

>>: Hello?

>>: Hi I think we're just waiting for the con conference to start.

>>: Okay.

>>: It is nine o'clock. I'll just give people until nine oh two to continue calling in and then we'll get started. Can I confirm that Chelsea the stenographer is on the line?

>>: Yeah I'm here.

>>: Hello?

>>: Hello.

>>: Great we'll get started in a couple minutes.

>>: So does everybody have to check in?

>>: No I was just confirming we have someone who's taking notes on the meeting. A stenographer I was just making sure that person was on the phone we don't need to have everyone check in.

>>: Oh. Can you hear me?

>>: I can.

>>: Okay thank you.

>>: Again we're here this morning to talk about two sections of our administrative rule that we're considering making changes to. That is the sole sub subject of this meeting this morning we're not going to be taking questions or concern business individual claims or applications. If people have questions regarding their claim or application please hang up and call our customer care team. We'll be able to help you with that. That number is eight three three seven one seven two two seven three. I think we'll go ahead and get started. Good morning and welcome everyone. My name is bret and I'm a policy analyst for the believe in care division. There are a couple other staff members from the believe in care on the call and I'll ask that they please introduce themselves.

>>: Hello.

>>: Good morning.

>>: Go ahead.

>>: Sorry. Good morning everyone I'm Janet I'm the rules coordinate for the leave in care division.

>>: And I'm Jason bear the I'm the lead policy analyst.

>>: Thanks Jason. So as I said we're here this morn doing review and discuss draft of rule mend that's our agency is considering to our medical leave rules. Specifically to wack one nine two dash six two zero dash zero three five titled when will a weekly amount benefit be prorated asked wack one nine two dash six one zero dash zero four zero titled can an employee back date an application or a weekly claim for benefits. A little housekeeping please keep your mute on by using the mute function on your phone star six. Please keep in mind that's subject of the call will concern a discussion of the draft rules. We will not be discussing other rules and if you have question about your claim or application please hang up and call our customer care team at eight three three seven one seven two two two seven three. That's eight three three seven one seven two two seven three. The draft we'll be reviewing can be found at paid leave dot WA dot GOV slash rule making making. That's paid leave dot WA dot GOV slash rule making. And I think that there may be a bit of an echo Eyre or feedback. Can

everyone just again please check to make sure they're muted you'll be able to unmute when you have a comment. But please just double check that you're muted so we can address that echo or feedback. On that web page if you look at current rule making are several topics. You'll want to click on proration and back dating. And when you click on that it'll you'll see a hyperlink next to the subject draft rules and then the two subjects are there. So I'll give people a minute to find the web page. Does anyone need me to repeat those instructions. We're going to start with the proration rules. Okay are we there? Regarding amendments to this rule again we're start withing one nine two dash six two zero dash zero three five when will a weekly benefit be prorated. These amendments are largely for clarification. We've received feedback the rule could use more explanation and clear examples for the benefit of our staff and employers and employees employees. So as you can see we've restructured sub section three added a new example and some more narrative to the existing examples and removed an example that was confuse doing people. Again all for the purpose of providing clarity. So at this time we want to just open it up to people to offer comments and please remember to unmute yourself prior to speakthen please remute yourself when you finish your suggestion or comment. I don't think everyone's muted because I'm still getting an echo. At this time please whoever has comments unmute your yourself and go ahead.

>>: Hi. My names David. Do you need anymore information from me or can I jump right in?

>>: Sure yeah I'm sorry if you could just state your name and representative capacity if you're from an organization you can go ahead and say who you're with.

>>: Yeah absolutely. My names David -- inaudible. And I work for the marking company -- inaudible.

>>: I'm sorry what I'm going to do is I'm going to mute everyone on the call and then please press star six to unmute yourself after I do that. Sorry for the technical difficulties here.

