



## Unemployment Insurance Advisory Committee

### Meeting details

**Date:** Friday, January 26th, 2024

**Time:** 10:00am - 12:00 pm

**Location:** Zoom

#### Committee members and alternates present

##### Employee Representatives

- Sybill Hyppolite, Washington State Labor Council
- Josh Swanson, Operating Engineers 302
- Brenda Wiest, Teamsters 117

##### Employer Representatives

- Bob Battles, Association of Washington Business
- Josie Cummings, Avista Corp
- Julia Gorton, Washington Hospitality Association

##### General Public Representatives

- William Westmoreland, Pac Mtn WF Dev Council

##### ESD staff

- Joy Adams
- Rafael Colon
- Joshua Dye
- Vaughn Ellis
- Stephanie Frazee
- Camille Galeno
- Colin Helsley
- Caitlyn Jekel
- Matt Klein

#### Committee members and alternates absent

- Tammie Hetrick, Washington Food Industry Association (alternate employer rep)
- Monica Holland, Northwest Justice Project (alternate public rep)
- Joe Kendo, WA State Labor Council (employee rep)
- Allyson O'Malley-Jones, Northwest Justice Project (alternate public rep)
- Cindy Richardson, UNITE HERE Local 8
- Anne Paxton, Unemployment Law Project

- Lawrence Larson
- Marypat Meuli
- JR Richards
- Eve Sheng
- Stephanie Sams
- Daniel Zeitlin

## Summary

### Meeting Recorded

This meeting was [recorded](#) and also livestreamed by TVW.

### Welcome and Opening Remarks

After a technical problem occurred at the start of the meeting, The meeting was ended and restarted at 2:10pm. ESD Unemployment Insurance Customer Support Director, JR Richards, welcomed everyone and asked committee assistant Colin Helsley to call roll.

### Agenda

JR Richards reviewed the following agenda items (also see Addendum I)

- Approval of Dec. 6, 2023 meeting minutes
- Rulemaking update
- Leg updates / Context of UI Bills
- Navigator Grant
- Overpayments
- Public comment
- Adjourn

### Meeting Minutes

JR Richards requested that everyone review the December 2023 UIAC meeting minutes and provide their feedback. Josh Swanson made a motion to approve the minutes and Bob Battles seconded the motion. All in favor said “aye”. No members were opposed. The December 6, 2023 meeting minutes were approved.

### Rulemaking Update

JR Richards handed the meeting over to Stephanie Frazee, Legislation and Rules Coordinator, ESD, to provide a rulemaking update. Stephanie presented information from the following slides.

## Rulemaking



- **Overpayment Waivers** – Formally adopted permanent rules on December 1, 2023. Rules became effective January 1, 2024.
- **Conditional Benefit Definition** – Formally adopted rules on December 7, 2023. Rules became effective January 7, 2024.

## Rulemaking



- **Wildfires and Other Disasters** – Filed emergency rules in response to wildfires in the state. Held a hearing on adopting the rules permanently on January 23, 2024. Working on formally adopting the permanent rules.
- **Expanded Voluntary Quits (HB 1106)** – Officially proposed rules with definitions of “family member” consistent with PFML definitions and incorporating updates from the bill that are effective September 3, 2023. Held hearing on December 8, 2023. Working on formally adopting rules.
- Also working on drafting rules incorporating quitting due to inaccessible care for a child or vulnerable adult and defining a split shift.

## Rulemaking



- **Transportation Network Companies (HB 1570)** – Working on drafting rules concerning relief of benefit charges for part-time workers and potential other rules needed to implement bill.
- **Cross-Program Payment Allocation** – Pre-proposal inquiry filed. Drafting rules to address how employer payments are allocated across UI, WA Cares, and PFML.
- **Overpayments Correction** – Began expedited rulemaking to update an outdated cross-reference. Objection was submitted, and we are now working on officially proposing the rule change.

No questions were raised.

