progress on rewrites during quarter 3 and completed 100% of the initial revisions on November 7, 2022.

ESD will enter into a contract with a human centered design vendor, Anthro-Tech, to increase capacity for user testing of the revised content. Content for testing will be turned over to Anthro-Tech during the fourth quarter of 2022. Second round edits will be completed as necessary during early 2023. Translation of the content into multiple languages for use as part of the Equity Grant is planned for February. Final programming and testing of content will run through May. Full availability of all revised content is scheduled for early June 2023.

Improving communications with our customers remains a top agency priority. Additional refinements will be ongoing, including a second revision to the reevaluate claim letter which was revised on an interim basis. Final revisions to the reevaluate claim issue will require a separate, large-scale project.

Advisory committee project — Complete

Section 3(3) requires ESD to work with an unemployment insurance advisory committee comprising business and worker advocates to explore:

- Thresholds for triggers to adjust staff for assignments and phones.
- A pilot for having caseworkers help claimants with their claims and re-employment services.
- Identifying next steps for translating written UI materials into other languages.
- Frequency of the initial and continuing adjudicator training.

ESD completed legislatively required consultations with the equity, diversity and inclusion subcommittee of the Employment Security Advisory Committee (ESAC) and with the Unemployment Insurance Advisory Committee (UIAC) in previous quarters. Consultation with stakeholders and community-based organizations will continue through a reconstituted UIAC and ESD's Pro-Equity Anti-Racism (PEAR) committee, which will be essential to our ongoing engagement with stakeholders. Consultation with the new UIAC included discussions on the

frequency of adjudication training in November 2022, which was omitted in error from previous agendas.

There were no comments on the frequency of training, but the committee had several other suggestions. A UIAC member requested curricula information on training to work with interpreters, identify signs of truth and deception during phone interviews and advised ESD to be aware of possible unfair impacts on claimants with disabilities or limited English proficiency. A member questioned how ESD will keep pool participants engaged since they are not employees. ESD agrees that outreach efforts to ensure up to date participant information would benefit by adding incentives for participation, including recruiting from pool members when permanent adjudication positions become available.

Phone lines project

Section 3(4) of the bill requires ESD to establish dedicated toll-free phone lines for claimants who lack computer skills or access to computers, claimants with disabilities, and claimants with limited English proficiency (LEP).

Q3 2022 Update

Work on dedicated phone lines for claimants with disabilities and claimants with limited English proficiency was completed in quarter four 2021. ESD established a dedicated phone line for claimants who lack computer skills or access to technology in quarter three 2022 as an interim step while implementation of ESD's new phone system is underway. The number will be provided by Claims Center staff to claimants they identify as needing dedicated access. ESD will work with UIAC and other stakeholders and service providers to identify how to best share the dedicated line information to preserve its use for the target audience. Claimants can continue to use the dedicated line during initial implementation of the new phone system. Enhancement to better serve claimants who struggle with technology will be incorporated into the next phase of system implementation.

Online data dashboard project — Complete

Section 4 of the bill required ESD to create an online data dashboard and provide a quarterly written report on specific performance metrics. The agency included additional metrics in response to a request from the JLARC.

The [dashboard](#) was completed in Q4 2021. The dashboard currently contains selected statistics rather than all performance metrics contained in ESD's written quarterly reports. The

State Auditor's Office recommended that the dashboard include all metrics. ESD will update the dashboard by March 2023 to include all metrics reported under ESSB 5193.

Program and funding

Section 5(b) requires ESD to provide updates on any new federal programs or funds received by the department for unemployment compensation and administration, and the use of such funds.

Q3 2022 Update

ESD receives a federal fiscal year base funding grant to cover administrative costs of the UI program. USDOL uses a workload funding formula to allocate additional quarterly funding over base funding levels. The state saw significantly reduced above base earnings, a total of approximately \$141,000 for this quarter. Based upon the low national unemployment rate and the funding formula, further above base funding is not likely to be received in future quarters. The state's base funding, granted at the beginning of the federal fiscal year, was reduced by 10%.

