



Unemployment Insurance Advisory Committee

Meeting details

Date: Wednesday, September 30, 2020

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

Location: Zoom

Committee members present

- Robert Battles
- Julia Gorton
- Tammie Hetrick
- Sybill Hyppolite
- Kevin Perkey
- Cindy Richardson
- Josh Swanson
- Jerry VanderWood
- Brenda Wiest

Committee members absent

ESD staff

- Joy Adams
- Karen Bailey
- Sara Crosby
- Ashlee Delaney
- Nick Demerice
- Kevin Dinnen
- Sharon Elias
- Wendy Goldmark
- Carole Holland
- Matt LaPalm
- Scott Michael
- Diane Rosado
- Larry Sheahan
- Dan Zeitlin

Summary

Meeting Recorded

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

Welcome and Opening Remarks

Employment Security Department (ESD) Policy Director, Dan Zeitlin, welcomed everyone and asked Wendy Goldmark to take roll. All committee members were present.

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 September 16, 2020 and provide their feedback. Julia Gorton made a motion to approve the minutes for September 16, 2020. Josh Swanson 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. Meeting minutes were approved.

Unemployment Insurance Program Updates

Dan Zeitlin provided an update on UI program-related Governor proclamations [20-21](#), [20-30](#) and [20-58](#) in effect through October 1, 2020. The Governor requested state legislative leadership to extend them through December 1, 2020. ESD had not yet received a decision from the legislature as to whether the extensions would be granted. On October 1, state legislative leadership extended the proclamations through November 9, 2020. The proclamations suspend state law requiring unemployment claimants, including those claiming Extended Benefits, to actively seek work, state law requiring an unpaid waiting week and state law requiring Employment Security to charge employers for Shared Work benefits.

Joy Adams, ESD Quality Assurance and Operations Manager, provided an update on the Lost Wages Assistance (LWA) program. She informed the committee that ESD has made two payment runs for LWA, totaling about \$640 million dollars paid. ESD still has \$317 million available to continue to pay LWA benefits as claimants’ issues are resolved.

Scott Michael, ESD Legal Appeals and Rulemaking Manager, provided an update on Second Phase Emergency Rules:

- June 8: Not charging for the waiting week
- June 30: No benefit charges if employee received a direct request to go into isolation or quarantine
- July 17: For extended benefits only, deny benefits for refusing suitable work only if job offer was made in writing or job was listed on Department’s job boards
- September 18: No blanket waivers for PEUC overpayments

UI Customer Experience and Operations

Matt LaPalm, ESD Product Manager, gave a comprehensive [slide presentation](#) highlighting the UI customer experience and operation:

Introduction

- Product Team
- Customer Experience Team within Product Team
- Timeline of team creation
- Tools and processes we use to ensure customer success
- What we are going to talk about today

UI 101 Follow up

Able and Available to Work

- **Pain Point:** Some customers are not able or available for work but could be eligible for new benefit programs. Our systems do not easily pivot to this new, and likely temporary, reality.
- In our last meeting, Joy discussed the issues around being able and available for work.
- We confirm this information with a question on the initial claim, and then again each week on the weekly claim.
- Customers are often frustrated by repeated questions. In cases where eligibility must be confirmed each week, we must repeat the question.
- Some claimants who are not able and available for work may be eligible for Pandemic Unemployment Assistance. The system was not built with PUA in mind, so it does not automatically take this into account and connect the claimant to this program. The claimant would need to know about PUA, and switch to claiming against that program.
- Let's go through an example not being able or available for work and what that feels like in our current system. [Screen shots of answering "No" to able and available, then answering fact finding.]
- **What are we doing:** We continue to communicate the availability of PUA. We have recently updated information about this on esd.wa.gov, including supporting information for the PUA eligibility questions.

\$0 Monetary Determinations

- **Pain Point:** Monetary Determinations are not legally complex, but customers expect a simple Yes/No. \$0 determinations are particularly confusing because they indicate a No (for now), but appear to be a Yes (but we aren't going to pay you).
- UTAB issues templates when issuing letters. These templates are populated with "drop-ins" based on the actual circumstance or determination in the letter. An "approve" or "deny" drop-in could be included in decision letter template. You can think of these as sophisticated form letters.
- For the monetary determination letter, If the WBA is \$0, it is a confusing message. "You are eligible for benefits, but for \$0".
 - This makes sense from our perspective, but is very confusing to someone who is just trying to pay their bills.
- Let's look at the existing Monetary Determination for regular unemployment and you'll see what I'm referring to. [Slide with a \$0 monetary determination letter]
- Now let's look at the newer Pandemic Unemployment Assistance Monetary Determination where we addressed this known issue while implementing the CARES Act. More can be done here, but this does a much better job at explaining what is implied by a \$0 determination.

