



# Unemployment Insurance Advisory Committee

## Meeting details

**Date:** Wednesday, October 28, 2020

**Time:** 10:00 a.m. to 12:00 p.m.

**Location:** Zoom

### Committee members present

- Robert Battles
- Julia Gorton
- Tammie Hetrick
- Joe Kendo (proxy for Sybill Hyppolite)
- Kevin Perkey
- Cindy Richardson
- Josh Swanson
- Jerry VanderWood
- Brenda Wiest

### Committee members absent

- Sybill Hyppolite

### ESD staff

- Joy Adams
- Sara Crosby
- Ashlee Delaney
- Nick Demerice
- Wendy Goldmark
- Matt LaPalm
- Scott Michael
- Dan Zeitlin

## Summary

### Meeting Recorded and Broadcast on TVW

This meeting was recorded and is available at <https://esd.wa.gov/newsroom/UIAC/recordings>.

This meeting was also livestreamed by TVW and the broadcast can be found at <https://www.tvw.org/watch/?clientID=9375922947&eventID=2020101158>

### Welcome and Opening Remarks

Employment Security Department (ESD) Policy Director, Dan Zeitlin, welcomed everyone and asked Wendy Goldmark to take roll call. All committee members were present, except Sybill Hyppolite. Joe Kendo was proxy for Sybill Hyppolite.

### Agenda

Dan Zeitlin reviewed the meeting agenda and asked if anyone had any questions. (See Addendum I.)

### Meeting Minutes

Dan Zeitlin requested that everyone review the meeting minutes for October 14, 2020 and provide their feedback. Brenda Wiest made a motion to approve the minutes for October 14, 2020 and Kevin Perkey seconded the motion. Dan asked for all members in favor to say, "Aye". All members responded, "Aye". Dan asked members that disapprove to say, "Nay". No one responded. The October 14, 2020 meeting minutes were approved.

### UI Program Update

Dan Zeitlin informed the committee that on October 1 State legislative leadership extended the 3 Governor Proclamations through November 9 related to unemployment insurance:

- Proclamation [20-21](#): Suspends state law requiring an unpaid waiting week before claimants receive unemployment benefits.
- Proclamation [20-58](#): Suspends state law requiring Employment Security to charge employers for Shared Work benefits.

ESD supports extending these proclamations through the end of the calendar year as both waiting week and Shared Work benefits are being financed by the federal government through the end of the year.

ESD also supports extending -

- Proclamation [20-30](#): Suspends state law requiring unemployment claimants, including those claiming Extended Benefits, to actively seek work.

As Committee members know, unemployment insurance claimants must be able, available and actively seeking work to receive unemployment benefits. The federal Families First Coronavirus Response Act allows states on an emergency basis due to COVID-19 to freeze the requirement that claimants actively seek work.

The state statute and associated rules are the main topic of conversation for today's meeting.

## UI Work Search Requirements

Joy Adams, ESD Quality Assurance and Operations Manager, gave a slide presentation on [UI Work Search Requirements](#) and led a discussion that focused on the following:

- Review work search and improper payment issues pre-COVID pandemic.
- Review legal structure for work search requirements in Washington.
- Discuss potential adjustments to legal structure to better serve employers and job seekers.

The goal of the discussion was twofold:

- Under [Proclamation 20-30](#) work search requirements are currently suspended.
- Identify potential amendment to state work search requirements embedded in statute ([RCW 50.20.240](#)) to create the flexibility needed to reinstate robust work search activities.

During the discussion, questions were raised by committee members for follow-up:

- 10:17 Can you share the data regarding the breakdown of improper payments – how much is overpayments vs underpayments?
- 10:22 What is the name of the act requiring no more than 10% improper payment rate?
- 10:38 I understand why the flexibility in the statute is important with COVID, can you explain why this flexibility would have been important pre-COVID?
- 10:40 Why are claimants receiving questions during claim about doing one work search and sometimes about doing three work searches in system?
- 10:55 How are we making sure claimants are qualified for the jobs they are applying for - what is department doing to ensure that people are applying for suitable work?
- 11:06 How many people go through job search review process? Answer: pre-COVID we were reviewing up to 10% in sample. **Action item: follow up with pass/fail data on job search reviews.**

In consideration of writing a proposed/draft rule, committee members made the following comments:

- 11:19 Agreed to be flexible in timeline for reviewing rule

- 11:23 Interested in language around further integrating the workforce system with this effort to work toward concerns about getting people to suitable work search. An opportunity to further integrate workforce development system- enrollment in that is all about helping people get jobs. Encourage to consider language not just around RESEA – everything under WIOA is highly effective to count as a job search.

