

LEGISLATIVE REPORT

ESSB 5193

Quarterly Report

DECEMBER 2021



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INTRODUCTION

[ESSB 5193](#), unemployment insurance claim adjudicators/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 to report additional information quarterly. Narrative responses to the JLARC request are included in Part I, and the statistical information is presented in Part II.

PART I

Implementation of ESSB 5193

ESD is making numerous 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

Under Section 2 of the bill, ESD needs 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 adjudicator reserve program needs to be open to public employees and private citizens, and ESD discussed the possibility of using contractors to meet the private citizen requirement. However, the U.S. Department of Labor recently announced that state workforce agencies may use only public employee “merit staff,” which eliminates the possibility of contractors to perform adjudicator work.

The training also needs to be thorough enough that those serving could be certified to perform adjudications on unemployment insurance claims within a week of coming to ESD.

The bill requires the Office of Financial Management (OFM) to work with ESD to identify other state agencies whose employees meet the minimum qualifications to serve as UI claims adjudicators. So far, the Health Care Authority (HCA) and the Department of Social and Health Services (DSHS) have been identified as early potential partners.

ESD prepared a two-week training plan that begins with one week of online training through the National Association of State Workforce Agencies (NASWA), including adjudicator and customer service training. In the second week, ESD Unemployment Insurance Customer Support (UICS) Division educates trainees on state-specific issues, including unemployment insurance and the IT system that ESD uses for UI claims. Trainees receive certifications from NASWA and ESD for completing these trainings.

The NASWA online training and ESD’s UICS training have been added to the state’s Learning Management System.

Pilot program

ESD conducted a successful pilot this summer with 20 interns and will conduct the first training for external parties in 2022. The agency will continue to provide this training to up to 400 non-permanent ESD staff within the next several months. Although the non-permanent appointments of these staff will conclude in the near future, the goal is to build a large pool that the agency could draw on in the event of a future emergency.

Next steps

Between now and the first training for external parties, representatives from various ESD divisions and units need to:

- Provide required notifications to union representatives.
- Draft an interagency agreement for potential partners.

NASWA alert tool

In addition, ESD is working with NASWA to develop a tool that would allow the agency to quickly alert and activate those who complete the adjudicator certifications in the event of future emergencies.

Online training resources

ESD has entered into a contract with Sound Puget Sound Community College whose staff will complete video editing and production tasks, as well as assist with creating assessments and exercises and publishing the video on ESD's SharePoint. These items will enhance the existing curriculum and be available as reference tools for trainees.

Reporting

The bill gives OFM the right to adopt rules or issue guidance on this topic and requires ESD to submit an annual report to the Legislature starting Oct. 1, 2021, which includes:

- Number of people who have current UI claims adjudicator certifications.
- How many have been employed and the period of employment.
- Hiring and training costs.

ESD submitted the 2021 report and will continue submitting these annual reports in the future.

Letters project

Sections 3(1) and (2) of the bill require ESD to revise all materials related to a specific claimant's case and do user testing, with the overall goal of making materials easier for claimants to understand. The revised materials must meet requirements for comprehensibility, clarity, and readability. This is a very large project, covering 138 different issues that contain nearly 700 sets of drop-in information. These "drop-ins" are the sentences or paragraphs that adjudicators pull from to create customer-specific determination letters. ESD will need to review and revise letters and drop-ins.

In addition to these requirements, the revised determination and redetermination letters need to clearly convey applicable statute numbers and provide a brief explanation of pertinent law, outline of relevant facts, reasoning, decision, and result.

Research and revisions

The agency formed a cross-divisional research team that gathers information and identifies known pain points. Their findings inform revisions made by a smaller writing team.

To make the project more manageable, ESD is reviewing and revising limited sets of materials at a time. ESD identified the highest priority work for the first set of revisions based on recent customer, legislative and staff feedback. ESD is currently revising the following templates and letters:

- Non-monetary determination and redetermination letter templates.
- Monetary determination and redetermination letter templates.
- Identity fact-finding letter.
- Re-evaluate claim letter.

The Letters team has completed drafts of the templates and many of the affiliated drop-ins. Some of the materials that ESD has revised are affected by a legal settlement that requires consultation with parties to the settlement. ESD must consult with the parties before programming IT changes to the letters. ESD anticipates having the projects complete by year end if the consultation process is completed early in November.

Advisory committee project

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.

