

1 WASHINGTON STATE EMPLOYMENT SECURITY DEPARTMENT  
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4 PFML Phase 5 Formal Rules Hearing )  
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10 PUBLIC COMMENTS HEARING

11 Friday, July 26, 2019  
12 9:02 a.m. - 9:13 a.m.  
13 322 North Spokane Falls Court  
14 Spokane, Washington



24 REPORTED BY:  
25 RACHAEL L. HALL, CCR NO. 3265

1 APPEARANCES:

2 FOR THE EMPLOYMENT SECURITY DEPARTMENT:

3 MR. JASON BARRETT  
BRITTANY McVICAR  
4 WASHINGTON STATE EMPLOYMENT SECURITY DEPARTMENT  
Paid Family and Medical Leave Division  
5 640 Woodland Square Loop SE  
Lacey, Washington 98503  
6 360.941.1412  
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7 bmcvicar@esd.wa.gov

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1 SPOKANE, WASHINGTON, JULY 26, 2019; 9:02 A.M.

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

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

19 My name is Brittany McVicar, and I'm a policy  
20 analyst for the Paid Family and Medical Leave Division  
21 of the Washington State Employment Security Department.  
22 I represent Commissioner Suzi LeVine as the hearing  
23 officer presiding at this public rulemaking hearing.  
24 I'm also joined by Jason Barrett, lead policy analyst  
25 for the Paid Family and Medical Leave.



1           Please be advised that this hearing is being  
2   transcribed by a court reporter, and the transcript will  
3   become part of the official rulemaking file. To  
4   facilitate this transcription, please state and spell  
5   your name before you provide testimony. Please also  
6   note that this hearing is convened to consider comments  
7   on the proposed rules. Because of the formal nature of  
8   this hearing, we are unlikely to answer any questions  
9   you may ask. If you do pose a question, I will ask you  
10   to rephrase your question as a comment. Questions can  
11   be sent to our customer care team at the e-mail  
12   paidleave@esd.wa.gov.

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

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

23           MR. BARRETT: Thank you, Brittany. The Paid Family  
24   and Medical Leave Act was passed by the Washington state  
25   legislature in 2017. January 1st, 2019, employers can



1     begin assessing premiums on employee wages and  
2     applications for benefits will be accepted in 2020. We  
3     have split the rulemaking into phases to align with this  
4     aggressive but achievable schedule.

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

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

21            MS. McVICAR: We will now hear testimony from those  
22    in attendance. And to avoid talking over each other, we  
23    will first take testimony from those here in the room,  
24    then we will open the phone for comment once there is no  
25    more comment from those in the room.



1           As a reminder, when you testify, please speak into  
2     the microphone, state and spell your name, and state who  
3     you represent if you are here in a representative  
4     capacity.

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

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

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

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

25          In conclusion, this hearing was convened to



1 consider testimony on Phase 5 of the Paid Family and  
2 Medical Leave rulemaking related to job protection,  
3 overpayment of benefits and other topics related to  
4 establishing the program. All oral testimony presented  
5 at this hearing and written submissions will become part  
6 of the official record. The deadline for submission of  
7 written comments is July 26th, 2019 at 5:00 p.m. You  
8 can submit written comments online by entering  
9 [bit.ly/commentforum](http://bit.ly/commentforum), and commentforum is all one word,  
10 into your browser. Comments must be received by that  
11 deadline to be considered as part of this rulemaking. A  
12 final decision regarding adoption of this proposed  
13 rulemaking will be made after all testimony and written  
14 comments have been fully considered with a target date  
15 of July 31, 2019.

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

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# CERTIFICATE

STATE OF WASHINGTON           )  
COUNTY OF SPOKANE         ) ss.

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.

• *Alma* •

RACHAEL LOUISE HALL  
CSR, CRR NO. 3265.



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