- **What are we doing:** We are updating the Monetary Determination letter to explain what a \$0 determination means, and what your next steps are.

Separation Issues & Voluntary Quit

- **Pain Point:** Many claimants don't understand unemployment as an insurance program, and the need for the system to avoid adverse selection. Trained agents must evaluate these answers to ensure they meet the legal eligibility requirements. This takes time and high claim volume creates a scale problem.
- An important piece of eligibility is the reason you left your previous job. As Joy mentioned last week, we call this a separation issue.
- We collect this information in eServices as you see on the screen.
- Employers report to us on a quarterly basis, and if we have a record for you, when you fill out the initial application we will confirm and auto-populate your employer for you. Then we ask, "Why did you separate from this employer?"
- Many of these answers require an agent to review your claim.
- For example, Quit.
- As Joy discussed last week, there are some cases where quitting would be allowed, and others where it would disqualify you.
- We get the additional information we need to determine eligibility with follow up questions we call fact-finding.
- This comes in the form of a questionnaire AFTER completing the initial application.
- Let's look at an example of that questionnaire.
- [Walk through a separation questionnaire]
- **What we are doing:** We are evaluating the application questions and questionnaires to ensure customers understand what we are asking with the goal of reducing answers that delay resolution.

Work Search Requirements

- **Pain Point:** Customers are confused by the need to look for work during a time when it is very difficult, or perhaps risky, to do so.
- As many of you know, the regular work search requirement is currently optional.
- Work search is an integral part of the normal unemployment experience. We couldn't easily rip out these parts from the system, and since it is optional, and looking for work is encouraged if it can be done safely, we haven't.
- This creates some confusion. We've done our best to make it clear that work search is optional, but there are still a few corners where there are pain points.
- Earlier, during the summer, we stopped sending the Work Search Directive, which had outdated information referencing the requirement, and potential loss of benefits from ignoring it, to look for work. This was one of the first tasks the Customer Experience team tackled, and we learned just how complicated changes to letters are in our system.
- Let's look at a couple of the other pain points:
 - Each week, we still ask you to report your job search activities. No negative action is taken if you skip this, but there are warning messages that may be discouraging.

- The “What’s next” letter is sent to many claimants as they begin their unemployment journey. It discusses work search, and though it says, “unless we say otherwise”, some customers miss the other notices online.
- **What are we doing:** We have largely resolved this confusion and our attention is now focused on how to prepare for this requirement returning in the future.

Identity

- **Pain Point:** Customers must prove their identity to us, sometimes multiple times through a claim, and anxiety producing terms, like fraud, are connected to this process.
- We must confirm identity in order to ensure eligibility and protect against fraud.
- This is a difficult problem with no statewide solution.
- The details about identity verification are important to protect to avoid giving criminals a blueprint.
- We’ll walk through the experience as a customer to avoid disclosing these details.
- An identity issue can be set at any time in a claim and is based on evidence we believe could be related to fraud.
- When this issue is set, the customer is asked to verify their identity.
- Because this issue can be set multiple times in a claim, they could be asked to do this many times. This is confusing because the process, the thing you are asked to do, is generally the same each time.
- Time limits are important to this process and missing the deadline to submit your documents could lead to your claim being presumptively denied. This creates a scenario where the claimant needs to contact us to reevaluate, delaying their payments.
- [Walk through: Uploading identity documents]
- **What are we doing:** We continue to improve the data and tools we use to set identity issues. Ensuring that legitimate claimants don’t have an identity issue set to begin with.

CARES Act

Coordination of Programs

- UTAB built without CARES Act in mind. CARES Act doesn’t easily layer over the existing tech.
- Policies and guidance are not stable and have changed multiple times since launch.
 - Recent DOL requirement to add additional questions to the Pandemic Unemployment Assistance weekly claim.
- In unemployment generally, it is unusual to move between programs on a weekly basis. During the pandemic, it could be typical for some customers.
- End of one benefit, move to next.
- **What are we doing:** We are adding a new letter that will be sent a few weeks before then end of the claim. This will explain what extended benefit programs are available, and what to do next.

PUA Eligibility (Apply, get denied, apply for PUA)

- Some claimants know from the outset they will not be eligible for regular unemployment, but the law requires that we establish they are NOT eligible first. This creates an unpleasant customer journey.
 - Self-employed people, in particular, have a difficult time navigating this system because it was never intended to accommodate their circumstances, but PUA opens eligibility to them in some cases.