ESD received notice of two federal grant awards from USDOL. The UI Navigator Program grant for \$3,000,000 will run from June 2022 – June 2025. The competitive grant helps workers learn about, apply for, and if eligible, receive UI benefits and related services. ESD will use grant funds to identify and work with partner community organizations who have a demonstrated history of working successfully with target populations that have high barriers to receiving services. Partner staff will serve as trusted messengers who can help reduce barriers for claimants applying for benefits and clarify claimants' responsibilities are so they can retain ongoing eligibility for benefits by responding to requests for information and meeting program requirements. A second grant for \$289,826 will fund customer service improvements previously identified by USDOL funded UI "Tiger Team" consultants, UI experts who were contracted to help states identify UI program operating efficiencies and improvements to customer service.

USDOL provided notice of additional funding available to all states to continue administrative work on PUA claims. ESD plans to apply for funds to cover IT development and operational staffing costs for future work required on presenting revised PUA initial claims questions and revised weekly claims questions to past PUA claimants who were denied PUA benefits. Claimants who answer the new questions differently will require new eligibility determinations.

Federal funding received by the state does not accurately capture the total cost of UI administration including modernized technology systems, increasingly sophisticated fraud risk, and the prolonged impact of challenges created by standing up multiple pandemic-era

programs. The agency submitted a decision package proposal requesting funding to backfill the USDOL federal funding shortfall, but it was not funded in the Governor's proposed budget. The agency will continue to closely monitor federal funds and expenditures and will keep the Office of Financial Management and the Legislature informed of any future shortfalls and potential impacts to service delivery.

Software and technology

Section 5(c) requires reporting on any software or technology issues related to claims processing, including any issues causing claim delays or inaccurate automated notifications.

Q3 2022 Update

Implementation and administration of requirements for federally funded programs is ongoing. Completed technology system enhancements, corrections and implementation of state and federal requirements include:

- 12 tasks in support of implementing USDOL authorized blanket overpayment waivers which allow ESD to waive overpayments in specific circumstances. Claimants will not have to take any action to receive the waivers.
- 28 issues touching claims processing and payment delays including corrections to claims that were allowed a PUA backdate per federal regulations. Completing these tasks ensure that claimants are receiving all benefits to which they are entitled and remove barriers that were unnecessarily holding payments
- 5 corrections to claimant and employer notifications to ensure employer automated notices on separations are sent to the most recent email address, claimants will receive updated 1099 information, and eliminating multiple copies of monetary determinations that were being sent to claimants in error.

Protecting sensitive data

Section 5(d) requires updates on the department's protocols and process for protecting sensitive data.

ESD continues to evaluate its options for updating unemployment claimant identity verification processes through some variation of technology or program efficiencies. Identity verification technology proposed by ESD last year has been ended as an option. The agency will continue to review available software to improve internal processes along with an in-depth analysis of

the current staffing model to identify program improvements to continue to protect sensitive data. Rates of identity theft are still below allowable levels per USDOL.

Other unemployment reporting

Section 5(e) requires reporting other relevant unemployment issues or information related to enhancing the unemployment insurance system, as determined by the department.

ESD continued implementation work during quarter 3 to address the large quantity of overpayments generated during the COVID-19 pandemic period, February 2, 2020 – September 4, 2021. The first priority is implementing blanket waivers for overpayments of federally funded benefits already approved by USDOL. Second phase work will implement federal guidance on equity and good conscience determinations and revised state rules to waive as many overpayments as possible for individuals who would be severely impacted.

Overpayment waiver development work will continue during quarter 4 of 2022. Blanket waivers on federally funded benefits will be implemented during quarter 1 of 2023. ESD will use its state-level authority to charge off overpayments less than \$1,000 for state and/or federal benefits. In quarter 1 2023, ESD will also start accepting individual waiver requests via a web-based form on ESD.WA.GOV. Staff will be available via phone for assistance to claimants who cannot use web-based services. The new form will reflect waiver criteria updates that consider not only individuals' financial ability to repay funds, but also claimants' lived experience that could lead ESD to determine claimants were not at fault for causing the overpayment. Because expanded waiver criteria will be used, any claimant with a pandemic era overpayment can submit a new waiver request, even those who were denied under previous waiver rules.

