



The National Foundation for Unemployment Compensation and Workers' Compensation

37th ANNUAL NATIONAL UI ISSUES CONFERENCE

June 27-29, 2018

Sheraton Austin Hotel | 701 E 11th Street | Austin, TX 78701

Conference Agenda

(as of April 30, 2018)

Wednesday, June 27, 2018

Registration

Capitol Foyer E
9:00 am – 5:30 pm

Exhibits

Capitol View Terrance North/South
2:00 pm – 6:00 pm

UI 101 Basics

9:30 am – 11:30 am
Capitol Ballroom E

Jim Van Erden, *Senior Policy Advisor, National Association of State Workforce Agencies (NASWA)*

The workshop is designed to provide individuals who are new to unemployment insurance with a basic understanding of the federal/state unemployment insurance system; who pays, who benefits, what is the federal and state balance and how is the program administered? The workshop also serves as a refresher to UI professionals in advance of the broader conference agenda.

Welcome

1:00 pm – 1:15 pm
Capitol Ballroom E – H

Ruth Hughs, Commissioner Representing Employers, Texas Workforce Commission

The U.S. Economy and the Labor Market: Longer-term Perspectives and Near-Term Outlook

1:15 pm – 2:00 pm

Capitol Ballroom E – H

Jim Dolmas, *Senior Policy Advisor and Economist, Federal Reserve Bank of Dallas*

The presenter will review the state of the economy with particular reference to its impact on employment and unemployment. What are the key longer-run trends shaping the labor market, and where is it heading during the next few years? The presentation will also highlight some of the research on these questions being done within the Federal Reserve System.

National Unemployment Insurance Program Update

2:10 pm – 3:10 pm

Capitol Ballroom E – H

Gay Gilbert, *Administrator, Office of Unemployment Insurance, Employment, and Training Administration, U.S. Department of Labor*

The Federal/State Unemployment Insurance program is experiencing very low claims workload, although there have been increases in disaster assistance in Texas, Florida and other states. State unemployment trust funds have significantly recovered although the trust fund balances in some states remain below levels recommended by US DOL for solvency. Ms. Gilbert will review the federal and state responses to recent disasters and the status of the Unemployment Insurance program from a national perspective.

Break

3:10 pm – 3:30 pm

Capitol View Terrace North/South

Sponsored by:

National Unemployment Insurance Legislative Update

3:30 pm – 4:30 pm

Capitol Ballroom E – H

Doug Holmes, *President, UWC – Strategic Services on Unemployment & Workers' Compensation*

As the economy has improved and unemployment rates have trended down, legislative activity has begun to focus on long term program improvements and to prepare for the next recession. Mr. Holmes will review federal and state legislative enactments and initiatives of significance in 2017, and legislation currently being considered, as well as issues arising from new federal budget proposals and implementation of legislation enacted in recent years to address integrity, drug testing, unemployment trust fund solvency, and the delivery of workforce services for claimants and employers.

Competing Visions of the Future of Unemployment Insurance

4:40 pm – 5:30 pm

Capitol Ballroom E – H

Doug Holmes, President, National Foundation for UC and WC (Moderator)

Larry Temple, Executive Director, *Texas Workforce Commission*

Maurice Emsellem, Program Director, *Fair Chance Team, National Employment Law Project*

Chris Wallace, President, *Texas Association of Business*

There are competing visions of the role of the UI system. Is it the front door to a broad range of entitlement benefits and services for individuals who are not employed? Paid Family leave? Is it a narrowly defined insurance system? Who should pay for the system? What should be the federal and state roles in the UI system? Should there be any change from the system as it was initially designed in 1935 and modified in the decades since? What are the impacts of different visions on employers, employees and states?

Reception

6:00 pm – 8:00 pm

The sideYard & Terrace

Thursday, June 28, 2018

Breakfast

7:30 am – 8:30 am

Capitol Ballroom A – D

Registration

7:00 am – 5:00 pm

Capitol E Foyer

Exhibits Open

8:00 am – 5:00 pm

Capitol View Terrace North/South

Paid Family Leave and UI Eligibility

8:30 am – 9:30 am

Capitol Ballroom E – H

Marti Fisher, Policy Advocate, California Chamber of Commerce

Mike Aitken, Vice President, Government Affairs, Society for Human Resource Management

Paid Family Leave has continued to be an issue as workers balance their time between work and family responsibilities. Some employers are able to offer paid family leave as part of employment compensation and some states and jurisdictions have enacted minimum employer paid leave requirements. Federal tax credits for paid family leave are now available under the Tax Cuts and Jobs Act of 2017. President Trump included a provision to pay for parental leave through the UI system as part of the FY 2018 and 2019 budget proposals and there continues to be interest in some additional federal response to this issue.

