

WAESD  
Rulemaking Hearing  
Wednesday, September 9, 2020  
12:00 p.m. – 3:00 p.m. ET  
Remote CART Captioning

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[ Stand by for captions. ]

>> JASON BARRETT: Thanks again for joining us this morning. This is Jason Barrett with paid family and medical leave. We thank you for joining us for this rulemaking hearing. A quick reminder to mute yourself until you are ready to speak. We'll get started here in just a moment. Thank you. Is Brooke Nunn or someone else from ACS captions on the line?

>> Hi, everyone. I think we'll go ahead and get started. Can someone on the phone please confirm that you can hear me?

>> Yes.

>> Thank you. And if everyone can please remember to mute your phones at all times during the call unless you are speaking and if you haven't already done so, if you could please mute your phones now. Just wanted to say good morning. My name is Jeanette and I'm the rules coordinator for the paid family and medical leave division. We have two rules on the agenda today. We aren't able to answer questions about individual claim. If there's anyone on the call who has questions about their application or claim. Please hang up and call 833-717-2273. Again, that was 833-717-2273.

The individual hearings will be held for each topic on the agenda today and we'll be conducting the hearings on the order listed on the agenda. The first hearing is regarding new and amended rules related to appeals, definitions, documenting a birth or placement of a child, premium rate, and proration. The second hearing is regarding changes to the passage of House Bill 2614. Since each hearing will be held individually, public comments will only be accepted on each topic during that topic's hearing. As we move through the order of hearings, if you would like to comment on a hearing that's already closed, please do so on the paid family and medical rules web page by entering [BIT.LY/commentforum](http://BIT.LY/commentforum) in your web browser. We will continue to accept written

comments on all topics through the close of business today. Prior to each hearing, I'll announce the topic of the hearing.

To view the electronic version of the proposed rules, you can go to [BIT.LY/commentforum](http://BIT.LY/commentforum). And at the top of the page, select the into tab and select the rules meeting link. For today's hearing, you will see a link to the agenda and if you select the agenda, the items listed include hyperlinks to the rules for today's hearing. Again, that web page is [BIT.LY/commentforum](http://BIT.LY/commentforum) and select the rules meeting link.

The first hearing on the agenda is regarding appeals, definition, documenting a birth or placement of a child, premium rate, and proration. I'll go ahead and turn it over to Jason to begin the hearing. Thank you.

>> JASON BARRETT: Thank you, Jeanette. Pursuant to the authority given under Washington State Law RCW50A.5.60 of the Open Public Meetings Act and Chapter 34.05 of the Administrative Procedure Act, this hearing is hereby convened. For the record, this is beginning at 9:06 a.m. on September 9th, 2020, by conference call. This hearing is convened to consider testimony concerning the paid family and medical leave rulemaking. Amends existing rules and creates new rules as necessary for proper program implementation. The department is always working to refine and improve the program and this rulemaking is one way to provide clear guidance to the community. Notice of this hearing was filed with the Washington state register on August 5th, 2020, as WSR2016-149, was sent to interested parties, and was posted online. My name is Jason Barrett and I am the lead policy analyst for the paid family and medical leave division of the Washington Employment Security Department. There are members from the paid family and medical leave policy team attending this hearing by phone. Please introduce yourselves by name and title.

>> Thank you for being here. My name is April Amundson. I am the policy and rules manager for the paid family and medical leave division.

>> My name is Jeanette Benem. I'm the rules coordinator for the paid family and medical leave division.

>> Good morning. I name is Brett King. I am a policy analyst to help coordinate rulemaking for the division. Thank you.

>> 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, state and spell your name before you give 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 also be mailed to us at [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) or our customer support staff will respond to your question. Concise explanatory statement of the agency's reasons for adoption of the rule including a summary and response to all comments received after the publication of 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 emails. We will begin with April Amundson who will provide a brief explanation of the proposal.

>> APRIL AMUNDSON: Thank you. And thank you for being here today at this hearing. The Paid Family and Medical Leave Act was passed by the Washington state legislature in 2017. January 1st, 2019, employers could start assessing premiums on wages and beginning January 1st, 2020, Washington workers have been able to apply for paid family and medical leave benefits. We've had an overwhelming response to our program and continue to make efforts to improve our policy, our operations, and our user experience. This rulemaking is a part of the effort to prepare the program to improve functionality and to provide information for the community. This formal public hearing covers the topic of appeals, definitions, documenting a birth or placement of a child, premium rate, and prorating a weekly benefit amount. I encourage you to read all of the text of the rules for an understanding the rules are to help the revised code of Washington. Thanks again for your interest and participation in our rulemaking efforts to administer this program. We look forward to hearing your comments today.

>> JASON BARRETT: We will now hear testimony from those joining us by phone. When you testify, please speak clearly, state your name, spell your last name, and state who you represent if you are here in a representative capacity. Please remember to unmute your phone prior to speaking and then mute yourself again after you have done -- after you are done providing testimony. We are now ready to accept public comment from those on the phone on our first rules package. New and amended paid family and medical leave rules relating to appeals, definitions, documenting a birth or placement, premium rate, and proration. If you need assistance on tracking down exactly where the text of these rules might be found, just speak up and let me know. I'm happy to guide you to the website where you can find that if you don't already have it. With that, I will open the phone for public testimony.

[ Silence ].

>> JASON BARRETT: Again, we are now hearing testimony on new and amended rules on appeals, definitions, documenting a birth or placement, premium rate, proration. If you need help tracking down the text of these proposed rules, let me know. I will be happy to help you out.