Implementation

Removing barriers. ESD recruited members for a subcommittee of the Employment Security Advisory Committee (ESAC) to provide input on equity, diversity and inclusion (EDI) issues. The ESAC EDI subcommittee met for the first time on Oct. 19. Members introduced themselves and discussed phone access for claimants who don't have access to technology. ESD is prioritizing ESAC EDI subcommittee membership from those with lived experiences in communities that face historical barriers to accessing benefits. The subcommittee is planning to hold feedback sessions through September 2022.

Translating UI materials. ESD is gathering background information on language use and current services for claimants who have limited English proficiency.

Customer journeys. ESD is documenting high-level processes demonstrating the experiences that claimants face as they move through the UI system and transition to job placement services.

Staffing levels. ESD is gathering background information regarding potential triggers to adjust staff in response to increases in workload.

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).

A cross-divisional team is working to implement these requirements. ESD already has a system to assist claimants who have disabilities, so the agency will continue using it to meet this requirement. To access those services, people with disabilities can email a dedicated mailbox, call toll-free, or use WA relay 711 to request an accommodation.

The implementation team is also identifying more options to assist claimants who lack computer skills or computer access. Claimants can continue to get computer skills training and use computers through local WorkSource offices. To determine how to assist these claimants, ESD is incorporating feedback from the agency's Customer Experience Unit and will work with members of the ESAC EDI subcommittee to gather more input. As mentioned above, the newly created ESAC EDI subcommittee has started addressing this issue and will continue this discussion at future meetings.

To assist claimants with limited English proficiency (LEP), ESD set up a new dedicated phone line with instructions in 25 languages. ESD already provides assistance in English and Spanish. ESD implemented the LEP phone line on Oct. 25, 2021. The agency updated ESD.WA.GOV language landing pages and the ESD.WA.GOV community page with instructions on accessing the new number and navigating phone menus.

Online data dashboard project

Section 4 of the bill required ESD to create an online data dashboard and provide a quarterly written data report on specific performance metrics. The agency will include additional metrics on the dashboard in response to a request from the Joint Legislative Audit and Review Committee (JLARC).

A cross-divisional ESD data team identified the necessary elements, developed the dashboard, and gathered quarterly report data definitions, elements and sources. The [dashboard](#) went live in early October and ESD continues to update the data monthly.

Program and funding update

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.

No additional federal benefit programs were announced in July, August or September. Eligibility for new applications for federally funded benefits ended in September. Funding remains available to pay benefits and work on previously filed claims.

The Unemployment Insurance program is primarily funded with the federal Unemployment Insurance Administrative Grant. This grant is based on a formula set out by the U.S. Department of Labor (USDOL). Federal funds received by the department for program administration are disbursed annually and quarterly. The annual disbursement is a base grant and the quarterly comes from above-base funding grants for claims-related workload.

USDOL has arbitrarily reduced reimbursing the costs for all states' administration of unemployment insurance by 25% and 18% in the last two quarters. USDOL has not made clear what they plan for the next reimbursement period. This means that a different funding source is needed to pay for the costs of the program that have already been incurred. USDOL attributes the reduction to their estimate of fraudulent cases. However, current claims shows that less than 1% of claims reported to the federal government for administrative funds may be fraudulent.

As stated in the first quarterly report, the agency intends to apply for grant funding of specific items as new funds become available. USDOL solicited grant proposals for projects promoting equitable access to unemployment compensation. ESD will submit proposals in November. Award decisions may take up to 45 days after submittal.

Table 1: Grant funding request

Project	Funding request
Unemployment insurance translation services	\$4,192,222
Customer experience data product – improving access to equity data	\$569,878
ESD website modernization	\$740,275
Adverse impact analysis, implementation evaluation, net impact evaluation	\$806,230
Washington state equity data partnership with USDOL	\$531,395
TOTAL	\$6,840,000

Source: Employment Security Department

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.

Implementation and administration of new and updated federal requirements for federally funded programs is ongoing, even though new eligibility for federal benefits ended in September 2021. The federal programs are:

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

Second quarter implementation

ESD implemented major pandemic related technology projects in the second quarter to:

- Check if any claimant receiving federally funded benefits was eligible for a new regular UI claim (potential new claim – PNC).
- Correct PEUC entitlements.

Third quarter implementation

Several follow-up PNC and PEUC projects were completed during the third quarter. These projects automated some processes and addressed issues with claims processing and payment delays.

