

A background image on the left side of the slide shows the silhouettes of several people standing in a room with large windows. The sun is shining through the windows, creating a bright, hazy effect. The people appear to be in a meeting or collaborative work environment.

# Unemployment Insurance ADVISORY COMMITTEE



**Employment Security Department**  
WASHINGTON STATE

September 8, 2021

# Agenda



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

# UI Program Update



**Employment  
Security  
Department**  
WASHINGTON STATE

**Unemployment Insurance Advisory Committee Presentation**

**September 8, 2021**

Joy Adams, UI Quality Assurance and Operations Manager

Employment Security Department

# 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**

# CARES Act Program Expiration



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



## Communications 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 12<sup>th</sup>.

## Potential New Claims

- Re-launched regular reviews for new claim eligibility June 11<sup>th</sup>.
- 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 1<sup>st</sup>, 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.

# Employer Vaccine Mandates and Unemployment Insurance



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Scott Michael, Legal Services Coordination Manager

Employment Security Department

# 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.”

# Impact on Benefits and Tax Rates



- 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

# SB 5061 Report



**Employment  
Security  
Department**  
WASHINGTON STATE

## **Unemployment Insurance Advisory Committee Presentation**

**September 8, 2021**

Jeff Robinson, UI Research and Forecasting Manager

Matthew Klein, Operations Research Specialist

Employment Security Department

# SB 5061 – 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.



# Closing



- Next Agenda - discussion
- Public Comment
- Adjournment