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HOUSE BILL 1487

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State of Washington

67th Legislature

2021 Regular Session

**By** Representatives Bronoske, Berry, Wicks, Fitzgibbon, Lovick, Kirby, Santos, Shewmake, Lekanoff, Leavitt, Senn, Paul, Peterson, Sells, Ramel, Callan, Valdez, Tharinger, Ormsby, Chopp, Harris-Talley, Berg, and Pollet

Read first time 02/04/21. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to unemployment insurance systems enhancements,  
2 including creating a reserve force of unemployment claim  
3 adjudicators, effective and equitable claims processing, and  
4 transparent performance metrics; adding new sections to chapter 50.12  
5 RCW; and creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds with roughly  
8 \$4,700,000,000 in the state unemployment insurance trust fund,  
9 Washington entered the COVID-19 pandemic with one of the strongest  
10 and best-funded trust funds in the nation. During an unprecedented  
11 time, the state's unemployment insurance trust fund provided critical  
12 economic support to Washington workers and businesses through  
13 unemployment benefits and helped bolster the state's economy.

14 The legislature recognizes that the employment security  
15 department maintains a recession readiness team that prepares the  
16 agency to respond to economic changes, helping employers and  
17 employees plan for the future. Based on experience with past  
18 recessions, the employment security department's readiness team  
19 prepared contingency plans for a possible economic crisis. During the  
20 great recession, there were approximately 61,000 continued  
21 unemployment insurance claims in September 2008, rising to a high of

1 approximately 173,000 claims in January of 2010, a period of 16  
2 months. During the first three months of COVID-19, unemployment  
3 insurance claims were more than double those filed during the great  
4 recession, a time period that was seven times longer. From February  
5 2020 to April 2020, unemployment insurance claims went from  
6 approximately 62,000 to approximately 447,000 claims. The sudden  
7 magnitude of claimants overwhelmed the system; contributing to  
8 Washingtonians waiting months for their earned benefits and facing  
9 deep economic insecurity.

10 The legislature finds that, despite conscientious economic  
11 emergency planning by the employment security department, claims  
12 processing issues are central problems encumbering the employment  
13 security department's ability to timely meet a suddenly increased  
14 demand for benefits. Immediate additional measures to facilitate  
15 rapid and equitable provision of unemployment benefits now, and  
16 enhanced preparation to do so in future economic downturns or  
17 emergencies, are critically important.

18 The legislature further finds that a federal retroactive funding  
19 model that looks back instead of preparing for potential economic  
20 shocks ahead was a major contributing factor to the challenges faced  
21 by all states during the COVID-19 pandemic in quickly paying benefits  
22 to unemployed workers. Our employment security department cannot  
23 quickly scale up for increased workloads and new programs if its  
24 administrative funding is based on funding that looks backward  
25 instead of forward.

26 Amid an unprecedented need for benefits and stresses on our  
27 unemployment insurance program, the legislature intends to create a  
28 pool of qualified unemployment insurance claim adjudicators, reduce  
29 claimants' need for assistance, assure transparency of claims  
30 processing performance measures, and make other system enhancements.  
31 Together, these systems enhancements will ensure quicker claim  
32 resolution and benefit payment; thus providing critical economic  
33 support during future unemployment crises.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 50.12  
35 RCW to read as follows:

36 (1) The employment security department must create an annual  
37 training program to prepare a reserve force of skilled unemployment  
38 insurance claim adjudicators who can be available quickly when claims  
39 volume demands.

1 (2) The program must:

2 (a) Be open to both state and other public employees and private  
3 citizens;

4 (b) Be of sufficient quality that persons completing the training  
5 and any required continuing education would be ready to work as an  
6 unemployment insurance claim adjudicator within one week of  
7 commencing employment with the employment security department; and

8 (c) Provide a certification of completion to participants who  
9 complete the program.

10 (3) The office of financial management must collaborate with the  
11 employment security department to provide opportunities for state  
12 employees, who meet the minimum qualifications to work as an  
13 unemployment insurance claim adjudicator, to participate in the  
14 annual trainings.

15 (4) By October 1, 2021, and each year thereafter, the employment  
16 security department must provide a report to the house of  
17 representatives committee on labor and workplace standards and the  
18 senate committee on labor, commerce, and tribal affairs, or successor  
19 committees, on the number of persons with current certifications  
20 under subsection (2)(c) of this section, as well as how many were  
21 employed by the department and over what period of time.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.12  
23 RCW to read as follows:

24 (1) The department must designate department employees to assure  
25 that letters, alerts, and notices produced manually or by the  
26 department's unemployment insurance technology system are written in  
27 plainly understood language and tested on claimants before they are  
28 approved for use. Criteria for approval must include  
29 comprehensibility, clarity, and readability. If the messaging of any  
30 letter, alert, or notice falls short of those criteria, manual  
31 methods of producing a comprehensible version shall be considered  
32 while the department waits for their unemployment insurance  
33 technology system to incorporate required modifications.

34 (2) Determinations and redeterminations must clearly convey  
35 applicable statute numbers, a brief explanation of pertinent law,  
36 outline of relevant facts, reasoning, decision, and result.

37 (3) The department must establish claims volume and state  
38 unemployment rate thresholds to determine when there is a high demand  
39 for assistance with claims filing amid a scarcity of jobs. When those

1 thresholds are met, the employment security department must retrain  
2 and redeploy staff of worksorce offices to assist with claims until  
3 adequate availability of job openings justifies returning those staff  
4 members to worksorce duties.

5 (4) The department must establish thresholds relating to call  
6 volume, repeat calls, and wait times that will trigger mandatory  
7 adjustment of phone agent staffing levels.

8 (5) Dedicated toll-free phone lines must be established for  
9 claimants who lack computer skills or access to computers, claimants  
10 with disabilities, and claimants with limited English proficiency.

11 (6) The department must provide translation of letters and  
12 notices into any of the top 10 languages utilized in the state.

13 (7) The department must pilot providing a caseworker approach to  
14 the claims of a group of claimants with that casework carrying over  
15 to reemployment services.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 50.12  
17 RCW to read as follows:

18 (1) The department must maintain an online data dashboard.

19 (2) The department must provide quarterly reports with  
20 performance metrics that include:

21 (a) Weekly updates of unemployment rates;

22 (b) Total numbers of claims paid, amount compensated, claims  
23 denied, claims pending in adjudication, claims on which payment has  
24 been halted for review, pending appeals, appeals redetermined by the  
25 department, and appeals sent to the office of administrative  
26 hearings;

27 (c) Claims center phone statistics including call volume, hold  
28 times, abandoned calls, repeat calls, and all-circuits-busy messages  
29 for both claimants and employers;

30 (d) Ratio of staff phone agents to employers and ratio of staff  
31 phone agents to claimants;

32 (e) Number and dollar total of overpayments imposed and  
33 overpayment waiver approval rate; and

34 (f) The percentage of unemployed persons in the state receiving  
35 benefits (reciency rate).

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 50.12  
37 RCW to read as follows:

1           (1) The department must collaborate with the department of labor  
2 and industries, department of commerce, and department of social and  
3 health services to further the department's economic cycle plan and  
4 build a cross-agency plan.

5           (2) Economic cycle planning must include the following topics:

6           (a) Impacts of various economic impact thresholds and triggers;

7           (b) Resources needed to scale support for claimants and  
8 employers; and

9           (c) How to address the needs of those most vulnerable during an  
10 economic crisis, including those with limited English proficiency,  
11 those without digital access, and those belonging to other  
12 marginalized communities.

13           (3) The department must conduct regular drills to practice their  
14 response to emergency economic conditions.

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