- Implemented semi-automatic PNC week transfer.
- Automatically transferred weeks between benefit programs.
- Turned on presumptive denial for issues where claimant did not respond on time.
- Stopped collections on PNC related claims while work is being processed.
- Manually canceled PEUC claims.
- Updated weekly claim transfer issue to manually move PEUC weeks from wrong claim.
- Automatically canceled PEUC when it's set on the wrong claim.
- Removed PEUC from claims with a UI balance.
- Closed PNC issues that were preventing payment.

- Backdated PUA claims per updated federal guidance.
- Resolved ID issues on PUA claims with regular claim ID denial.

ESD completed a large number of technology projects required to close out CARES eligibility in early September. This included one correction to enable payments of training benefits and trade benefits after the end of CARES. Close-out work will continue into the fourth quarter.

ESD changed how it handled issues with inaccurate notifications on PUA advice of rights, required documents, and ongoing eligibility issues. The agency also corrected notifications for some monetary issues with fraudulent wages, claims with school wages, and for waiver notices.

Documentation to show proof of earnings for PUA recipients

During the third quarter, ESD also implemented a federal requirement for all PUA claimants to submit proof of their attachment to the labor market as a condition of receiving PUA benefits. This requirement affected nearly 175,000 PUA claimants, and processing responses will continue into the fourth quarter. ESD also implemented waivers for PUA overpayments authorized by federal law.

Protecting sensitive data

Section 5(d) requires updates on the department's protocols and process for protecting sensitive data. The Fraud Management Division (FMD), which includes the Office of Special Investigations, continued to update all necessary protocols and processes for protecting sensitive data, including the introduction of multi-factor authentication (MFA) for eServices and SAW users in August 2021. MFA reduces the likelihood of account takeovers by requiring multiple methods of authentication to verify a user prior to logging in. Failing the MFA ultimately prevents claimant sensitive data from being accessed and potentially used for fraudulent purposes. Updates were also made to our processes to allow claimants to contact us more securely.

Other unemployment reporting

Section 5(e) requires a report of any other relevant unemployment issues, or information related to enhancing the unemployment insurance system, as determined by the department. ESD will continue to address CARES-related workload backlogs. ESD also has a number of CARES-related projects that will continue through summer 2022.

JLARC-requested performance improvement plan

Improving adjudication timeliness and quality

JLARC requested details on steps being taken to improve timeliness and quality of the adjudication decisions that allow or deny access to benefits. Adjudicating unemployment insurance eligibility issues is highly skilled work and having proficient staff is the key to success.

It has been challenging to hire and train new staff and upskill existing staff to increase overall capacity, meet timeliness goals, and ensure quality of work. The rapid pace of hiring and promotions has left a shortage of experienced lead workers and supervisors needed to support inexperienced staff. At the same time, the large volume of incoming cases has increased the complexity of workload management. To overcome these challenges, the Unemployment Insurance Customer Support (UICS) Division has developed a variety of counter measures.

Hiring

Adding human resources staff and streamlining mass recruitment and hiring (outlined in the previous report) have paid off. Hiring totals were far higher in third quarter for non-permanent unemployment insurance specialist 2 and unemployment insurance specialist 4 positions.

Table 2: Hiring totals in third quarter 2021

July	August	September
83 UIS2	176 UIS2	139 UIS2 24 UIS4 (5 external, 19 internal)

Source: Employment Security Department

Training

UICS is continuing the successful training adjustments outlined in the previous report. Claims center staff worked with the UICS training unit to adjust training priorities and streamline training to get more staff on the highest workload cases sooner. Newly hired adjudicators typically are trained on a variety of issues over time, so they have a wide skill base. New hires are now specializing in only high-demand cases so they reach proficiency and full productivity sooner.

Support

UICS is also continuing its new technical lead support model designed to give new staff easier and quicker access to get questions answered. The previous model assigned one lead staff per team. The new model establishes a pool of leads available to help all staff transitioning from training into production, giving trainees better access to technical assistance and more opportunities to consult with a skilled staff member. All new training cohorts get support from the centralized lead pool.

Workload management

As outlined in the previous report, adjudication managers and supervisors are assigning large teams to “sprints.” The goal of these sprints is twofold:

- Reduce categories with the largest number of outstanding issues.
- Resolve issues for claimants who have been waiting the longest for their decisions.

Every sprint adjudicator is assigned to resolve a specific type of issue for an entire week. This short-term specialization reduces the costs of time lost while switching between different types of issues and helps adjudicators develop a faster rhythm of work by knowing what to expect.

In the third quarter, UICS conducted multiple sprints to resolve voluntary quits and availability issues, which have been and remain the two highest adjudication workload types. Short-term sprints on school attendance and commission approved training (related to the resumption of work search requirements) were also conducted. Sprints continue to work as intended — shifting maximum resources to resolve large numbers of cases and realize efficiencies.