JLARC-Requested performance improvement plan

Improving adjudication timeliness and quality

JLARC requested details on steps taken to improve timeliness and quality of the adjudication decisions that allow or deny access to benefits.

Q3 2022 Update

Adjudication cases are no longer affected by past pandemic-related backlogs. As of September 30, a total of 5,918 cases were awaiting adjudication. A backlog remains in fraud-related work. As of Oct. 1, the Fraud Division had 17,971 cases for investigation and an additional 1,852 work tasks to process that could potentially lead to investigations. Approximately 47% of that workload is pandemic related.

The Office of Administrative Hearings (OAH), the independent state agency that reviews UI eligibility, also continues to work through its large backlog of pandemic-related appeals. While OAH has been making progress on reducing the size of the backlog, as of September 30, 27,500 appeals were awaiting scheduling for hearing. See Part II, Adjudication timeliness and quality for further discussion on meeting federal standards.

PART II

ESSB 5193 Section 4(2) requires ESD to provide quarterly reports on selected unemployment insurance performance metrics. At the request of JLARC, ESD included additional performance metrics. The following tables contain data for July, August, and September 2022.

Unemployment rate

The U.S. Bureau of Labor Statistics defines the total unemployment rate as the average number of unemployed workers 16 years of age or older actively seeking work divided by the total civilian labor force.

Table 1: Seasonally adjusted unemployment rates (2022)

Month	July	August	September
Unemployment rate	3.7%	3.7%	3.7%

Source: Employment Security Department, Labor Market & Economic Analysis/U.S. Bureau of Labor Statistics, local area unemployment statistics

Reciency rate

The unemployment insurance reciency rate is the number of individuals receiving unemployment compensation divided by the total number people who are unemployed. This data comes from the monthly seasonally adjusted local area unemployment statistics gathered in the federal Bureau of Labor Statistics survey. Unemployment compensation includes state unemployment compensation, unemployment compensation for federal employees, and unemployment compensation for ex-service members. The reciency rate does not include claimants receiving federally funded benefits in our calculation of total benefit recipients. As of Q3 2022, Washington's reciency rate for regular benefit programs ranked 15th nationally.

Table 2: Unemployment insurance reciency rates (2022)

Month	July	August	September
Reciency rate	21.0%	24.3%	20.8%

Source: ETA Report 5159 Claims and Payment Activities and Labor Market & Economic Analysis/U.S. Bureau of Labor Statistics, monthly seasonally adjusted local area unemployment statistics

Individuals and benefits paid

The following table counts the total number of unduplicated individuals paid per month and the total benefit they received from all unemployment insurance compensation sources. Most benefits paid were state-funded regular unemployment Benefits. The statistics also include some federal benefits paid for weeks claimed in previous periods that were allowed for backdated claims or for weeks paid on redetermined or appeals denials that were changed to allow benefits. Federal benefits include:

- Pandemic Emergency Unemployment Compensation (PEUC) - Allowed additional weeks of benefits for recipients.
- Pandemic Unemployment Assistance (PUA) - Provided benefits to workers not covered by traditional unemployment benefits.
- Federal Pandemic Unemployment Compensation (FPUC) - Provided weekly stimulus payments to all receiving benefits.

Table 3: Individuals paid and total benefits paid (2022)

Month	July	August	September	Q3 2022 Total
Individuals paid	34,857	36,294	36,053	107,204
Benefits paid	\$67,198,799	\$75,661,621	\$75,993,697	\$218,854,116

Source: ESD operational data query

Initial eligibility. Unemployment insurance claimants file an initial application to establish eligibility for or disqualification from receiving benefits based on why they are no longer working. They then file a weekly claim every week they seek benefits. Claimants found initially eligible will receive payment. If ESD questions a claimant's initial eligibility for benefits, the claimant receives no weekly payments until the eligibility issue is decided. Claimants ultimately found eligible will receive back payments for weeks filed while awaiting their adjudication decisions.