### Legislation Update

Caitlyn Jekel, Government Relations Director, ESD presented information from the following slide to provide a legislation update.

## Legislation update



### Agency request legislation

#### HB 1975 & SB 6028

##### Pandemic-era overpayment interest

Both bills voted out of their policy committees unanimously

Waives interest accrued on pandemic-era overpayment interest (Feb 2020 – Sept 2021). Interest on these overpayments will not resume until Jan 1, 2025.

#### HB 1898

##### Benefit Charging

Voted out of House (93 yeah, 0 no, 5 excused)

Cleans up the benefit charging statutes for clarity. Does not make substantive changes.

#### HB 1901

##### Voluntary Contributions

Voted out of LAWS unanimously

Removes the sunset to temporary changes to voluntary contributions program from 2021:

- Removed the 10% surcharge
- Reduced the amount of the contribution required to participate.

## Legislation update



### Agency request legislation: Pandemic-era overpayment interest

#### The bills impact claimants that are not successful in getting a waiver.

- Currently, 96% of waiver applications have been approved
- If the waiver is approved, the overpayment + accrued interest is waived

#### Bases on the current waiver approval rate, ESD anticipates:

- \$6M in interest being waived
- \$8.2M in paid interest will be refunded to individuals that have already paid interest

## Legislation update



### Bills we are tracking

#### HB 1095 and 5109

##### Concerning unemployment insurance benefits for striking or lockout workers

HB 1095 (2023) – Reintroduced in Appropriations

SB 5109 (2023) – Reintroduced in Ways and Means

#### HB 1893 and SB 5777

##### Concerning unemployment insurance benefits for striking or lockout workers

HB 1893 – Scheduled for executive session in LAWS earlier this morning

SB 5777 – Passed out of Labor & Commerce on Jan 17

#### HB 2230

##### Economic Security for All (EcSA)

Scheduled for executive session in LAWS on Jan 30

Bob Battles asked, regarding HB 1893 and SB 5777, if any issues with able and available requirements could be foreseen. Caitlyn and Stephanie Frazee answered that under these bills the striking worker

would still be considered attached to the employer they were striking, so they wouldn't be required to work search and would be allowed to return to work for that employer when the strike ends. Bob asked whether there were concerns of conformity issues with this. Stephanie answered that there were none identified, but that striking workers would still be required to be available, as with other claimants.

**Navigator Grant**

JR handed the floor to Stephanie Sams, UICS Policy and Legislative Implementation Manager, ESD, and Rafael Colon, Navigator Program Manager, ESD to provide an update on the Navigator Program.

Stephanie presented information from the following slides.

## Navigator Grant

- **21 bidders across the state requesting over \$7.9 million**
- **Selected nine CBO successful bidders**
  - **Total grant \$2,051,623**
  - **Period of performance is 18 months from Jan. 2, 2024 to June 14, 2025**
- **CBO Summit**
  - **January 24 & 25, 2024**

CBO	Counties	ESD Regions & WDC areas
Chinese I&SC	Pierce, King & Snohomish	Central Sound – (4, 5, 6)
Korean CSC	Pierce, King & Snohomish	Central Sound - (4, 5, 6, 7, 9, 12)
La <u>Oficina</u> , LLC	Yakima & Tribal Lands – Toppenish and White Swan	Central – (9)
Native Action Network	Clallam, Lewis, Jefferson, Cowlitz, Pierce, Skagit, Yakima, Whatcom, Clark, King, Snohomish, Kitsap, Thurston, & Spokane	Central Sound, North Sound, Southwest Coastal, Central, Eastern (1, 2, 3, 4, 5, 6, 7, 9, 12)
Neighborhood House	King	Central Sound – (5)
People for People	Correction made from virtual presentation on 12/18. Yakima, Kittitas, Klickitat, and Skamania – South Central Workforce Region	North Sound, Southwest Coastal, Central and Eastern (1, 3, 9, 11)
TRAC Associates	Pierce, King, Snohomish, Kitsap & Thurston	Central Sound – (1, 2, 4, 5, 6)
Washington State Labor Council	Statewide	Central Sound, North Sound, Southwest Coastal, Central, Eastern - (all 12)
Drivers Union	Franklin, Pierce, Clark, Kitsap, King, Whatcom, Snohomish, Spokane – Metro areas	Central Sound, North Sound, Southwest Coastal, Central, Eastern (1, 3, 4, 5, 6, 7, 11, 12)