Adjudication continues its team-based case management pilot, which tests ways to increase efficiency and reduce timelines while resolving multiple issues affecting a claimant’s payment. A specialized team continues to review all appeals requests and redetermines as appropriate to avoid unnecessary appeals. Adjudication and Intake managers review overall workload weekly

and adjust as necessary. In July, for example, they redeployed staff in response to a workload spike tied to reinstating work search requirements.

Anticipated improvement goals

ESD's goals are to:

- Eliminate the COVID-related backlog of adjudication cases as soon as possible.
- Show progress towards meeting U.S. Department of Labor timeliness goal of resolving 87% of eligibility issues within three weeks of detection.

During the third quarter, ESD — as required by federal law — notified all claimants receiving federal benefits that they had to file new regular UI claims if they were eligible for regular benefits. This resulted in 106,537 new claim filings, 82% of which were backdated five or more weeks and had many associated eligibility issues for adjudication. This workload had a significant impact on overall caseload numbers.

Federally funded benefits sunsetted in early September. As anticipated, incoming workload items related to federal benefits decreased, allowing ESD to devote capacity to reducing the number of cases awaiting adjudication. However, reinstating job search requirements resulted in a large new incoming work stream. At the same time, voluntary quit issues remain at high levels. The volume of quit issues is consistent with national trends showing that many employees are seeking different employment. If labor market conditions continue as expected, ESD anticipates the incoming workload will decrease. This would create the capacity needed to completely reduce the pandemic-related backlog during fourth quarter.

PART II

ESSB 5193 Section 4(2) requires ESD to provide quarterly reports on selected unemployment insurance performance metrics. At the request of the Joint Legislative Audit and Review Committee, ESD has included additional performance metrics. The following tables contain data for the period July, August, and September 2021.

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 3: Seasonally adjusted unemployment rates

Month	July	August	September
Unemployment rate	5.1%	5.1%	4.9%

Source: Employment Security Department, Labor Market and 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-servicemembers. The reciency rate does not include claimants receiving federally funded benefits.

Table 4: Unemployment insurance reciency rates

Month	July	August	September
Reciency rate	33.0%	31.6%	28.6%

Source: ETA Report 5159 Claims and Payment Activities and Labor Market and 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:

- State-funded regular unemployment (UI).
- Pandemic Emergency Unemployment Compensation (PEUC): Allows additional weeks of benefits for recipients.
- Pandemic Unemployment Assistance (PUA): Provides benefits to workers not covered by traditional unemployment benefits.
- Federal Pandemic Unemployment Compensation (FPUC): Provides weekly stimulus payments to all receiving benefits.

The much smaller amount of benefits paid in September reflects the end of federally funded benefits.

Table 5: Individuals paid and total benefits paid

Month	July	August	September
Individuals paid	318,515	275,848	242,439
Benefits paid	\$ 840,827,233	\$ 721,611,803	\$ 391,716,846

Source: ESD operational data query

A claimant for unemployment insurance files an initial application to establish eligibility for or disqualification from receiving benefits based upon 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 are continuing 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. For the quarter July, August, September 2021:

- 76.2% of weeks claimed were paid.
- 20.8% of weeks claimed were not paid because the claimant was determined ineligible.
- 3% of weeks claimed were still pending a decision.

The percentage of unpaid weeks increased by 5% from the previous quarter as many claimants receiving PUA or PEUC filed for regular UI after federal benefits ended. The majority of those claimants did not qualify for a new regular claim.

Table 6: Total weekly claims paid, pending, and not paid

Month	July	August	September
Weekly claims paid	1,044,080	1,053,948	336,815
Weekly claim pending	19,687	36,919	38,841
Weekly claims not paid	224,630	249,570	189,344
Total	1,288,397	1,340,437	565,000

Source: ESD operational data

Overpayments

Overpayments are established when ESD determines that a claimant received benefits when they shouldn't have, either because they were ineligible or ESD 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, which requests financial information from the claimant to determine their ability to pay. When ESD receives the completed form, an adjudication staff member determines if the claimant is eligible for a waiver.

Under certain conditions, ESD may auto-waive without adjudication some overpayments that are not the fault of the claimant. In response to specific federal authorization, ESD also automatically waived some overpayments created when federal law required that claimants be moved between state and federal benefit entitlements with lower weekly benefit amounts. These weekly benefit related waivers are not reflected in the waiver request counts shown below.