How to Improve State UI Trust Fund Solvency Before the Next Recession

9:40 am – 10:35am

Capitol Ballroom E – H

Lockhart Taylor, Assistant Secretary, Division of Employment Security, North Carolina Department of Commerce

Wendy Block, Senior Director, Health Policy, Human Resources & Business Advocacy, Michigan Chamber of Commerce

The panelists will review how they were successful in improving their state UI trust fund solvency through legislation and/or administrative measures post the 2008 recession and offer suggestions to prepare for the next recession.

Break

10:35 am – 10:50 am

Capitol View Terrace North/South

What is the Drug Testing Law? How does pre-and post-employment drug testing work? Who does it? How is it done? How can it work in UI administration?

10:50 am – 11:50 am

Capitol Ballroom E

Tony Fiore, Attorney, Kegler Brown Hill + Ritter

Bruce Jefferies, President/CEO, National Screening Center, LLC

There has been considerable debate since the enactment of specific authority enabling states to drug test UI applicants about the circumstances under which testing would be appropriate, who would perform the tests and the effect on the eligibility of UI applicants as they filed continued claims.

Many employers and agencies include drug testing as part of their normal operating procedure. This workshop offers a review of the current law, how drug is done and suggestions as to how it could be effective in assuring that individuals are able and available to work and prepared to effectively seek reemployment.

UI Claims Appeal Mock Hearing Workshop

10:50 am – 11:50 am

Capitol Ballroom F - H

Lori Roberts, Billy Rudnick, Joe Fogarty, Amy Scola, Equifax

Jennifer Howell, Staffmark

Hugh Daniel, Hearing Officer, Texas Workforce Commission

UI administrative appeals provide for on the record hearings to determine whether a claimant may be disqualified from unemployment compensation. The hearings require specialized knowledge of hearing procedures, an understanding of evidentiary rules, presentation of evidence, witness testimony, and the UI law in each state. This workshop will present a view into the details of a UI hearing and the issues typically addressed. Panel presenters will conduct a “mock hearing” with the results to be determined.

Lunch and Awards Program

12:00 Noon – 2:00 pm

Capitol Ballroom A – D

- Two Minute Drill for Sponsors and Exhibitors
- Recognition Awards

UI Automated System Developments and Impacts on Employers

2:15 pm – 3:30 pm

Capitol Ballroom E

Tom Byerley, Operations Director, State information Data Exchange System, National Association of State Workforce Agencies

Dale Smith, Deputy Executive Director, Mississippi Department of Employment Security

Ofer Eckstein, Partner – IT & Operations, Personnel Planners, Inc.

The administration of unemployment insurance has become increasingly automated, with the implementation of SIDES and state automated systems that impact administrative costs as well as employers and claimants. The panel will review the impact of SIDES implementation and multi-state and state automated systems projects on employers and their representatives.

Roundtable Discussion of Individual State UI Law and Policy Issues

2:15 pm – 3:30 pm

Capitol Ballroom F – H

Tony Fiore, Attorney at Law, Kegler Hill Brown + Ritter

Thomas D. Chan, Assistant Legal Counsel, Illinois Department of Employment Security

Justin McFarland, General Counsel, Kansas Department of Labor

State legislatures in many states have taken significant steps to reform state UI law and administration and adjusted unemployment tax and benefit provisions to address solvency. This roundtable provides a forum to review the most recent state legislative and administrative changes. As states often serve as laboratories of innovation, changes implemented locally often may be the source of ideas for other states or for federal legislation. The roundtable of state and employer representatives will review significant state law and policy changes with participation from the workshop attendees.

3:45 pm – 5:00 pm Salon H – I

Break

3:30 pm – 3:45 pm

Capitol View Terrace North/South

Review of FUTA and SUTA Tax Status and Projections

3:45 pm – 5:00 pm

Capitol Ballroom E

Ron Wilus, Chief, Division of Fiscal and Actuarial Services, Office of Unemployment Insurance, Employment and Training Administration, US DOL

Steve Carter, Assistant Director, Government Relations Tax, Equifax Workforce Solutions

A key part of budgeting for an employer is projecting costs, including the cost of unemployment insurance for the coming budget period. US DOL prepares a UI Outlook updated twice a year that is used to project FUTA rates and revenue for the federal ten year budget period.