[ Silence ].

>> JASON BARRETT: Anyone in attendance wishing to provide testimony on the first rules package this morning?

[ Silence ].

>> JASON BARRETT: One final call for testimony on the first rules pack only before I conclude this hearing.

[ Silence ].

>> JASON BARRETT: All right. In conclusion, this hearing was convened to

consider testimony on paid family and medical leave rulemaking. All oral testimony presented at this hearing and written submissions will be part of the official record. A deadline of written comments is 5:00 p.m. today, September 9th, 2020. You may submit written comments online by entering [BIT.LY/commentforum](https://bit.ly/commentforum). Again, that's [BIT.LY/commentforum](https://bit.ly/commentforum) in your browser. Comment must be received by today's deadline to be considered part of this rulemaking. Regarding adoption of the proposal will be made after all comments have been fully considered with a target date of September 23rd, 2020. Thank you for participating in this hearing. The hearing is adjourned at 9:15 a.m. on September 9th, 2020.

>> Thank you, Jason. The second hearing on the agenda is regarding changes relating to House Bill 2614. Please remember during this hearing, we'll only receive testimony and public comment on this topic. I'll go ahead and turn it back over to Jason to begin the second hearing.

>> JASON BARRETT: Thank you, Jeanette. Pursuant to the authority given under Washington State Law RCW50A.5.60 of the Open Public Meetings Act and Chapter 34.05 of the Administrative Procedure Act, this hearing is hereby convened. For the record, this hearing is beginning at 9:16 a.m. on September 9th, 2020, by conference call. This hearing is convened to consider testimony concerning the paid family and medical leave rulemaking. At a high level, this amends existing rules and adds new rules in order to implement Substitute House Bill 2614. The department is always looking to refine and improve the rulemaking to provide guidance to the community. Notice of this hearing was filed with the Washington State Register on August 5th, 2020, as WSR20-16-148. It was sent to interested parties and was posted online. My name is Jason Barrett and I am the lead policy analyst for the paid family and medical leave division of the Washington Employment Security Department. I represent Commissioner Susie Levine as the hearing officer providing at this hearing. There are staff members from the paid family and medical leave policy team attending this hearing by phone. Please introduce yourselves by name and title.

>> APRIL AMUNDSON: Hello. My name is April Amundson for the paid family and medical leave division.

>> Hello. My name is Jeanette Benem. I'm the rules coordinator for the paid family and medical leave division.

>> Good morning. My name is Brett King. Paid family and medical leave division.

>> JASON BARRETT: Please be advised that this hearing is being transcribed by a court reporter. To facilitate this transcription, state and spell your name before you give 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 rephrase your question as a comment. Questions can also be emailed to us at [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) where our customer support staff will respond to your question.

A concise explanatory statement of the agency's reasons for adoption of the rule including a summary and response to all comments received after the publication of 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 emails. We will begin with April Amundson who will give a brief description of the proposal.

>> APRIL AMUNDSON: Thank you Jeanette and Jason. Thank you again for being here in our rules meeting. The Paid Family and Medical Leave Act was passed by the Washington state legislation in 2017. January 1st of 2019 employers could start assessing premiums on employees' wages and beginning January 1st of 2020, Washington workers have been able to apply for paid family and medical leave benefits. We've had an overwhelming response to our program and continue to make efforts to improve our policy, our operations, and our user experience. This rule making is part of the effort to prepare for program to improve functionality and provide information for the community. This formal public hearing has changes made to implement Substitute House Bill 2614. Definitions, damages, as well as waiting period. I encourage you to read the text of the rules for a more robust understanding. The draft rules are intended to interpret and clarify title 50A of the revised code of Washington. Thank you again for your interest and participation of our rulemaking efforts for this important program. We look forward to hearing your comments today.

>> JASON BARRETT: We will now hear testimony from those on the phone. When you testify, please speak clearly, state your name, spell your last name, and state who you represent if you are here in a representative capacity. Please remember to unmute your phone prior to speaking and then mute yourselves again after you are done providing testimony. We are now ready to accept public comments from those on the phone. This package is the second package on the agenda. Changes related to the passage of SHB 2614 including definitions and damages and the waiting period. So if you need any help, once again, tracking down the text of the rules, please do let me know. I will happily point you in the right direction. With that we will go ahead and open the phone for testimony.

[ Silence ].

>> JASON BARRETT: Is there anyone on the phone who would like to provide testimony on topics related to the implementation of Substitute House Bill 2614?

[ Silence ].

>> JASON BARRETT: One final call for comments related to the passage of Substitute House Bill 2614 before I close the hearing. In conclusion this hearing was convened to consider testimony on paid family and medical leave rulemaking. 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 5:00 p.m. today, September 9, 2020. You may submit written comments online by entering

BIT.LY/commentforum. Again, that's BIT.LY/commentforum in your browser. Comments must be received by today's deadline to be considered part of this rulemaking. A final decision in the adoption of the proposed rules will be made after all testimony and written comment have been fully considered with a target date of September 23rd, 2020. On behalf of Commissioner Susie Levine, thank you for participating in this hearing. This hearing is adjourned at 9:25 a.m. on September 9th, 2020.

>> That concludes today's agenda items. Please look for updates online if you haven't signed up to receive paid family and medical leave notices. You may sign up at [paidleave.wa.gov](http://paidleave.wa.gov). Thank you, all, for your time and participation.