WASHINGTON STATE EMPLOYMENT SECURITY DEPARTMENT

PUBLIC COMMENTS HEARING

Friday, July 26, 2019
9:02 a.m. - 9:13 a.m.
322 North Spokane Falls Court
Spokane, Washington

REPORTED BY:
RACHAEL L. HALL, CCR NO. 3265
APPEARANCES:

FOR THE EMPLOYMENT SECURITY DEPARTMENT:

MR. JASON BARRETT
BRITTANY McVICAR
WASHINGTON STATE EMPLOYMENT SECURITY DEPARTMENT
Paid Family and Medical Leave Division
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SPOKANE, WASHINGTON, JULY 26, 2019; 9:02 A.M.

MS. McVICAR: Pursuant to the authority given under Washington State Law RCW 50A.04.215, Chapter 42.30 RCW of the Open Public Meetings Act and Chapter 34.05 of the Administrative Procedures Act, this hearing is hereby convened.

For the record, this hearing is beginning at 9:02 on Friday, July 26, 2019, in Salon III of the DoubleTree by Hilton in Spokane City Center at 322 North Spokane Falls Court in Spokane, Washington. This hearing is convened to consider testimony concerning Phase 5 of Paid Family and Medical Leave rulemaking. Rules in this phase relate to job protection, overpayments of benefits and other topics relating to establishing a program. Notice of this hearing was filed in the Washington State Register on May 21st, 2019 as number WSR 19-11-106. It was sent to interested parties and was posted online.

My name is Brittany McVicar, and I'm a policy analyst for the Paid Family and Medical Leave Division of the Washington State Employment Security Department. I represent Commissioner Suzi LeVine as the hearing officer presiding at this public rulemaking hearing. I'm also joined by Jason Barrett, lead policy analyst for the Paid Family and Medical Leave.
Please be advised that this hearing is being transcribed by a court reporter, and the transcript will become part of the official rulemaking file. To facilitate this transcription, please state and spell your name before you provide testimony. Please also note that this hearing is convened to consider comments on the proposed rules. Because of the formal nature of this hearing, we are unlikely to answer any questions you may ask. If you do pose a question, I will ask you to rephrase your question as a comment. Questions can be sent to our customer care team at the e-mail paidleave@esd.wa.gov.

A concise, explanatory statement for the agency's reasons for adoption of the rules including a summary and response to all comments received after the publication of the proposed rules will be placed in the permanent rulemaking file and posted online. This document will be sent to all interested parties who have signed up to receive Paid Family and Medical Leave e-mails.

We will begin with Jason Barrett, who will provide a brief explanation of the proposal.

MR. BARRETT: Thank you, Brittany. The Paid Family and Medical Leave Act was passed by the Washington state legislature in 2017. January 1st, 2019, employers can
begin assessing premiums on employee wages and applications for benefits will be accepted in 2020. We have split the rulemaking into phases to align with this aggressive but achievable schedule.

This formal public hearing covers employment restoration, benefit overpayments and other items necessary for program implementation. The rules span several topics and include at a high level how and when an employee must be restored to employment following a period of paid family and medical leave. The process through which the department may recover benefits that have been improperly paid and other topics necessary for benefit implementation. I encourage you all to read the text of the rules for a more robust understanding. The draft rules are intended to interpret and clarify the Title 50A of the revised code of Washington.

Thank you for your interest and participation in our rulemaking efforts to implement this important new program, and we look forward to hearing your comments today.

MS. McVICAR: We will now hear testimony from those in attendance. And to avoid talking over each other, we will first take testimony from those here in the room, then we will open the phone for comment once there is no more comment from those in the room.
As a reminder, when you testify, please speak into the microphone, state and spell your name, and state who you represent if you are here in a representative capacity.

We will now open comment for those here in the room. Is there anyone in the room wishing to make comment on our proposed rules? Seeing no comment from those in the room, we will now open the phone for public comment. Please remember to unmute yourself, state and spell your name, and state who you represent if you are here in a representative capacity.

Is there anyone on the phone wishing to provide comment today? As a reminder, if you are wishing to provide comment on the phone, please unmute your phone. Is there anyone on the phone wishing to provide comment today?

Is there anyone either in the room or on the phone who would like to provide comment on our Phase 5 rules today?

Is there anyone here in the room or anyone joining us by phone that would like to provide comment on our Phase 5 rules today. If there is no further testimony from those either in the room or on the phone, we will begin to conclude this hearing.

In conclusion, this hearing was convened to
consider testimony on Phase 5 of the Paid Family and
Medical Leave rulemaking related to job protection,
overpayment of benefits and other topics related to
establishing the program. All oral testimony presented
at this hearing and written submissions will become part
of the official record. The deadline for submission of
written comments is July 26th, 2019 at 5:00 p.m. You
can submit written comments online by entering
bit.ly/commentforum, and commentforum is all one word,
into your browser. Comments must be received by that
deadline to be considered as part of this rulemaking. A
final decision regarding adoption of this proposed
rulemaking will be made after all testimony and written
comments have been fully considered with a target date
of July 31, 2019.

On behalf of Commissioner Suzi LeVine, thank you
for participating in this hearing. This hearing is
adjourned at 9:13 a.m. on July 26th, 2019.
CERTIFICATE

STATE OF WASHINGTON  )
                     ) ss.
COUNTY OF SPOKANE    )

I, RACHAEL L. HALL, do hereby certify that pursuant to the Rules of Civil Procedure, that I transcribed the oral proceedings in the foregoing matter, and that the foregoing transcript pages constitute a full, true and correct record of such oral proceedings and of the whole thereof.

Witness my hand this 7th day of August, 2019.

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RACHAEL LOUISE HALL
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