
**Labor & Workplace Standards
Committee**

ESSB 5193

Brief Description: Concerning unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics.

Sponsors: Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Senators Conway, Keiser, Hasegawa and Wilson, C.).

Brief Summary of Engrossed Substitute Bill

- Requires the Employment Security Department (ESD) to create a training program for unemployment insurance claim adjudicators.
- Requires the ESD to implement various changes related to claims processing and provide certain data.
- Creates a legislative work group.

Hearing Date: 3/10/21

Staff: Lily Smith (786-7175).

Background:

The federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law on March 27, 2020. The CARES Act provided many new and extended unemployment insurance (UI) benefit programs, which the Employment Security Department (ESD) administers.

One program under the CARES Act was the Pandemic Unemployment Assistance Program,

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providing UI benefits to self-employed individuals, workers with insufficient work history, and others who are not eligible for regular state UI benefits. Another program was the Federal Pandemic Unemployment Compensation (FPUC) program, which provided an additional \$600 per week of benefits. The FPUC program expired at the end of July, 2020. The Lost Wages Assistance (LWA) program was authorized through a presidential memorandum signed on August 8, 2020. The LWA program provided an additional \$300 per week of benefits for the weeks ending August 1 through 29, 2020 and September 5, 2020.

Many of the federal CARES Act programs continue through the Continued Assistance for Unemployed Workers Act, which was signed into law on December 27, 2020, for weeks of unemployment after 2020 through March 14, 2021.

During the COVID-19 pandemic, UI claims, including claims under the new federal programs, increased substantially. The ESD hired and trained new staff to process claims, including members of the National Guard.

Summary of Engrossed Substitute Bill:

The ESD must implement various changes and plans related to claims processing.

Training Program.

The ESD must create an annual training program to train qualified persons to perform as unemployment insurance claim adjudicators in a reserve capacity. Among other requirements, the program must be of sufficient quality that persons completing the training, and any required continuing education, would be ready to work as a UI claim adjudicator within one week of commencing employment with the ESD.

The Office of Financial Management must collaborate with the ESD to identify agencies with state employees who meet the minimum qualifications for UI claim adjudicators. Those employees may attend trainings and be selected to assist ESD in claims processing activities.

The ESD must provide an annual report to the Legislature on:

- the number of persons with current adjudicator certifications;
- the number of people employed by the ESD; and
- the adjudicator training and hiring costs.

Claims Processing.

The ESD must use plain, tested language in letters, alerts, and notices. Determinations and redeterminations must clearly convey:

- applicable statutes and explanations of law; and
- an outline of relevant facts, reasoning, decision, and result.

The ESD will work with an advisory committee to explore:

- establishing thresholds that trigger automatic adjustments in staffing and a pilot to provide

- a caseworker approach;
- increasing language access; and
- training frequency for the new claims adjudicator program.

The ESD must dedicate a toll-free number for certain claimants.

Public Information.

When the state unemployment rate equals or exceeds five percent, the ESD must maintain an online data dashboard, and provide quarterly reports with performance metrics that include updates of unemployment rates, claims data, claims center phone statistics, staffing ratios, overpayment data, and other information.

Legislative Work Group.

A legislative work group is created until December 1, 2022.

The ESD must meet with the work group and provide information regarding implementation of the bill, any new federal funds or programs, and other research as requested.

The work group must review the ESD's issues and processes related to software, technology and sensitive data, and consider:

- ways to support the advisory committee;
- ways to assist claims and businesses during high volume periods; and
- other relevant issues.

Appropriation: None.

Fiscal Note: Requested on 03/03/2021.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.