

Purr.

>> Hi, there. We are waiting a few minute. We're waiting for people to call in. This is Jeanette. We have a stenographer confirmed today. If everyone can remember to mute their phones, we will start the rules hearing in just a few minutes.

>> Hello? >> Hello?

>> Hi, there. We're giving everyone a few more minutes to call in before we begun the hearing and if you can remember to mute your phones that would be great.

>> Thank you.

>> If everyone on the phone could mute your phones, unless you're speaking so we don't hear background noise that would be great. Thank you.

>> OK.

>> Just another reminder for those on the phone. It sounds like more people are calling in, but if you can please mute your phones, so we don't hear noise and feedback that would be great. Thank you.

>> Just another reminder to everyone on the phone to please mute your phone. We will get started in just a minute. It sounds like more people are calling in. Thanks.

>> How do you mute?

>> What type of a phone are you on? >> Android. >> Oh, gotcha, you should go to where you're going to make the call, where you put in a keypad number and there should be a mute button there. >> Sometimes, you know what I mean, they say hit seven and it will mute. All good.

>> All good, I got Cha.

>> Thank you.

>> Thank you.

>> It sounds like we don't have anyone calling in any longer, so we have everyonen on the phone. Just another remind there is a lot of feedback when we're trying to conduct a hearing if your phones are not on mute and oftentimes you can't hear mute, if you can remember to keep your phones on mute unless you are speaking that would be great. If everyone can double check and make sure their phones are muted now.

Good morning to everyone. I'm the rules coordinator for the paid family medical leave. This conference call is for rules hearing and we aren't able to answer questions about individual claims if. If you have questions about a claim hang up and call 833-717-2273. Again that number is 833-717-2273. Today's hearing is regarding definitions, hours worked, small business grants and appeals. If you would like to

provide written comments related to these rules, you may do so by e-mail at [rules@esd.wa.gov](mailto:rules@esd.wa.gov). We will continue to accept written comments through the close of business today. To view the electronic version of the proposed rules you can go to [paidleave.wa.gov/rulemaking](http://paidleave.wa.gov/rulemaking) and under the rule making heading, if you click on the right of the first set of rules that will bring the rules up. The rules for today's hearing is at the fourth bullet down under proposed amendments. If you click on the topic, we'll go through each of the topics in order during the hearing and with that, we'll start the hearing.

Pursuant to the authority given under Washington State law, chapter 42.30RCW of the open public meetings act and chapter 34.05 of the administrative procedure act. This hearing is hereby convened. This hearing is beginning at 9:07 a.m. on February 9, 2021 by conference call. This hearing is convened to consider testimony concerning paid family medical leave rule making. At a high level, this amends existing rules and creates new rules the department considers necessary for program administration. The department is always working to refine and improve the program and this rule making is one way to provide clear guidance to the public.

Notice of this hearing was filed with the Washington State register on January 6, 2021 as, with SR 1-800-21-02-088 with interested parties and posted on the department's web page. My name is Jeanette and I'm the rules coordinator for the paid family medical leave for the Washington State security department. I represent acting commissioner as the hearing officer providing public rule making hearing. There are staff members from the paid family medical leave policy team attending this hearing by phone. If you can introduce yourself by name and title.

>> Good morning. My name is Brett Kane I'm a policy analyst in the paid family medical leave division.

>> Jason Barrett, lead policy analyst for paid family medical leave.

>> Thank you, Brett and Jason. Please be advised this hearing is being transcribed by a court reporter and it be become part of the file. If you are commenting on the rules, please state and spell your name before your testimony. I want to remind everyone again to keep yourselves on mute unless you are speaking. Please also note 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 might ask. If you pose a question, I will ask that you rephrase your question as a comment. Questions can be e-mailed us to at [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov). Written comments on proposed rules will be accessed through today by e-mail at [rules@esd.wa.gov](mailto:rules@esd.wa.gov) again that is [rules@esd.wa.gov](mailto:rules@esd.wa.gov). The explanatory statement for reasons of the adoption of the rule including a summary and response after the publication will be placed in the public rule making file and posted online. This document will be sent to all interested parties who signed up to receive paid family medical leave e-mail. We will begin with Brett Kane who will provide a brief explanation of the proposal.

