



Advisory Council Rulemaking Update

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Definition of Equity and Good Conscience

Background

- OED can waive or offset the recovery of claimant fault non-fraud, claimant non-fault overpayments if it goes against “equity and good conscience”
- Waiving an overpayment now extinguishes all debt
- Offsetting an overpayment is a method of overpayment recovery
- The definition of “equity and good conscience” has been based on IRS Collection Financial Standards



Definition of Equity and Good Conscience

Proposed New Rules

- The UI Division hosted two listening sessions on November 1 and 2, 2023 to solicit feedback on proposed changes to the “equity and good conscience” standards.
- New standards designed to improve equity outcomes

Definition of Equity and Good Conscience

Proposed New Rules

- Presumptive categories for claimant non-fault
 - Federal poverty level for a family of four or;
 - Eligibility for Temporary Assistance for Needy Families (TANF)
- Updated criteria for approving waivers
 - Considers claimant family size for reviewing federal poverty level
 - Was not receiving Temporary Assistance for Needy Families (TANF) but is now
- Updated criteria for offset
 - Tiers based on type of overpayment and reported wages



HB 3331 Implementation

Background

- The Work Share program allows employers to reduce the hours of work for a group of workers rather than reducing the number of workers by using partial UI benefits supplement the reduced wages
- The Legislature passed HB 3331 in the 2023 Legislative Session which expands eligibility for Work Share benefits



HB 3331 Implementation

Proposed Rules

- Make permanent the temporary rules implemented on September 24, 2023 which was the operative date of HB 3331
- The proposed rules align the new statutory reduction in work percentages with OED administrative rule



Informed Consent

Proposed Rule Change

- Allow customers to give informed consent online
 - The informed consent must still be signed and dated by the customer electronically and verified by the Employment Department
- Allow for data sharing with the Oregon Department of Human Services (ODHS) for use in their integrated longitudinal data set

Informed Consent

Proposed Rule Change Background

- The Employment Department's current administrative rule:
 - Requires the customer to provide informed consent in writing, and
 - Prohibits the type of data sharing that ODHS requested
- The UI Division hosted two listening sessions on October 26 and October 27
- In December, ODHS informed the department that it would not be pursuing the integrated longitudinal data set at this time



Informed Consent

Proposed Rule Change Question

- Question for the Rules Advisory Committee
 - Should we move forward with the language regarding the data sharing with ODHS as presented to the public at the listening sessions?