Conditional payments. In addition to establishing their initial eligibility, claimants must stay eligible while they're claiming. To do this, they must be able, available, actively seeking work and following other program requirements, such as participating in eligibility reviews. Claimants certify each week that they continue to meet eligibility requirements. If ESD questions their eligibility, they continue to receive benefits (conditional payments) until the issue is decided. If ESD determines they were not eligible, claimants must pay back benefits received.

The table below shows the status of weekly claims filed by month. Because eligibility is determined each week and not for the entire benefit year, people may have weeks in all three categories. Aggregate totals for the quarter of July, August, and September 2022:

- 68% of weeks claimed were paid.
- 30% of weeks claimed were not paid because the claimant was determined ineligible.
- 2% of weeks claimed were still pending a decision.

Table 4: Total weekly claims paid, pending, and not paid (2022)¹

Month	July	August	September	Q3 2022 Total
Weekly claims paid	118,529	115,694	101,707	335,930
Weekly claims pending	496	2,007	7,357*	9,860
Weekly claims not paid	53,982	52,198	44,915	151,095
Total	173,007	169,899	153,979	496,885

Source: ESD operational data query

Overpayments are established when ESD determines that a claimant received benefits when they shouldn't have, either because they were ineligible or paid an incorrect weekly benefit amount. Overpayments may be waived if all three of the following conditions are met:

- The claimant was not at fault for creating the overpayment.
- The payment was not "conditional" as ESD was determining eligibility.
- Collecting the overpayment would create a financial hardship.

When claimants are potentially eligible for a waiver, ESD offers a waiver request form that requests financial information from the claimant to determine their ability to pay. When ESD receives that completed form, an adjudication staff member determines if the claimant is eligible for a waiver. Under certain conditions, ESD may also automatically waive some overpayments without adjudication if the overpayment is not the claimant's fault. In response to specific federal authorization, ESD also automatically waives some overpayments created when federal law required that claimants be moved between state and federal benefit entitlements that have lower weekly benefit amounts.

ESD created overpayments and waivers in quarter three 2022 as it continued enforcing federal requirements to move claimants to regular unemployment insurance claims and off federal entitlements. Table 5 shows overpayments established. For a variety of reasons, this total may

¹ Status of claims as of October 19, 2022. September totals include claims established late in the month which remain in-process at the time of the data query.

overstate actual overpayments. Some of these overpayments were later reversed when claim weeks were moved back to other entitlements. Many claimants did not respond to requests to file a new claim (potential new claim issue) or provide PUA required documents until after they received large overpayment notices. The totals established do not reflect overpayments that were later reversed after claimants complied and filed a new claim or submitted required documents, allowing ESD to redetermine their denials. There were also many overpayments created when claimants failed to respond to requests for information on other claim issues. These overpayments would be reversed if the claimant later provides information verifying eligibility for benefits.

A workgroup convened May 2022 to create and operationalize policies and procedures to address overpayments that occurred during the pandemic. Tasks for the workgroup include implementing waivers for CARES Act federal benefit overpayment that were authorized by USDOL and updating Washington’s policies and rules on waivers. As noted in Section 1 of this report, overpayment waiver project work is ongoing and any claimant with a pandemic era overpayment can request an overpayment waiver under expanded waiver criteria, even if their waiver request was previously denied

Table 5: Overpayments established by benefit entitlement (third quarter 2022)

Benefit type	Cases	Overpayments
Regular	10,068	\$14,121,473
FPUC	2,973	\$9,382,091
PEUC	971	\$2,934,950
PUA	1,004	\$3,129,062
Total	15,016	\$29,567,576

Sources: ETA Report 227 (Regular, FPUC, and PEUC), ETA Report 902P (PUA)

Table 6: Overpayment waiver requests and outcomes (2022)

Month	July	August	September	Q3 2022 Total
Approved	207	175	270	652
Denied	462	307	430	1,199
Total	669	482	700	1,851
Approval rate	31%	36%	39%	35%

Source: ESD operational data

Adjudication timeliness and quality

The USDOL requires that 80% of nonmonetary issues with the potential to affect a claimant's benefit rights be determined within 21 days of when the issue was detected. Timeliness is calculated for separation issues (quits and discharges from employment) and for all other non-separation issues that could potentially prevent benefit payments.