ESD created a large number of overpayments and waivers in the third quarter of 2021 as it implemented federal requirements to move claimants to regular unemployment insurance claims and off federal entitlements. For a variety of reasons, this total may 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) until after they received large overpayment notices. Some of these overpayments were later reversed after claimants complied and filed a new claim, allowing ESD to redetermine their denials.
- Many overpayments were also created when claimants failed to respond to requests for information on non-potential-new-claim issues. These overpayments could be reversed if the claimant later provides information verifying eligibility for benefits. Overpayment reversals are anticipated to continue into the fourth quarter as claimants respond to ESD requests.

Table 7: Overpayments by benefit entitlement in third quarter of 2021

Benefit type	Cases	Overpayments
Regular	39,677	\$111,751,056
FPUC	93,137	\$222,010,961
PEUC	37,522	\$110,807,865
PUA	46,287	\$48,329,534
Total	216,623	\$492,899,416

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

Table 8: Overpayment waiver requests and outcomes

Month	July	August	September
Approved	267	299	7,175
Denied	998	891	1,330
Total	1,265	1,190	8,505
Approval rate	21.1%	25.1%	84.4%

Source: ESD operational data

Adjudication timeliness and quality

The USDOL requires that 80% of nonmonetary issues with the potential to affect the 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.

Adjudication timeliness performance fell short of targets as ESD continued to focus on resolving the oldest cases awaiting adjudication while still receiving a high volume of new incoming work. States around the country are struggling with similar issues. The U.S. national average for adjudication timeliness in the third quarter has not yet been published. Second quarter national averages were 32% for separations and 66% for non-separations.

Table 9: Timeliness of adjudication decisions – separations

Month	July	August	September
Total workload	10,228	9,508	8,592
Determined within 21 days	19.2%	13.8%	17.9%

Source: ETA Report 9052

Table 10: Timeliness of adjudication decisions – non-separations

Month	July	August	September
Total workload	23,473	33,872	44,934
Determined within 21 days	64.4%	69.3%	71.0%

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 nonmonetary determinations against 100-point scoring criteria. The standard requires that at least 75% of determinations reviewed receive a score of 95 or higher. Because ESD did not meet this standard, the agency must enter corrective action with the U.S. Department of Labor through our State Quality Service Plan. We are currently waiting for the details of what that will entail, as some targets are being adjusted this year due to the extraordinary circumstances.

Separation and non-separation samples are scored. 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 and results are not yet available for the quarter ending September 2021.

Table 11: Quality of adjudication decisions

BTQ sample quarter ending June 30, 2021	Separations	Non-separations
Sample size	50	50
Case material not found	0	0
Invalid cases*	2	20
Scored cases	48	30
Score	58.3%	76.7%

Source: USDOL Benefit, Timeliness and Quality

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

Appeals

A claimant or employer can make a written request for a hearing to appeal an ESD determination. The Office of Administrative Hearings (OAH), an independent state agency, hears unemployment benefits appeals. ESD can only transmit 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 US 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 and 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.

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, 80.1% of the appeal requests have been resolved and 19.9% are pending resolution.

Table 12: Disposition of appeals requests

Month	July	August	September
Pending	2,125	3,091	5,621
Submitted to OAH	7,044	8,096	6,843
Redetermined	5,913	7,557	4,865

Month	July	August	September
No action taken	1,083	871	1,291
Total	16,165	19,615	18,620

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 many repeat 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 claim center units: Intake, Adjudication and 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 SSN) 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, so they are counted 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.

Table 13: Calls to claims centers

Month	July	August	September
High call-volume messages	292,672	323,206	376,294
Answered	57,550	58,086	50,561
Abandoned	15,849	19,789	22,212
Total calls	366,071	401,081	449,067
Average wait time	0:44:08	0:45:39	0:51:44

Source: ESD operational data

ESD is exploring industry standard call center staffing software that provides better estimates of staff required to reduce call wait times and answer all calls forecast during peak demand periods. These new estimates will provide a clear picture of the gap between federal funding available and what it costs to meet service goals common for businesses, typically well under one minute.

Table 14: Individuals calling claims centers

Month	July	August	September
Individuals	148,834	151,529	148,664

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 Sept. 16, 2021, the Unemployment Insurance Customer Support Division in total:

- Had 1,426 UI Benefits permanent and non-permanent staff positions to serve an average of 278,932 claimants who received payment in the third quarter.
- Had 185 UI Tax and Wage permanent and non-permanent staff positions to serve 258,805 active employers.