- Hard to know how many hours you've worked for weekly claim.
- Separation reason is confusing in context.
 - Ex: "I'm not working less hours, but my income has been affected. Which option should I choose?"
- No wage or hour reporting was required, so getting through the regular UI application requires validation before being denied and moving on to PUA.
- **What are we doing:** We continue to update the guides to help customers answer these questions and navigate this system.

Operations in a Pandemic

Reaching us by Phone

- Call Volume
 - Many of the issues we've just covered require a trained person to assist.
 - Technology can only do so much to help before a human must step in.
 - Review call data
 - What does "Catching up" look like
 - Recruiting
 - Hiring
 - Training
 - Resources
- Secure Messages
 - We don't use email, instead we use secure messaging within eServices for security and documentation reasons.
 - Secure message data
- Mitigations:
 - Call back pilot
 - Chatbot
 - More frequent, targeted web notices in partnership with Communications
 - Better communication avoids the need to call for additional information.
 - Phone system RFI

Limited English Proficiency Journey

- English vs Spanish
 - eServices is available in both English and Spanish
 - esd.wa.gov is also largely available in both English and Spanish, though some pages need translation to Spanish and some information is presented as a PDF, which creates both language and accessibility barriers.
 - Translators are provided when a caller has limited English proficiency.
 - To be connected to a translator, they must be connected to an agent first, and with high call volumes this can sometimes take hours of waiting or repeated calls to the claims center.
- Other Languages
 - Support materials are available online at esd.wa.gov/community

- Babel notice is in development to be included in letters with vital information. This will connect claimants to language support resources in their native language.
- This is a unique part of the customer journey with specific legal requirements and likely warrants a deeper conversation.

During the discussion, several topics were flagged to revisit at subsequent meetings. A time stamp has been placed after most items to refer to these points in the recordings.

- Revisit whether waiving of waiting week should be extended if not federally funded.
- Regarding requirement for employer's job to be posted on job board - there are many ways employers engage with one stops right now, there's a concern that "it's an antiquated way of looking at the world." (10:27) *Answer: Yes, it is antiquated, but under Sec. 202(a)(3)(D)(ii) of the Federal-State Extended Unemployment Compensation Act of 1970, it is also required by federal statute.*
- Important to ensure if they get request from us (regarding verifying identity) and it's valid that the customers are responding. (@ 11:11)
- Are we including customer experience elements for businesses and can we circle back to address their pain points in future? (11:13)
- We are missing out on opportunity of employers addressing issues with hundreds of employees at once rather than having them all call in - missed opportunity we could think about moving forward (11:14)
- @LaPalm, Matthew (ESD) to circle back on: how have you gathered feedback from businesses? What pain points have we already identified from employer perspective? (11:15)
- There's an opportunity to partner to greater extent with businesses, especially when employers in position of laying off most or all of their workforce can work to help reduce call volume. We can drive down call volume by partnering with the employer community. (11:34)
- There's concern regarding situations where a customer is making a claim and has a past quit on their history and/or when employment history is incomplete resulting in manual work to review these claims - even if quit isn't related to employer who recently laid off the customer. (10:53)
- Information about other states – where do employees in WA stand in terms of benefits compared to others in other states
- Impact of policy suggestions to trust fund and rates (for any change / policy – must understand impact)
- How do we deal with fund in these unusual times?

Due to meeting time constraints, Dan Zeitlin suggested that we move the UI Budget 101 discussion to another meeting. He then called on each individual committee member to provide any suggestions, questions and/or potential recommendations for the October 1 meeting:

- Regarding CARES Act potential transfer to unemployment – is there any legal/practical reason that would prevent CARES Act money by being used by UI system?
- Are there any barriers to putting money into trust fund from any source (not just CARES Act money)? Is it a conformity violation issue? What's the process to get it into the account? Is it allowed to put money into trust fund from other sources, regardless of the source?
- If such transfer – would it be possible to earmark to CARES Act money to support of small businesses – could it be earmarked in any way for certain types of businesses

- Can ESD provide hypothetical - \$250M transfer of CARES Act dollars, what would that do to rates?
 - What is the impact to benefits as well if we put in CARES act money?
- If this is reducing taxes for large/profitable companies – can this be tailored for small businesses? Can we put CARES dollars where most needed?
- Discuss the concept of targeting any money going in?
- If moving CARES act money to trust fund – do you lose option to control that money? More info from process perspective about what that looks like.
- What is Governor’s office perspective on moving money to trust fund?
- Number of states that have used CARES Act funding? (last checked I think 12)
- When do 2021 rate notices go out? A: November calculating, mid-December tax rate notices sent out. Q: Is there a way to expedite due to significance of increase so businesses can figure out how they will do that?
- However, we are spending CARES Act dollars – getting greatest impact to greatest need
- If this investment were made, how far would this take us given current projections? Would there be any unintended consequences of doing so? Please describe the opportunity costs associated with such an investment.