ESD exceeded federal targets for non-separation eligibility determinations in July and August and was close to target for September. ESD continues to fall short of targets on separation timeliness. ESD continues to investigate root causes for delays in completing separation adjudications. Analysis does not indicate a single major reason for untimely decisions; rather, there is a combination of factors at play that in totality bring results down. Each of these factors is under review with additional data analysis and improvement plans in process as appropriate.

- Identity theft investigation delays on other issues awaiting adjudication
- Fact-finding efficiency - phone calls versus emails
- Claimants' failure to report wages earned while collecting UI benefits that trigger other issues when fraud staff investigate the earnings issues, for example a new voluntary quit or discharge from employment
- Timeliness standards are calculated only for original adjudication decisions made although staff also spend many hours reviewing cases for possible redeterminations which could result in benefit allowances and reductions in appeals – are staff resources being allocated appropriately
- Large number of agents in training
- Effect of vacancies on capacity, including holding vacancies due to federal funding shortfalls
- Workflow – per USDOL regulations, ESD cannot adjudicate cases until the claim is monetarily valid and the claimant files their first weekly claim where they are potentially eligible for benefits – are older cases presenting to adjudicators correctly
- Workflow – how adjudicators handle assigned cases
- System review – verify that issue identification date (IDD) is changed when invalid claim becomes monetarily valid, triggering adjudication process with new IDD
- Overall complexity of claims that may be affected by issues set in previous years

States across the country continue to fall well below target. The U.S. national averages for adjudication timeliness in third quarter 2022 were 40.5% for separations and 62.8% for non-

separations. ESD fell short of the national average by 16 percentage points for separations. ESD exceeded the national average by 18 percentage points for non-separations.

Table 7: Timeliness of adjudication decisions – separations (2022)

Month	July	August	September	Q3 2022 Total
Total workload	4,586	5,632	4,838	15,056
Determined within 21 days	24.4%	26.9%	20.7%	

Source: ETA Report 9052

Table 8: Timeliness of adjudication decisions – non-separations (2022)

Month	July	August	September	Q3 2022 Total
Total workload	14,870	14,719	14,543	44,132
Determined within 21 days	80.6%	82.0%	75.8%	

Source: ETA Report 9052

Benefit timeliness and quality (BTQ)

The USDOL Benefit Timeliness and Quality (BTQ) program estimates overall quality of adjudication by reviewing a statistically representative sample of UI benefit eligibility determinations against 100-point scoring criteria. The standard requires that at least 75% of determinations reviewed receive a score of 95 or higher. Normally, ESD would enter a corrective action plan (CAP) with USDOL through our State Quality Service Plan (SQSP) if we did not meet the standard. However, because Washington (as well as many other states) was allowed to bypass BTQ for certain quarters during the pandemic, there is insufficient data to properly administer a CAP. All states were given an exception this year for SQSP and were not required to write new CAPs for any area that did not meet performance during the period of April 1, 2020, to March 31, 2021, used to measure SQSP baseline performance. BTQ has resumed and we are tracking performance internally to ensure success of the program and that federal performance targets are met and maintained.

Separation and non-separation samples are scored separately. ESD met quality standards for adjudications completed in the quarter ending December 2019. BTQ reviews are typically done quarterly but were suspended for much of the pandemic. BTQ resumed for the quarter ending June 2021. Most recent results available are for the quarter ending June 2022.

Table 9: Quality of adjudication decisions

BTQ sample quarter ending June 2022	Separations	Non-separations
Sample size	50	50
Case material not found	0	0
Invalid cases ²	4	5
Scored cases	46	45
Score	60.87%	91.11%

Source: USDOL Benefit, Timeliness and Quality

ESD has consistently met nonseparation quality expectations over the previous six quarters and exceeded the target by 16% for the quarter ending June 30. The department is continuing efforts to improve outcomes and ensure our separation scores meet federal standards. We are pleased to report that separation quality scores are up 21%, over the previous quarter.