## Navigator Grant



- Two-day summit to onboard CBO staff:
  - Eight online UI learning modules
  - Work Tool Kit
  - Policy
  - Contract Updates
  - Expectations & Reporting
  - Next Steps

No questions were raised.

## Overpayments Update

JR Richards presented an overpayments update using information from the following slide.

### Overpayments Update



- Total scope at state of this work: 210,000 claimants totaling 1.2 Billion
- Phase 1: 21,000 were waived through federal blanket waivers, providing \$13 million in debt relief
- Phase 2 (Current state): To date, ESD has received 44 thousand waiver requests from individual claimants. Requests received represent \$200 million in overpayments
  - We have processed 18 thousand applications and waived 36 million in overpayment debt
  - 5% have been denied due to not meeting waiver criteria
  - What remains: 165,000 customers have pandemic era overpayments, did not receive a blanket waiver, and have not applied for an individual waiver. Of that,
    - 77,000 customers currently have a zero balance. Generally speaking, this is due to either customer repayment or offsets.
    - 88,000 customers currently have a balance

No questions were raised.

## Public Comments

JR reminded meeting participants that if they would like their comments captured in the meeting minutes to please email them to [camille.galeno@esd.wa.gov](mailto:camille.galeno@esd.wa.gov).

No public comments were made.

## Adjourned

With all agenda items covered, a motion to adjourn the meeting early was made by Brenda Weist and seconded by Julia Gorton. All in favor said “aye”. None were opposed. JR Richards thanked committee members for joining and ended the meeting.

**Action Items**

None

**Next meeting:**

February 23, 2023, from 2:00 to 3:00 p.m. via Zoom.

Addendum 1

Agenda

Unemployment Insurance Advisory Committee (UIAC)

Friday, Jan. 26, 2024 | 2:00 pm - 3:00 pm | Via Zoom | 212 Maple Park Ave SE, Olympia, WA 98501

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Time	Topic
2:00 pm	Welcome from JR Richards, Unemployment Insurance Customer Support (UICS) Director, Employment Security Department (ESD) <ul style="list-style-type: none"><li>o Agenda overview</li></ul>
2:05 pm	Approval of Dec. 6, 2023 meeting minutes
2:10 pm	Rulemaking update – Stephanie Frazee
2:20 pm	Leg updates / Context of UI Bills – Caitlyn Jekel
2:45 pm	Navigator Grant – Stephanie Sams
2:50 pm	Overpayments – JR Richards
2:55 pm	Public Comment
3:00 pm	Adjourn

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

**RECORDING DISCLAIMER:**

*This meeting is being recorded and will be live streamed by TVW. Please be advised that your image and voice will be captured and recorded during the videoconference. Your participation in this videoconference equals consent to be recorded as required by law.*



Addendum II



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**Unemployment Insurance Advisory Committee**

**Aug 2023 – June 2024 Meeting Dates**

<b>Date</b>	<b>Location</b>	<b>Host</b>	<b>Notes</b>
Aug 2, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Sept 11, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Oct 18, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Dec 6, 2023 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
Jan 26, 2024 2:00 PM – 3:00 PM	Zoom	ESD	Recorded meeting
Feb 23, 2024 2:00 PM – 3:00 PM	Zoom	ESD	Recorded meeting
Mar 29, 2024 2:00 PM – 3:00 PM	Zoom	ESD	Recorded meeting
May 15, 2024 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting
June 26, 2024 10:00 AM – 12:00 PM	Zoom	ESD	Recorded meeting