

ROUGH EDITED COPY

WASHINGTON EMPLOYMENT SECURITY DEPARTMENT

RULEMAKING STAKEHOLDER MEETING

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(Writer standing by.)

>> SPEAKER: Can Cindy Thompson please verify that she is on the line? She is our stenographer for today.

>> SPEAKER: Thank you again for joining us for today's family paid medical leave and rule-making. Just a quick reminder to please mute your phones until you wish to address the group. Once again, please mute your phones until you are ready to speak. We'll get started in just a few minutes. Thank you.

>> SPEAKER: Hello?

>> SPEAKER: Hello. We can hear you. We have not started yet, so we're just giving folks a few minutes to join us.

>> SPEAKER: Okay.

>> SPEAKER: Thank you very much for joining us for this paid family and medical leave rule-making. I

do want to just one more time ask folks, um, who are not wishing to address the group to mute your phones. That would be greatly appreciated. Welcome. Thank you for joining us this morning. I know it's, um, after a long weekend, so I hope you all enjoyed your Memorial Days. We are here today to discuss rule-making for the paid family and medical leave program. My name is Jason Barrett, I am the lead policy analyst for paid family and medical leave. I am joined today by two other members of our policy team, and I will allow them to introduce themselves.

>> SPEAKER: Hi. My name is April Aimson. I'm the paid family and medical leave rules and policy manager.

>> SPEAKER: Hi. My name is Jeanette Benm. I'm the rule coordinator for the paid family and medical leave program.

>> SPEAKER: Before we begin, I would like to just reiterate that we are here this morning to discuss rule-making related to the regulation and operation of paid family and medical leave. If you are here to discuss your claim or, um, seek information about how to file a claim, um, the staff on this call will not be able to assist you. If you are seeking information

about a claim that you have filed or are intending to file for benefits, I would ask you to please contact our customer care team. They are much better equipped to handle questions related to specific claims than we are, and I can give the phone number for our customer care team right now. The number is 833-717-2273. Again, that number is 833-717-2273. If you have questions relating to your specific paid family or medical leave claim, please contact that number, and our customer care team will be able to assist you. The draft rules that we are discussing today can be found at the following website. The URL is bit.ly/commentforum. Again, that's bit.ly/commentforum. Under the current rule-making tab, you'll see a list of six subjects that represent the rule-making that the department is currently engaged in for paid family and medical leave.

Today's call will cover the last two headings. It's a total of nine topics. We're going to move through each topic one by one. We're going to start with casual labor, and we're going to end with proration. The first part of our rule-making focuses on casual labor, damages, and the waiting period. These are changes that are being implemented to bring

the program into compliance with the passage of HB2614, which passed the legislature in this year's session and was signed into law by the government. So, the first part today will be rules related to that bill. The second part features six additional topics of rule-making that the department is proposing in order to improve program efficiency and administration. So, that's, um, kind of the order of operations for today's call. Once the call concludes, we will, um, make any applicable changes to the rules, and we do have a target date of July 17th for the filing of the CR102 documents pertaining to today's rules. The hearing date is also tentatively scheduled for August 26th. Once these dates, um, become final, we'll go ahead and post them on our website and send them out to those on our list serve, so we'll make sure everyone is up-to-date on the latest rule-making agenda for the rules that we are discussing here today.

Um, I just want to repeat two more things before we begin. The first is the location of the rules. They can be found at bit.ly/commentforum under the info tab and the current rule-making page, and the second reminder is to, again, please kindly mute your phones, if you are not speaking to provide comment. Are there

any questions about kind of just the overall operation of today's call, the agenda or, um, anything else that I can discuss before we open the floor for comment? All right. Hearing none, I will go ahead and move to the comment portion of today's call. As I said, we're going to move through the nine topics that are listed on that page at our rule-making site. We're going to start with casual labor, and I will open the floor for comments on the draft rule pertaining to casual labor. Any comments on the draft rule pertaining to casual labor?

>> SPEAKER: I just have a quick question, where after you've got bit forward slash ly forward slash comment forum, what did you type?

>> SPEAKER: If you just go to bit.ly/commentforum, that's our home page for rule-making.

>> SPEAKER: Oh, there.

>> SPEAKER: Yeah. Once you're on that page, if you go under the info tab and click current rule-making, you'll see, um, exactly what we're talking about. The full URL is a bit long, so it's a lot easier for folks to just go to bit.ly/commentforum. Go to the info tab and then hit current rule-making. The last two items

on that page, legislative changes and placement benefit proration, employee ID and other topics, those contain the links to the draft rules that we are discussing. You see casual damages, waiting period, so those are the draft rules that we're working off of today. Any comments on casual labor before I move on? All right. We can move on to damages, the proposed rule pertaining, um, to damages and how the department will investigate and assess damages, if necessary. Any comment on the damages language that is being proposed today?

>> SPEAKER: Yes, I have one, and I may have missed this. Is there a timeframe on which damages can be filed against, or am I just missing this?

>> SPEAKER: Um, that's actually a good point. Before I answer that question, um, we do have a stenographer on the line today. Sir, would you mind just, um, stating your first and last name and which, if any organization you're representing today?

>> SPEAKER: I would be happy to. My name is David Setzkorn. I'm with Hub International.

>> SPEAKER: Great. So, let me just take a quick glance at the legislative --

>> SPEAKER: Never mind. I found it. I found it.