Employers engage tax analysts and actuaries to project tax rates and costs for individual employers. What methodologies are used? What are the projections for FUTA and SUTA for the coming year?

The Debate about Expanded Quarterly Wage Reports to Include Occupation Information

3:45 pm – 5:00 pm

Capitol Ballroom F – H

Thomas P. Crowley, Director, Government Affairs – UI, Automatic Data Processing

Bruce Madson, Assistant Director, Ohio Department of Job and Family Services

There is an ongoing debate about the value of requiring employers to report occupation information as part of the UI quarterly wage reports. The quarterly UI wage report is not only used in performance evaluation for WIOA, but also has value in evaluating whether the education and training has value in filling the workforce needs of employers and enabling individuals to be assured that the education and training in which they enroll prepares them for jobs in demand. Some employers already participate in voluntary networks that are used to evaluate education and training as part of the hiring process. However, there is currently no nationwide source of uniform occupational data on all employees that may be accessed.

Although some employers see value in a nationwide data base that includes uniform occupation information data, employers are generally not prepared to meet the added burden of determining occupational codes for every employee and submitting that information on a quarterly basis. The cost/benefit to most employers is not favorable. Still a number of states have required the reporting of occupation with UI quarterly reports. What have been the results of these state requirements on employers, state agencies, and on the availability of accurate and reliable occupation information?

6:00 pm – 9:00 Reception

Friday, June 29, 2018

Breakfast

8:00 am – 9:00 am

Capitol Ballroom D

Sponsored by:

Exhibits Open

8:00 am – 12 Noon

Capitol View Terrace North/South

Integrity Best Practices, Benefit Overpayment Recovery and Collection

Integrity Center

9:00 am – 10:00 am

Capitol Ballroom E-H

Jim Van Erden, *Senior Policy Advisor, National Association of State Workforce Agencies (NASWA)*

Randy Gillespie, Project Director, NASWA Unemployment Insurance Integrity Center

Bradford Ward, Director, Office of Investigations, Texas Workforce Commission

The integrity of the Federal/State UI system has come under increased scrutiny because of state unemployment trust fund insolvency, high improper payment rates, fraud and scarce resources to address integrity issues. USDOL, individual states and employers have responded with improved systems to identify and avoid improper payments and fraud. NASWA, in partnership with USDOL, created the UI Integrity Center to work with states to find and support solutions to detect and reduce fraud and improper payments. This panel will review the latest innovations and tools being developed by the Center to address integrity.

Break

10:00 am – 10:15 am

Capitol View Terrace North/South

Reemployment Eligibility Assessments and Reemployment Services – Innovations

10:15 am – 11:45 am

Capitol Ballroom F-H

Brett Flachsbarth, Director of Unemployment Insurance, Kansas Department of Labor
Maurice Emsellem, National Employment Law Project

There is broad support among the primary stakeholders in the UI system for expanded efforts to provide eligibility assessments and reemployment services of unemployment claimants. REA/RES had been shown to reduce the duration of unemployment and can provide a faster and better connection between UI claimants and employers who are in need of workers. In this workshop we will review the best practices in REA/RES administration, discuss the availability of additional funds, and consider the potential targets for the use of these funds. (Automation, in person eligibility reviews, assessment, counseling, referral, and performance measurement).

Unemployment Compensation in the Broader Employment Law Context

10:15 am – 11:45

Capitol Ballroom E

Elsa G. Ramos, Legal Counsel to Commissioner Ruth R. Hughs, and,
William T. (Tommy) Simmons, Legal Counsel to Commissioner Ruth R. Hughs

This workshop will provide a detailed look at how unemployment claims impact and are impacted by other important state and federal employment laws. Participants will study how an employer's compliance with discrimination, employee relations, and wage and hour laws can directly and indirectly affect the outcome in an unemployment claim. The speaker will touch upon advanced topics, such as how to bring official documentation from agencies concerned with other laws into evidence for an unemployment claim, what to do if you find out that the claimant has an attorney and will file more serious claims or litigation against the employer, how testimony can turn into pitfalls, and much more.

Closing Remarks

11:45 am – 12:00 pm

Capitol Ballroom F-H