Appeals

A claimant or employer can make a written request for a hearing to appeal an ESD determination. The OAH, an independent state agency, hears unemployment benefits appeals. ESD can transmit only one appeal to OAH per determination of an issue, although a claimant may submit multiple appeal requests on the same issue. ESD staff review appeal requests received via U.S. mail, fax, or eServices. Appeal requests have one of three outcomes:

Redetermined. The eligibility issue case associated with the appeal request has been reviewed by staff prior to being sent to OAH. The outcome has been redetermined to allow benefits based on new information.

No action taken. The request has been reviewed by staff who close the work item with no further action because the request is a duplicate, the request is moot because the requested relief has already been granted, or because the claimant is not an aggrieved party.

Sent to OAH. A formal request for an appeal hearing is sent by ESD staff to OAH after a staff review determines that the denial of benefits still stands or any of the relief requested in the appeal was not granted and thus the claimant is an aggrieved party.

² Invalid case – Case should not have been included in the sample for review.

The following table shows the status of appeal requests as of the date of the data extract. The requests are grouped by the month in which the request was received. For the quarter, 91% of the appeal requests have been resolved and 9% were pending resolution.

Table 10: Disposition of appeal requests (2022)

Month	July	August	September	Q3 2022 Total
Pending	199	253	377	829
Submitted to OAH	3,043	3,257	2,702	9,002
Redetermined	1,228	1,362	1,019	3,609
No action taken	108	109	78	295
Total	4,578	4,981	4,176	13,735

Source: ESD operational data

Claims center phone services and staffing

Claims centers track the number of calls answered by staff after the calls enter the phone system, the number of calls abandoned by customers after they enter the system, and the number of calls that are not connected because there is no capacity to handle the call. Because one person may make repeated calls, the number of individuals attempting to be served via the phone is also tracked. The tables below show:

Answered. Count of calls answered by an agent from queues for the following claims center units: intake, adjudication and Secure Access Washington (SAW) portal help desk.

Abandoned. Count of calls abandoned by a customer from queues before being answered by an agent for the following claim center units: intake, adjudication and SAW portal help desk.

High-call-volume messages. Count of calls (not customers) that are played a high-volume message asking the caller to try again later.

Total calls. High-call-volume messages played + answered + abandoned.

Individuals. Individual callers (by count of unique Social Security number) attempting to speak with an agent during the day. This count includes both callers who received a high-volume message and callers who entered the phone system. Individuals are counted once each day they attempt to call, and multiple times if they call over several days.

Average wait. For all calls answered in all call queues, the average time a call remains in queue until answered by a claims center staff member.

Staffing reductions due to the expiration of federal funding resulted in far fewer staff available to answer calls; however, lower overall call volumes helped keep wait times down.

Table 11: Calls to claims centers (2022)

Month	July	August	September	Q3 2022 Total	Percent of Total
High call-volume messages	5,550	2,366	7,896	13,446	16%
Answered	28,050	31,014	25,375	53,425	65%
Abandoned	6,268	7,273	8,799	15,067	18%
Total calls	39,868	40,653	42,070	81,938	100%
Average wait time	0:23:55	0:13:40	0:13:16		

Source: ESD operational data

Table 12: Individuals calling claims centers (2022)

Month	July	August	September	Q3 2022 Total
Individuals	29,842	31,114	31,617	31,617

Source: ESD operational data

ESSB 5193 asked ESD to calculate the ratio of staff phone agents to employers and ratio of staff phone agents to claimants. ESD does not have FTE counts of phone agents because no staff members are assigned exclusively to answering phone inquiries. As of September 18, 2022, the Unemployment Insurance Customer Support Division in total:

- Had 363 UI benefits permanent and non-permanent staff positions to serve an average of 35,735 claimants who received payment in the third quarter.
- Had 171 UI tax and wage permanent and non-permanent staff positions to serve 271,046 active employers.

As noted in Section 1, ESD remains concerned that USDOL funding for the UI program is not adequate to meet customer service expectations. This shortfall effects services for the regular UI program and is exacerbated by continued pandemic era work required by but not funded by USDOL.