>> SPEAKER: This is Jeanette. Yeah, it's three years from the date of the violation is alleged to have occurred.

>> SPEAKER: Right. Thank you for clarifying.

>> SPEAKER: You bet.

>> SPEAKER: Anything else on damages before I move on? All right. We'll now move on to waiting period. This refers to, um, the legislative change that, um, military exigence leave will no longer be subject to the waiting period requirements. Any comments on this language? All right, hearing none, we can move on to some of the non-legislative changes that are being proposed by the department. The first will be language pertaining to aggrieved parties. Any feedback on this language? Anything on aggrieved party before moving on? All right, we can move on to claim year. This is language that is intended to clarify that, um, an employee who was unable to properly establish their identification with the department will no longer initiate the, um, implementation of a claim year. Any comment on this language?

(Inaudible.)

>> SPEAKER: I'm sorry?

>> SPEAKER: Yes, um-- inaudible --

>> SPEAKER: I'm sorry, I couldn't quite hear you.

(Inaudible.)

>> SPEAKER: Are you here to provide comments on the proposed rules?

>> SPEAKER: No. I'm waiting for someone.

>> SPEAKER: Okay. Any comments on the language pertaining to claim years?

>> SPEAKER: No.

>> SPEAKER: Ma'am, you can go ahead and mute your phone, if you don't wish to provide comment. We're moving through some draft rules here and, um, there are folks who are here to provide comment, so if you would not like to provide comment, you can go ahead and mute your phone and just listen in, if you'd like.

>> SPEAKER: Okay.

>> SPEAKER: The next topic is documentation related to the birth or placement of a child. This refers to the department will be requiring for leave that is pertaining to the birth or placement of a child. Any comments on the proposed language on this topic?

>> SPEAKER: No.

>> SPEAKER: All right. Not hearing any on this topic, we can move on to the definition of placement. This rule is intended to clarify the definition of

placement for the purposes of benefit eligibility.
Are there any comments on the proposed definition of placement? Ma'am, would you mind muting your phone, if you would not like to provide comment, please? Any comments from anyone else on the phone on the proposed definition of placement?

(Speaking in foreign language.)

>> SPEAKER: If someone has a number to file a claim that they can provide her, that's what she's speaking, she needs the number to call in and file a claim. She's dialed this number by accident.

>> SPEAKER: Absolutely. Um, that number is 833-717-2273. Thank you very much.

(Speaking in foreign language.)

>> SPEAKER: Thank you very much. We really appreciate that.

>> SPEAKER: You're welcome.

>> SPEAKER: All right, any comments on the definition of placement that is being proposed? All right. Hearing none, we can move on to the topic of pointers. This is, um, a mandatory language to clarify some, um, pointers within WAC right now. Any comments on this section? All right. Our final topic for today is the proposed draft language of proration. This

refers to how the department will prorate an employee's benefit payment for a week when there are days that the employee is not eligible for paid family or medical leave because the dates were either before or after the employee's claim. Are there any comments on this language? Any comments on proration today? All right. Well, hearing none, I think I'll open it up one final time for anyone on the phone who would like to provide comment on any of the topics that we have talked about today, which are casual labor, damages, waiting period, claim year, documenting birth and placement, pointers, and proration. Any comments or feedback on any of the draft language that has been discussed today. Any final comments or feedback before I go ahead and wrap us up for today?

>> SPEAKER: Hello? All right. Well, hearing none, I think I'll go ahead and close us out for today.

>> SPEAKER: Forgive me, I, hello?

>> SPEAKER: Go ahead. Go ahead.

>> SPEAKER: I'm sorry. Will there be forthcoming language on proration for the final week of leave? Because this seems to only address the first week. So, for example --

>> SPEAKER: So, the rule is, the language covers

the last week of leave as well. The example does only specifically refer to the first week. We can add an example to clarify what happened in the last week, if that's helpful, but this rule would apply in both the first and last week of an employee's leave.

>> SPEAKER: All right. Thank you very much.

>> SPEAKER: All right, unless there are any further comments --

>> SPEAKER: Hello?

>> SPEAKER: Hello.

>> SPEAKER: Yeah, I have a question.

>> SPEAKER: Is this a question about a claim that you're trying to file?

>> SPEAKER: Huh?

>> SPEAKER: Is this a question about a claim that you're trying to file?

>> SPEAKER: Yeah, because -- inaudible --

>> SPEAKER: Sure. So, this call is pertaining to regulations about the program. I'm going to give you a different phone number to call, which is our customer care team, and they can help you with your question, okay? Are you ready for the phone number?

>> SPEAKER: Um, yeah, hold on. There we go.

>> SPEAKER: Okay. The phone number

is 833-717-2273.

>> SPEAKER: Okay, so I need to call this number and they're going to let me know, um, whatever I need?

>> SPEAKER: Correct. That's our customer care team, and they'll be able to help you out.

>> SPEAKER: Okay, thank you.

>> SPEAKER: Thank you. All right, well, thank you again for attending today's call. Once again, our target date for filing our CR102 documents is July 17th with a hearing date scheduled for August 26th. The comment section on our rule-making site for today's rules is open, so if you would like to submit comments or feedback, um, online, feel free to visit bit.ly/commentforum, and you may do so there. Until then, thank you very much, and have a good rest of your day.

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