

ROUGHLY EDITED FILE

Washington Employment Security Department

10.29.18

Stakeholder Meeting

12pm (ET)

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>> Captioner is ready and standing by.

>> Thank you for attending the -- County Medical Leave Hearing.

We'll wait another one or two minutes to start. If you're joining by phone, please go ahead and mute your phone. We'll be starting in a few minutes.

>> Thank you for attending our day two medical leave hearing. Pursuant to the authority under Washington State Law, 50A-04-215, chapter 42.30, open public meeting and chapter 34.05 of the administrative procedures act, this hearing is hear by convened.

For the record, the hearing is beginning 9:02 a.m. on October 29, 2018 at the Double Tree Inn by Hilton Hotel Spokane City Center, at 322 North Spokane Falls Court, Spokane, Washington.

This meeting is (hard to hear) to hear testimony concerning phase II of the family medical leave rule making, rules (inaudible) related to employer responsibilities, small business assistance and general fees.

Notice of this hearing was filed with the Washington State Registrar on August 16, 2018. [indiscernible] as well as (inaudible) 18, 17, 116 was sent to interested parties and was posted online.

Hello, my name is April Amundson and I'm a policy analyst for the paid family and medical leave division of the Washington State Employment Security Department. Thank you for attending. I also present commissioner Susie Levine (ph) and the (inaudible).

We have another staff member for the -- family medical leave. I will allow him to introduce himself by name and title.

>> Good morning, my name is Matt Buelow and I'm the paid family and medical leave policy manager. Thank you for attending today.

>> Thank you, Matt. Please be advised that this hearing is being transcribed by a court reporter and the transcript will become part of the official rule making file. To facilitate this transcription, please state and spell your last name before testimony.

Please also note that the hearing (inaudible) -- will consider comments on the proposed rules. Because of the formal nature of this hearing, we are unlikely to understand any of your questions that you may ask. If you do pose a question, I will ask you to rephrase your question as a comment and questions can also be sent to our online -- by the policy team. And can be found by typing BIT.LY/commentforum into the browser window.

A consent to the -- statement of the agencies

reason for adoption of the rule including a summary and response to all comments received after the publication of the proposed rules will be placed in a permanent rule-making file and posted online. This document will be sent to all interested parties who have signed up to receive paid medical leave e-mails.

We'll go ahead and begin with testimony from Matt Buelow, and we'll give a brief explanation of the proposal.

>> Thank you, April.

The Paid Family and Medical Leave Act was passed by the Washington State Legislature in 2017. Premium assessments and collections begin 2019. Benefit payments begin in 2020.

We have split the rule making into phases [indiscernible] an achievable schedule. This formal public hearing covers the topics of employer (inaudible) -- small business assistance and penalty. Employers have various responsibilities under the law. These responsibilities include at a high level, providing notice about the program to any employee that who is absent from work by family or medical leave for more than 17 consecutive days. Posting a general notice at the place of business to inform employees of the program's existence and utility. Making required reports to the department. Collecting and remitting premium payments to the department, and refraining from discriminating against any employees for use of the program. Employers who fail to submit required reporting will be offered an [indiscernible] opportunity to -- conciliation with the department.

Employers who are found to have discriminated against an employee due to seeking family medical leave are subject to damages. Small business assistance grants are available to employers with 150 or fewer employees and [indiscernible] under the program to help them manage the cost of an employee being away from work. The draft rules are extended to interpretation -- by the law.

In addition, these draft rules all will contain several definitions that will pertain to all paid family and medical leave rules. And more information voluntary plan administration and the rules governing states. Thank for your interest and participation in our rule making in an effort to implement this important program. We look forward to hearing your comments today.

>> Thank you, Matt. We will go ahead and now hear testimony from those in attendance. To avoid talking over each other, we will first take testimony from the

attendees in the room and then we will open the phone for comments once there is no more comments from the room.