>>: The conference is in lecture mode. Okay I think that took care of the feedback. David can you press star five. We're not hearing you David. David try star six. Still not hearing you David. Okay well I'm going tune mute everyone and see if maybe the feedback is better because we're not able to hear you.

>>: Conference is no longer in lecture mode.

>>: The star six wasn't working.

>>: Well if I could just please ask that everyone besides David please ensure that your phone is on mute.

>>: I guess --

>>: It's really impossible to hear with all the feedback. Is it possible to use a zoom line or something?

>>: Let me try one more thing here. Jason you try to unmute yourself and see if it works. Not hearing you. Well I think the only way we can get this to work at this point is to just ensure that your line is muted. There has to be one or two people out there who's phone isn't muted and it's causing feedback.

>>: The conference is no longer in lecture mode. Go aheads aDavid.

>>: Okay I'll try. Simple is better. Example one is far more simple -- inaudible -- and it allows it to be able to kind of at least have a good estimate of how much an employee is going to be receiving --

inaudible -- so the only thing I would say if I could advocate would be that the ESD simplifies and uses more of the example one in all situations. Because by having two ways of calculating it the second the other way is not as straightforward and then to have two separate ways to calculate makes it even more complicated for employers to understand. So that would be my only overall feedback on this.

>>: Thank you. I think we were able to catch most of that. Not talking please ensure that your phone is muted. So if everyone could just take a second and check their phone I'd appreciate it. Okay Jason we're in lecture mode try it.

Okay others. We really apologize. E-mail comments to us at rule at ESP dot WA dot GOV. If others have comments

>>: I have a comment. It is Laurie and I'd like to make a similar comment as the prior comment. I believe section 50A dot one five dot oh six oh section two -- general proration calculation. That I think example one fluctuates that intent and it seems that the new sections are designed to address situations of partial week that are the first of the last weeks. I don't see any reason to change calculations in those situations. Using example one as the main method of calculating a prorated benefit carries out the statute or first and last just the same as it does for a middle week of a leave so I think example one serves all purposes. And I think it is untenable for employers or TPAs to be able to apply different and much more complicated calculations for different weeks of a claim depending on whether it's the first or last week of the claim. That creates a lot more complications and I'm not seeing anything in the statute or in practice that would dictate a different type of calculation would be needed. It seems like the regular calculation provided for in example one could be used in all cases.

>>: This is Marilyn. From the economic opportunity institute. And I have a similar comment from the employee perspective. The example in example two that employee was on leave probably for 80 percent of their time, not 70 percent of their time. This method of calculation of spreading the hours equally across seven days does not reflect the way the vast majority of workers actually work. And it unfairly penalizes workers by giving them lower benefits than they are entitled to by law. So that the making clear that the proration is by the number of hours of leave they took relative to their typical work week hours would be much clearer much more fair much easier for employers and allow employees to get full benefits they're entitled to.

>>: Thank you other comments?

>>: This is Derris Freeman. I mirror all the comments that have been submitted so far. I think the other factor to consider is that a simple calculation of average work week hours as compared to leave hours will also be consistent for how employers or carriers are calculating SMLA leave hours as well as other types of benefits. So I love what David said himself better. Better said simple is better and I think that formula works in all cases whether it's a partial week whether they were out the whole week or were approved for part of the week whether it's an intermittent day whatever the situation is. Average work week hours and approved time simple percentage math I think makes everybody's life easier and to the last point I think better reflect the percentage of what that employee -- inaudible.

>>: This is Ali. Represent several employers with employees in Washington state and again reiterating what everyone on the phone has said example one is clear and straightforward and from

what we've understood from conversations with the -- in the past is the applicable way to calculate a prorated work week. Additionally examples between two and three penalizes an employee for having work. Exam toll does not take into account that that employee may have gone back to work on the fifth day whereas employee in example three is doing the same exact thing it's just potentially not reported so it therefore penalize physical I somehow report they worked one of my normal work days where in example two I may have not reported I worked that normal work day because I went back to work on Friday. So ultimately this becomes problematic and does not create equitable pay that we would have seen in example one. That's my comment thank you. This is Ashley brennen from read group. Similar to the last several comments we echo the concern that example two and three don't arrive at this same analysis as example one. And additionally the new analysis could allow employees to use a partial or intermittent leave to gain more daily benefits than someone on a continuous leave so just wanted to point that out as well. Thank you. Thank you for the comments so far other comments on this section?