>> Brett: Thanks, Jeanette. The paid family medical leave act passed by the Washington State legislature in 2017. On January 1, 2019, employers began assessing premiums on employee wages. Since January 1, 2020, Washington workers have been able to apply for paid family and medical leave benefits. We have had an overwhelming response to our program and make efforts to improve policy, operations and user experiences. This rule making is part of the effort to improve functionality and

provide information for the community. This formal public hearing covers the topics of definitions, hours worked, all business grants and appeals.

We encourage you to read the rules for more robust understanding. The rules are intended to interpret and clarify code 58 of the code of Washington. Thank you for participating in our rule making efforts to administer this important problem and we look forward to your comments today. I will turn it back over to Jeanette. >> Jeanette: Thank you, Brett. We will hear testimony from those on the phone. If you can please keep your phones on mute. Sorry, it sounds like someone has us on hold.

If you can mute your phones.

Sorry, we're going to give it a second so the person who has us on hold comes back to the phone, so we can hear everything that is being commented on. I appreciate your patience.

>> Is it possible to end the call and everyone call back in?

>> You want me to try this again?

>> Well, we had several people who called in to the phone, so can you hear me OK over that? >> No, not really.

>> Can we disconnect that person? >> Nope.

>> Is it possible to mute everyone?

>> Let me check into that. If you can hang on for just a minute. I appreciate your patience.

>> I got it.

>> Did someone come back on the phone after putting us on hold? If you did, we heard the phone music and we won't be able to hear through that, so if someone came back on the phone and they put us on hold, please don't put us on hold again, because we have to pause the hearing or have everyone call back in. >> OK. >> Jeanette: Thank you. We will hear testimony from those on the phone, when you testimony, if you can 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 un-mute your phone prior to speaking and remute your phone after you're done providing testimony. Again, if you would like to mute, please ensure it is on mute and you don't put the phone on hold. So, we are going to go through each rule by topic and WAC number and we will receive comment on each rule. The first would be 192-800-045 and there are two here in this chapter that we will go with 192-800-155 also, and if you're commenting on either of these rules, please state which rule you're commenting on and remember to state your name and spell it, too percent. We -- too. We will open the phone up for comments.

>> Robert Sponek. It is just representing myself to see it have used this program to my benefit. I drew

16 weeks of paid family leave act starting from July 21, 2020 and was released to go to work on January 26, 2021.

>> Thank you, Robert. Do you have comments on the rules or if you have any comments or questions about your claim, you can call the claims number at 833-717-2273. Did you have comments on the rules today?

>> Robert: Um, my own comment is paid family leave taxable.

>> Jeanette: That is a question that our customer care staff will be able to answer, and you can contact the customer care team at 833-717-2273. We're not able to answer questions during a rules hearing.

>> Robert: OK. >> Jeanette: Thank you. Any other comments on 192-800-045 or 155?

If you're not speaking, if you can remember to mute your phone.

>> Excuse me. I have a question. At the beginning of the meeting, you said you gave the location of where we could pick up to the document that you're referring to, can you repeat that?

>> Jeanette: Sure. If you go on to the ESD website, let me find exactly the URL here. You will go to [paidleave.wa.gov/rulemaking](http://paidleave.wa.gov/rulemaking), all one world, R-U-L-E-M-A-K- I-N-G and you click on the right under the first set of rules and on the fourth bullet down where it says proposed amendments and additions, if you click open the topic, it will open the draft, it will open the draft topics and I'm going in order of the topics.

>> Thank you.

>> Jeanette: We will move on to the second one, 192-610-090, are there any comments on these proposed rules?

>> Excuse me, can you give us the subject matter of the one you're doing, because they are not listed by number on the website, so we can't figure out which one you're talking about.