When you testify, please speak into the microphone, state your name and please spell your last name and state who you represent if you're here in a representative capacity.

We are now ready to accept public comments from those in the room.

If there is no further testimony concerning the proposed rule making from anyone in the room, we'll go ahead and open our public comments on the phone.

>> (indiscernible)

>> I'm sorry, can you speak up? We are ready to receive testimony over the phone.

Can somebody please confirm whether they can hear me over the phone?

>> This is Abby O'Connell with Sun Life Financial and I can hear you.

>> Thank you.

We are now open for testimony of those attending by phone. If you wish to make testimony, please go ahead and do so now.

>> This is Abigail O'Connell with Sun Life Financial and I have a question. My first name is ABI -- do you want me to spell my name?

>> Yes, please.

>> A-B-I-G-A-I-L last name O apostrophe C-O-N-N-E-L-L. And I'm with Sun Life Financial. Our U.S. headquarters is in Wellesley, Massachusetts.

>> Thank you.

>> In regard to establishing a voluntary plan, can that be done and premiums be collected and then would those premiums -- if the employer preserves the right to establish a voluntary plan by collecting premiums in 2019 and later decides to opt into the state plan, is that a possibility?

>> Thank you for your question, Abigail. In this hearing we are not able to answer questions because of the formal nature. If there's something you would like us to consider around that topic, if you could please rephrase it as a comment, we will gladly address that.

>> Sure. Understood. I would encourage the state to contemplate employers who may choose to establish a voluntary plan and then at a future date opt into the state plan. And how the requirements will work around that. Thank you.

>> Thank you for your comment. Is there any other further testimony from anyone on the phone?

Thank you. Is there any further testimony from

anyone in the room or on the phone?

Looks like we have a comment from in the room.

>> I just couldn't go without saying something.

Bob Battles, Association of Washington Business. B-O-B B-A-T-T-L-E-S. I am -- also sit on the advisory committee. I have one question and/or comment. You talked about in the -- WAC 192-540-020, that employers must use the standard notice that the department makes available or is developed by the -- how will you, I'm thinking about my question and I think I just answered it.

I will remove that comment. I do want to say thank you to the department for their time in developing these rules specifically and all of the phases they have been -- for the stakeholder. So I appreciate that.

My concern was whether they would be able to do their own standard form. Does that have to be submitted, I would like to look at the rules [indiscernible].

>> Thank you, Bob.

Thank you for your comments. Is there any further testimony considering the proposed rule making from either the phone or in person before I conclude this meeting?

>> This is Abigail O'Connell from Sun Life Financial again. Last name O-C-O-N-N-E-L-L. I guess I would make a comment that I am interested to see of any coordination between the state's division of insurance and the state's administration of paid family and medical leave in regard to the interaction of existing short-term disability benefits and paid medical leave.

>> Thank you for your comment.

>> Thank you.

>> Is there any further testimony concerning the proposed changes we're making either on the phone or in person before I conclude?

Thanks so much for your comments and attendance in this hearing. In conclusion, the panel will convene to consider testimony on phase two of the paid family medical leave rule making related to the employer's responsibility [indiscernible].

All oral testimony presented at this hearing will become a part of the official record. The deadline for submission of written comments is at 5 p.m. October 29, 2018. That is today. If you did not have an opportunity or wish to provide your comments over the phone, or in person today, you have an opportunity to provide it over the internet before 5 p.m. today. You can submit written comments online by entering

bit.ly/commentforum in your browser.

Comments must be received by 5 p.m. to be considered part of the rule making.

The final decision regarding adoption of this proposal will be made after all testimony and written comments have been fully considered with a target date of November 2, 2018. On behalf of the commissioner, thank you for participating in this hearing. This hearing is now adjourned at 9:15 a.m. on October 29th 2018. Thank you.

>> We can hang up now.

>> Thanks, Andrew.

(call ended 12:15 p.m. ET)