Committee members requested input for further discussion:

- 11:28 Why is ESD thinking they wouldn't want to implement a job search monitoring program? ESD did not state it does not want to implement a job search monitoring program.
- 11:30 Want to be careful not to open it up to be so flexible that we lose guidance from statute.
- 11:31 What elements of the statute are limiting your ability to be more flexible for job searches?
- 11:32 Look at why there's the 5-week bar and why can't we review their job search activities before week 6?
- 11:33 Make strong case about shortcoming of behaviors in job applicants – want more information about what agency is seeing.
- 11:33 Consider that 10% isn't a very large volume of research for the people doing job searches to make sure they are doing them right and effectively; we need to integrate more help to make sure someone within WS is helping them. My recommendation would be to implement increase in percent of job search monitoring.
- 11:34 Strong recommendation to center work source as an integrated full-service workforce development entity to provide those types of oversight, coaching, training and putting work source at the center of those opportunities.
- 11:36 Monitoring program should be looking at: is what they are doing going to effectively get them back to work?
- 11:44 Look into LNI vocational rehab program and their requirements – once you sign on with a person, there's certain guidelines counselor has to help get you back to work. There might be some pieces in that to be more formal.
- 11:47 Supportive of flexibility outside of statute to meet local market demand, we can strengthen in certain ways and be more flexible at a local level.
- 11:48 What is it from ESD perspective preventing you from having that flexibility? You can define what the contacts means in rule, so is something in statute preventing you from doing certain things or can we just expand what's allowed? I don't see a problem with 3 contacts if you can define them in a way that can be different based on different counties.

- 11:50 What is the flexibility that's necessary? You can require more than 3 in certain circumstances, so what do you think is necessary?
- 11:51 Applicants flooding job postings and then not showing up for interviews - they applied just to check a box.

**Agenda Items for Next Meetings**

- Facilitated discussions on UI tax policy, work search statute and rulemaking

**Public Comments**

- None

**Adjourned**

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 11:57 a.m.

**Next meeting**

The next Unemployment Insurance Advisory Committee meeting is on Thursday, November 12, 2020 from 10:00 am to 12:00 pm via Zoom.

Addendum I



Agenda

Unemployment Insurance Advisory Committee (UIAC)

Wednesday, October 28, 2020 | 10:00 am - 12:00 pm | Via Zoom

Agenda Items

Time	Topic
10:00 am	Welcome from Dan Zeitlin, Director of Policy, Data, Performance & Integrity (PDPI) Division, Employment Security Department (ESD) <ul style="list-style-type: none"> <li>• Agenda Review</li> </ul>
10:05 am	Approval of October 14, 2020 Meeting Minutes
10:10 am	UI Program Update <ul style="list-style-type: none"> <li>• Dan Zeitlin, Director, ESD</li> </ul>
10:20 am	UI Benefits Discussion-Work Search Requirements <ul style="list-style-type: none"> <li>• Dan Zeitlin, Director, ESD</li> <li>• Joy Adams, Quality Assurance and Operations Manager, ESD</li> <li>• Matthew LaPalm, Product Manager, ESD</li> <li>• Scott Michael, Legal Appeals and Rulemaking Manager, ESD</li> </ul>
11:45 am	Continued Policy and Next Agenda Discussion
11:50 am	Public Comments
12:00 pm	Adjourn
For more information, please visit the UIAC website at <a href="https://esd.wa.gov/newsroom/UIAC">https://esd.wa.gov/newsroom/UIAC</a>	

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