>> Jeanette: Sure, the first one I talked about was appeals. The second one we're on now is illegal acts and if you click illegal acts, it will bring up the WAC and the section number.

>> Is there a clear-cut way to know what the new information is or deleted information?

>> Jeanette: There is. This particular WAC is a new section that we added, and if the WAC has changes in it, it will be crossed out. The deleted portions will be crossed out and the additions are underlined. This is an entirely new section, so all of this particular WAC is new. Do we have any comments on this 192-610-090?

So hearing none, I will move on to the next topic as listed as works if you click on that, it brings up 192-620-020 and 035. Do we have any comments on these WAC's?

>> Yes, this is Marilyn Watkins with the economic opportunity institute. Could you, the -- it is not clear

on the face of it what physically works means. It is a term that could be interpreted in very restrictive ways and I'm wondering if that's a good change from just worked, because many people work in ways that are intellectual and not physical, and nevertheless are working and I don't think people interpret thinking, reading, sitting on Zoom meetings or the like as necessarily physical work. >> Jeanette: Thank you for your comment, Marilyn. We will take that into consideration. Is there any additional comments on 620-192-0 or 035.

>> This is Ali STHAASSMA representing several employes. The term physically worked, I recommend the term "physically" be adjusted to match FMLA, which calls out actual hours worked to avoid confusion. Can you spell your last name again more me? >> SCHAAFSMA.

>> Jeanette: Great. Thank you. Thank you for your comment, too. Do we have any more comments on the WAC? OK, we will move on to the next subject, which is small business grants. If you click on that online it will bring up 192-560-010. Do we have any comments on this rule?

OK, hearing none, we will go ahead and move to the next rule, which is employer size. If you click on that it will bring up 192-510-050. Do we have any comments on this rule? OK, hearing none, the last subject of employment restoration and this is two new sections, WAC192-700-006 and 007, are there any comments on these rules?

>> Yes, this is Keeley Butters and I'm representing pioneer human services. And if I read WAC192-700-007 correctly, it sounds like employment restoration would depend on both hours worked for the current employer and prior employers, and as a current employer, we don't know hours worked for prior employers. So, I don't know how administratively, I don't know how we would be able to determine whether or not employment restoration was required, unless, you know, the state is informing us in a timely manner.

>> Jeanette: Can you please spell your name for us.

>> It is KEELY and my last name is BUTTERS. >> Jeanette: Thank you and thank you for your comment. We will take that into consideration. >> Keely: Thank you.

>> Jeanette: Are there additional comments on these rules?

>> Could you tell us the timeline for submitting written comments?

>> Jeanette: Written comments will be accepted through the end of business today. You can send your written comments to the rules e-mail inbox at [rules@esd.wa.gov](mailto:rules@esd.wa.gov). Are there any further questions before I conclude this hearing?

For those on the phone could wait to hang up until we have gone through the formal conclusion of the hearing that would be great to ensure everyone on the phone can hear. If there is no further testimony, in conclusion of this hearing on paid family medical leave rule making. All oral testimony presented at this hearing and written submissions and comments have received or will receive through the close of business today will be part of the official record. Again, the deadline for submission of written comments is today, February 9, 2021. You may submit written comments by e-mailing [rules@esd.wa.gov](mailto:rules@esd.wa.gov). Comments must be received by the end of the day to be considered part of this

rule making. The final decision regarding adoption of the proposed rules will be made after all testimony and written comments have been fully considered, which will be on or shortly after February 16, 2021. On behalf of acting commissioner, thank you for participating in this hearing. This hearing is adjourned at 9:29 a.m. on February 9, 2021. Thank you. State Washington employment security Department EIDE ComWAESDBreathed cane BrettKane Brett Kane @esd.w WhackACt spawnSponek Lynne Jeanette Physicallyiesst test test test test test test test test test test test

Pest pest test test test test test test test testT test test test test test test test test testsee chid Standing by...

>>

>>