Agenda Item for Next Meeting

- September Trust Fund Report

Administration

Wendy Goldmark discussed moving the November meeting dates, as they fall on a holiday and in a holiday week. The following was proposed and agreed:

1. Move Wednesday, November 11 (Veteran’s Day) meeting to Thursday, November 12 at the same time of 10 a.m. to 12:00 p.m.
2. Move Wednesday, November 25 (Thanksgiving week) meeting to Wednesday, November 18 at the same time of 10 a.m. to 12:00 p.m.

Public Comments - Addendum II

Ann Paxton, Unemployment Law Project

Adjourned

Dan Zeitlin thanked everyone for their continued active participation and for their commitment to this work, then ended the meeting at 12:13 p.m.

Next meeting

The next Unemployment Insurance Advisory Committee meeting is on Thursday, October 1, 2020 from 11:30 am to 12:30 pm via Zoom.

Addendum I

Agenda

Unemployment Insurance Advisory Committee (UIAC)

Wednesday, September 30, 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">• Agenda Review
10:05 am	Approval of September 16, 2020 Meeting Minutes
10:10 am	UI Program Update -Dan Zeitlin, Director, ESD
10:20 am	UI Customer Experience and Operations -Dan Zeitlin, Director, ESD -Matt LaPalm, Product Manager, ESD -Diane Rosado, UI Customer Support Programs and Integration Manager, ESD -Kevin Dinnen, Statewide Adjudication Manager, ESD
11:00 am	UI Budget 101 -Sharon Elias, Chief Financial Officer, ESD
11:40 am	Next Agenda Discussion and Administrative Items
11:50 pm	Public Comments
12:00 pm	Adjourn

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

RECORDING DISCLAIMER:

This meeting may be recorded. Please be advised that if the meeting is recorded, 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 Public Comments

ULP statement to ESD Unemployment Insurance Advisory Committee September 30, 2020

Thank you for the details explaining why problems have arisen on issues like consistent handling of work search questions, and outlining the many measures we know ESD is taking to improve communication with claimants through addressing problems with the form letters, getting the software adapted to the many new programs under CARES and the Lost Wages assistance, and adding more translation and services for people of limited English proficiency.

After hearing the explanations about why the CARES act money for Washington should be directed to business to reduce their taxes,

I want to balance the scales here, with an appeal to consider claimant experience to be at least as important as the balance of the trust fund in carrying out the mission of the unemployment insurance system.

The level of frustration and despair we are seeing from claimants may be something that we at the Unemployment Law Project encounter more directly--- As claimants pursue appeals of denials and reach out to us as a last resource for explaining what is happening to them and their claim.

We are talking about people who have lost their jobs through no fault of their own.

In particular we believe the telephone inquiry system, which is absolutely the only option for many questions claimants have, is probably the single biggest cause for a loss of confidence in the ability of the unemployment insurance to tide them over or ameliorate the worst impact of the contraction in the economy, the loss of jobs, and the dismal prospects for reemployment ahead.

We would like to ask ESD to consider a change in its policy of forcing claimants to accept and repeat their experience of interminable waits on hold, often ending in a hangup. Or an agent informing the caller that they cannot answer their question, only a Tier 3 agent can, and that agent is not available. Or it's the end of the day; they have to call back.

Among the saddest things we have seen is support groups advising people to call 3 minutes before the call lines open, to punch certain numbers at certain times,
And this: Be sure and punch any key on your telephone or the call will terminate automatically after 3 hours on hold.

What does that say about the system? Instructing claimants to keep endlessly calling, endlessly re-calling only to have the same outcome is adding despair upon despair. Having seen the proportion of agents assigned per business in comparison with the proportion assigned per claimant, I am quite sure that no businesses represented here have had to undergo such an enormous humiliation and feeling of absolute futility when they make a perfectly reasonable call to get clarification on what their responsibilities are and what ESD policies are.

Even if a claimant hears that they are the 25,000th caller and it will be a while before they get an answer but they are on the list, they are in a queue, and they matter: That is better than telling them to bang their head against the wall over and over again and have zero confidence that any response will ever occur.

I would like to ask ESD to help stop this cycle of despair to consider a transformation in its telephone inquiry policy so that people can regain a sense of confidence that the system is doing its best to help them. Whether that is putting them in a queue, devoting the needed resources, organizing a callback system that works, whatever is required.

Thank you.

Anne Paxton
Attorney & Policy Director
Unemployment Law Project