



Minutes of the Employment Advisory Council Meeting
Department of Workforce Services – Virtual Meeting
December 13, 2022 – 2:30 p.m.

Council Members Present:	Richard Thorn	Employer Representative, Assoc. of General Contractors
	Brian Somers	Employer Representative, Utah Mining Association
	Steve Van Valkenburg	Employer Representative, Employer Advocates, LLC
	David Davis	Employer Representative, Utah Retail Merchants Association
	Melisa Stark	Employee Representative, DWS
	Sheila Oelerich	Employee Representative, DWS
	Dan Peay	Employee Representative, United Steelworkers, AFL-CIO
	Kevin Shingleton	Public Representative
	William Starks	Public Representative
	Eileen Rivera	Public Representative
Council Members Excused:	Todd Bingham	Employer Representative, Utah Manufacturers Assoc.
	Joey Gilbert	Employer Representative, Contractors of Utah
	Jeff Worthington	Employee Representative, Utah AFL-CIO
	Robert Montano	Employee Representative, Retired
	Kelly Thornton	Employee Representative, DWS
	Ryan Mecham	Public Representative, Utah Manufacturers Association
	Candace Daly	Public Representative, CJD & Associates
DWS Staff Present:	Justin Williams	Director, Unemployment Insurance
	Mike Miller	Chief, UI Contributions
	LeeAnn Madsen	Chief, UI Benefits
	Jolynn Badame	Chief, Programming
	Bradley Salmond	Program Manager, Unemployment Insurance
	Patrick Frost	Research Consultant, UI
	Jared Mendenhall	DWS Communications
	Cheryl Christiansen	Administrative Assistant, Unemployment Insurance, Minutes

Agenda Item	Discussion
Welcome and Opening Business	Mr. Williams welcomed the group and announced this is Mr. Thorn's last meeting as he is retiring. He also introduced the newest member of the Council is Eileen Rivera.
Approval of Minutes	Mr. Williams called for approval of the August meeting Minutes. There was a motion to approve the Minutes as written, and the motion was seconded and the motion carried.
Council Vacancies	Mr Williams reported we still have two positions open for the Public Representatives. If anyone has recommendations, please forward the information to Mr. Williams.
Casey Cameron, DWS Executive Director	Recognized Mr. Thorn and thanked him for his service and for being a great mentor and friend. Ms. Cameron presented Mr. Thorn with a DWS Cornerstone Award. He is the first member of the Employment Advisory Council to receive this award.
Open & Public Meetings Act	Amanda McPeck, Director of Legal Services – Conducted the annual training for the Open and Public Meeting Act. (Attachment A)
UI 2023 Tax Rates	<p>Mr. Miller provided an update on the Unemployment Insurance (UI) 2023 Tax Rates:</p> <ul style="list-style-type: none"> • UI 2023 Tax Rates (Attachment B) • House Bill 2002 (2021 Legislative Session) capped Social Costs and the Reserve Ratio. The million dollars added to Social Costs last year, and taxes collected, helped keep DWS below the caps. (Attachment C) • Utah 2023 UI Tax Rate Distribution for Active Experience Rated Employers. 78% of active experience rated employers will pay the minimum tax of \$134 per employee for 2023. (Attachment D) • Estimated Employer Contribution Rates Comparison Chart Nationwide for Calendar Year 2022. (Attachment E) • Average Employer Unemployment Insurance Tax Rates Chart. (Attachment F) <p>In summary, Mr. Miller stated the Utah Trust Fund is very healthy, in great shape, and looking forward to another tax year.</p> <p>Mr. Davis reported that retail is doing well and he wanted to take the opportunity to encourage everyone to go out and buy lots of stuff for Christmas.</p>
UI Trust Fund Update	<p>Mr. Williams reported the Trust Fund is healthy. (Attachment G)</p> <ul style="list-style-type: none"> • Ms. Rivera asked if during the pandemic when there was the Payroll Protection Program (PPP) money going out. How does Utah compare to some of the other states when it comes to fraud? Was it more than Utah anticipated and are we collecting it back? <p>Mr. Williams clarified that PPP was handled by the Chamber of Commerce. The CARES Act Funding the Federal Legislature was distributing money to every state and Utah was no exception, and paid out \$2 billion in benefits.</p>

	<p>Utah had less than 1% of the money distributed identified a fraud overpayment. When you compare that to some states like California, they used a very different program of pay first and ask questions later because they were so overwhelmed. They really didn't have a choice. California has approximately \$50 billion in potential fraud that went out that they are responsible for. Compared to the other states, Utah is doing very well. We've wrapped up our investigations for potential receivable overpayments. Mr. Williams stated that he had just attended a National Committee Meeting and Utah was one of the only states that was able to say that we are done with our pandemic efforts.</p> <ul style="list-style-type: none"> Ms. Rivera asked if the independent workers that were sole proprietors, were able to receive some unemployment benefit? Mr. Williams stated yes. Then she also asked if they are now clamoring to become part of the system so they can collect in the future? Mr. Williams said that he didn't know if he wanted to venture a guess on that statement. The PUA which was what they collected during the pandemic, is an ongoing debate nationally right now that they're talking about what do we do with these workers. Do you consider an UBER driver an actual employer or not. Mr. Williams thinks the problem is how do you get a long-standing sustained program. The pandemic assistance was just a onetime federally funded program. We will just have to see what the future holds. UI did see a sharp increase in employer accounts during that time.
2023 Meeting Schedule	May 11 th , August 10 th and December 14 th
Round Table	<ul style="list-style-type: none"> Mr. Davis stated that he has known Mr. Thorn for so many years and just wanted to say thanks to him. He had been doing this for quite a while before Mr. Davis was involved. Rich will be sorely missed and good luck to you. Mr. Williams also presented Rich with a card from everyone and thanked him for all he has done. He has been very influential on this council.
Adjourn	Ms. Rivera motioned to adjourn the meeting at 3:17 pm. Mr. Thorn seconded the motion, all were in favor and the motion carried.