>>: Hello. I was told to call this number today.

>>: So this call is to this was a distribution list to those in our rule making. This call is specifically to discuss two sections of rules that we're considering amendments to. That is the only subject of this meeting today. Did you have like question business a claim or an application?

>>: No.

>>: Okay did you have comments or feedback on the draft rule that we're discussing.

>>: Um no.

>>: All right well that is the subject of this call call. So if you don't have a comment on the rule please mute yourself you're welcome to stay and listen in please ensure that you're on mute. And you can do that either by using the mute function on your phone or pressing star six. Other comments on the draft amendments to one nine two six two zero three five when will a weekly benefit be prorated?

>>: I have a question if I should be at this meet meeting or call customer help.

>>: Yeah if you have a question about a claim or application call customer care. If you don't have any comments on our rules. That number is eight -- seven one seven, two two seven three.

>>: Okay thank you. Okay not hearing other comments on this section we will move on to wack one nine two six one zero zero four zero K. an employee back date an application or a weekly claim for benefit. We're considering mend tomentose this rule to also provide some clarification and provide room for when process processing claims. For those who have comments I'm still hearing feedback so there's at least one or two people that are not muted. But we are now moving on to employee back date an application. If you have comment please feel free to unmute. And then remember to please mute yourself again when you're dunitic thank you. And a reminder to state your name and if you're with an organization which organization you're with. Any comments on these draft amendments?

>>: Hello this is Marilyn of the economic opportunity institute. My comment is not so much on the rule itself as a comment that ESD should make clear to people what the period is that they have to apply. Just so that people know that. The people you know need to have a deadline. Is it one week is it two weeks is it a month people just needs to know clearly what period of time they have to apply post event to get the benefit.

>>: Thank you Marilyn. Other comments? Okay hearing none last call. Well thank for you your comments and discussion. Just a quick note regarding next steps we will gather these comments and all the comments on these amendments. Determine what should be incorporated and then draft paper work to formally formally propose rule language. Once that paper work is filed interested parties will have opportunity to participate in a public hearing and/or provide written comment tupe and through the day of the public hearing which will be scheduled once we file the paper work. Following the hearing if no substant substantive changes to the mended rules are necessary we will file documents providing a response to each comment in the hearing about the rules. The rules will take effect 31 days after -- inaudible. Unless indicated otherwise. So please if you have additional comments questions suggestions please send us an e-mail at ESD dot WA dot GOV. That's rules at ESD dot WA dot GOV. Again thank you for your participation this morning.

MALE SPEAKER: Bret. SorryBret morning.

>>: Bret sorry. My name is Patricia from Lincoln financial group I was wondering if you could give osrough time line of when you expect these next steps to happen. Will it be a month from now two months from now or will it be shorter than that. Thank you.

>>: That is a good question. I don't have -- do you know Janet our time line. If you give me a second I can address that.

>>: I'm looking it up. Our anticipated filing of the CR one oh two and proposed rule is July seventh which would tentatively set the public hearing for August 10th and we're anticipating filing the CR103 to finalize those rules. Shortly after that. On August 11th is the expected date of September 11th. And I want to reiterate that that's a tentative time line. And those time line asks be lines can be adjusted as need asked any updates to those rules and to the time line and once we file the CR one oh two with those proposed rules will be added to our rule making website.

>>: I understand thank you very much.

>>: You're welcome.

>>: Thank you Janet. Any other questions or comments before we adjourn?

>>: Rules at ESD dot WA dot GOV. Thank you everyone everyone.