

Location	Teleconference
Time	1:00 PM – 2:00 pm
Attendees (all on the phone)	Paid Family and Medical Leave Director: Lisa Kissler Employee's Interests Representative: Maggie Humphreys Employee's Interests Representative: Marilyn Watkins Employee's Interests Representative: Samantha Grad Employer's Interests Representative: Bob Battles Employer's Interests Representative: Christine Brewer Paid Family and Medical Leave Act Ombudsman: Edsonya Charles Employer's Interests Representative: Julia Gorton Employee's Interests Representative: Joe Kendo Employer's Interests Representative: Tammie Hetrick
Guests	Paid Family and Medical Leave Operations Manager: John Mattes PFML Data and Research Manager: Rebecca Grady PFML Business Systems Product Owner: Matt Buelow PFML Policy and Rules Manager: April Amundson PFML Product Manager: Alison Eldridge
Members Absent	
Scribe	Liz Merrick

Introductions - Members introduced themselves.

January 2021 Meeting Minutes – Meeting minutes approved by Committee members

Updates:

- **Ombuds Updates:**

- Discussion around hardship requests. Requests centered around: power, evictions, rent, diapers, car payments. Reduction by ½ in May and June. Slide 8 shows 3,375 calls.
- Slide 9 shows tip call reasons. Combined bonding and medical leave for giving birth 6% of calls.
- Slide 10 shows complaints – 274 received in 2020
- Marilyn: how many requests a correction on their working claim. Working funds, where is my money? Processes, what do I do? Overpayment and over deposits.
- Regarding slide 9: Employer unlawful acts. Employee is saying boss did something unlawful such as denial of leave; not providing notice of eligibility for PFML; bad advice by employer, job protection. In these cases, the Ombuds refers to compliance if they cannot assist.
- Bob: 3% Employee unlawful act would like to have more information in future meetings. ID educational materials and understanding of what type of enforcement. Track for next month for 2021.

2020 Accomplishments

1. Discover inconsistencies in practices, website
2. With Department raising issue of call cutoff after 3 hours
3. POA not updated for benefits phase
4. Kudos to Department for creating customer support lead positions to assist customers with more complex issues, including Ombuds complaints
5. Inform employees work week is Sunday-Saturday; prorated if start leave on Monday; update to website
6. Identified potential rules gap information on tribes electing coverage
7. Alert technical issues-
8. Worked to correct wrongful denial of benefits to employees of large employer denied benefits because ER had VP in 2019 but withdrew from plan end of 2019.
9. Work with Department to improve access and more equity to Limited English Proficient (LEP) customers-ongoing-send out applications in another language; raised issue of not capturing preferred language and providing documents in that language. For example, determination letter in English.
10. Work with Department on reasonable accommodation for people with disabilities; work to continue. Need an accommodation to apply for or access PFML services.
11. Work this year educating Employers, Third Party Administrators and Short-term Disability providers,
12. Large county forcing employees to use Paid Time Off (PTO) until PFML approved
13. Educate Health Care Providers and Employers about program
14. Issue re leave after placement or adoption; claim discriminatory for adoptive parents of foster children.
15. Participate in new hire orientation
16. Strengthen relationship with Department; work with Department develop strategies address multitude of issues
17. Fostered relationship that Ombuds also part of program customer service-receive referrals from CCT members
18. Redetermination/appeal rights in determination letters
19. Created a complaint process with Customer Care Leads
20. Created a complaint process with Compliance

Ongoing issues and concerns

1. Underpayments slow
2. Overpayments
3. Employer problems with notification -privacy rules. ER does not get exact dates, not know intermittent or continuous; not know if med of family so don't know if required to continue health care coverage.

4. Employer problems with receiving notifications, i.e. not available through portal; desire for all electronic access.
5. Improve process bonding/medical leave for women who give birth.
6. Delays in standing up Compliance Unit-educating employers not reporting employee wages/hours. Delay in employees receiving benefits.
7. Delays standing up audits in Compliance Unit-
8. Confusion about Supplemental benefits both employers and employees
9. Correct weekly claim-great confusion (10/6 request for review deployed)
10. No audits-identifying,
11. FMLA/PFML stacking
12. Short -term Disability Providers practices- late notice repay/instructing employees to file very late after leave taken and employee return to work/ leave denied because no good cause for late filing/backdating; denying leave; withholding 90% of pay; instructing EEs to file late
13. Confusion around application, employees mistakenly believe employer or health care provider applied for them
14. Confusion weekly claim denial reasons
15. Benefit denial letters not available through portal
16. Employees unaware need to file weekly claim after approval
17. Realtime access to hours used
18. Confusion about duration of time and exhaustion of hours
 - o Discovered Inconsistencies in Department practices, materials, and website:
 - Technical issues
 - POI and 3rd party administrators and calls relating to benefits.
 - Sunday – Saturday benefit week education
 - Rules gap information on Tribes
 - Large Employer Voluntary Plan in 2019 denied in 2020
 - Language Access
 - Reasonable Accommodations
 - March or April Meeting update
 - Short term disability providers
 - Large county forcing to use leave before PFML is used
 - Raising issue around foster to adopt children – bonding
 - Determination letters
 - Compliance
 - June – Lead Customer Care Position
 - Slow rate of underpayment (8-10 weeks)
 - Overpayment – Dept. has no process in place yet
 - Employer complaint – Notifications. Medical, family. When is leave taken, must take in privacy rules. Notification not available electronically.
 - Bonding and medical claims – timely
 - Compliance unit delay
 - Audit unit delay

- Confusion around supplemental benefits from both employers and employees
- 40% weekly claims complaints. Need clarity of website
- Clarity on FLMA and PFML
- Short term disability
- Benefit denial letters not available
- Exchange of hours and leave not available
- **Bob** Question: Confusion in system or issues on these points? A: More than half are confusion as the law as written is confusing.
- **Small Business Assistance Grants Data & Communications Updates**
 - Slide 12 – Matt
 - Dec 16, 2020 system went live
 - Jan 2020 communication to small employers was sent out
 - Feb. – April: targeted broad communication. Listserv and functionality
 - Premiums after 3 years of receipt of grant
 - Maggie would like time on future agenda regarding call times. Digging into the system, solutioning. Work with Matt on when to bring back to the Advisory Committee.
- **Operations/ Program Data Update:**

Agenda Items for March:

- **LEP (This would be taken up in the March Meeting)**
- Educational Issues
- Enforcement
- Reasonable Accommodation
- Language Access Planning
- Call System and Phone Data **(This would be taken up in the March Meeting)**
- Medical Leave after childbirth
- Legislature – Fiscal note – possibly special meeting
 - It was decided this **WOULD** be a special separate meeting

Open Comment:

Adjourn:

Next Meeting: Friday March 19, 2021 @ 2 pm | This meeting will be held via Zoom.