

Location	Zoom
Advisory Committee Members	Director, Leave and Care: Justin DeFour Paid Family & Medical Leave Act Ombuds: Edsonya Charles Employer’s Interests Representative: Bob Battles Employer’s Interests Representative: Christine Brewer Employer’s Interests Representative: Julia Gorton Employee’s Interests Representative: Samantha Grad Employer’s Interests Representative: Tammie Hetrick Employee’s Interests Representative: Maggie Humphreys Employee’s Interests Representative: Joe Kendo Employee’s Interests Representative: Gabriela Quintana
Employment Security Department Staff	ESD Commissioner: Cami Feek Deputy Director, Leave and Care: Matt Buelow Chief Financial Officer, ESD: Danielle Cruver Public Affairs Director, ESD: Clare DeLong Government Relations Director, ESD: Caitlyn Jekel Leave and Care Treasury Manager: Steve Zawojksy Operations Manager, Leave and Care: John Mattes Research & Data Manager, Leave and Care: Rebecca Grady ESD Managing Actuary: Eve Sheng Economic Analyst 3, Leave and Care: Brian Kennedy Legislative Coordinator, Leave and Care: Roberta Kowald Transformation Manager, Leave and Care: Alison Eldridge
Notes by	Sonya L. Wilcox, Court Reporter
Agenda	Introductions and approve march minutes Program & Financial update Ombudsperson update Current Program Priorities 2023 Legislative session summary Workgroup Updates Topics for may meeting Open Comment Adjourn

MR. BUELOW: Let's go ahead and advance slides, and let's talk about the agenda today. As you know, we will do our introductions and see if we care to approve minutes for the March meeting. We will do our program and fiscal update. Edsonya is going to give us her ombuds report from I believe it's 22nd. She will correct me if I'm wrong. I think we are going to have a conversation about completing the paid work.

Caitlyn Jekel is going to give us a legislative wrap up, and then we will have workgroup updates, and we will talk more about future meetings, dates, times, and things we might want to talk about, and then we will have our open comment period and end the meeting.

So, if we can advance one slide, please.

Just really briefly, if you are on the committee, feel free to raise your hand, jump in at any point. If you are not on the committee and not a presenter, please keep yourself on mute, and we will give you the opportunity to speak during the open comment period at the end.

Let's advance one more slide, please. So, let's do introductions. I will go through and just go in the order that you all appear on my screen. Justin, would you start for us, please.

Introductions – Advisory Committee Members

MR. BUELOW: Fantastic. Are we expecting -- does anyone know if we are expecting Maggie and Julia?

MR. BATTLES: Julia not.

MS. CHARLES: And Maggie also not going to be here.

MR. BUELOW: Let's go ahead and get started. We circulated March notes via email to the committee. Do we have any motions to approve or any conversations around the notes?

MR. BATTLES: I apologize. Do you know when you sent them?

MR. BUELOW: Roberta, do you know?

MS. CHARLES: Friday, I think they went out on Friday.

MR. BATTLES: I saw a Friday general thing, but I didn't see notes. Who did they come from.

MS. KOWALD: It probably came from me, Bob, but we can send another one.

MR. BUELOW: We can hold off on that for the next meeting, as well. Not a problem.

MR. KENDO: I'm okay either way. I move we approve the minutes.

March Minutes were approved unanimously

MR. BUELOW: With that, let's move into our program update. We will have Steve or Brian, and also John Mattes will give updates around what's going on with our program.

With that, Steve or Brian? I'm sorry.

MR. KENNEDY: So, I will talk to you. I'm Brian Kennedy. I'm from research and data. I will be going over some of the data trends we are seeing. So, we will start out with claim applications.

As you can see, March was a high month. It was the highest outside of program launch. If you kind of look back at the trend, then August, the summer of last year, was the third highest.

It's about 16 percent more than we saw in February, which kind of makes sense. February is a short month, less time to get applications in there. And that's pretty standard, and it's about 20 percent more than March of last year, which is kind of following in line with what we have been seeing year-over-year growth rate in these, kind of nothing new, that it's kind of following the same trend.

I did look back a little bit to look at February to March of last year, and that growth rate was about 16 percent, as well. So, we are kind of still in line there.

And then I went back a little further, because there is this like volatility period between the holidays like December to March, and that kind of mirrored exactly the same, too. So we saw higher volumes, but, overall, that average month-over-month growth rate was pretty much the same.

So, we have seen this volatility. We saw it last year, and if things kind of continue, we should expect to see April kind of slide down a little bit compared to what March is. And preliminary data of what we have seen of April so far is that is following suit. So, we should see a slight drop next month once everything closes up. Again, you are seeing the composition shift, not more but kind of continuing that trend towards medical. It's about 66 percent to 44 percent, and medical to family and the rolling month average is about 23,000 claims on a regular basis.

Did I lose the slides, or are they there for everybody else?

MS. GRAD: No, we lost them.

MR. BUELOW: One minute.

MR. BUELOW: Can everyone see and hear me?

MS. QUINTANA: I can see and hear you, and I can see the presentation today.

MR. BUELOW: Obviously, we had some technical issues. I'm glad we are back online. Brian, I will hand it back over to you.

MR. KENNEDY: I think I rolled up -- finished up on claim applications. So, if we want to jump to the next slide.

Can you all hear me just to make sure that got relayed?

MS. GRAD: If Brian is on here, I cannot hear him. It is just me.

MR. KENNEDY: The slide hasn't progressed. Is it just me?

MS. GRAD: No, it's still on claims application submitted by type.

MR. KENNEDY: All right. I mean I can try and walk through it. I can pull up on my side, but it wouldn't be helpful to not see it. I will just kind of hold off for a second.

MR. BUELOW: One minute again. Sorry, everyone. If we lose everyone again -- I hope that doesn't happen -- we will come right back again.

MR. BUELOW: It looks like we are back again. We are also working on making sure we have backup to keep running, if we continue to have these issues. Again, my apologies and thank you for your patience.

Okay. I should be able to share now. Just please bear with me as I remind myself how to share on Zoom. I don't always use this platform.

Can you all see my screen?

MR. KENNEDY: Is this the PDF versus the Power Point?

MR. BUELOW: Yes, it is.

MR. KENNEDY: You would probably want the Power Point.

MR. BUELOW: Give me one second, and I will do that.

There we go. Let me share. Are you able to see it.

MS. KOWALD: You got it.

MR. BUELOW: I think this is where we need to be.

MR. KENNEDY: That's it. We are looking at approval rates and monthly claims attached to them. As we can see, there is no new story with approval rates. We are sitting at about 85 percent. We are right about there most months, so nothing new there.

Unique paid claims in the last 12 months again are showing a shift toward medical. It is about 52 percent unpaid claims compared with 48 percent family.

Then March, we paid on about 40,000 claims, and it's about 21 percent more than March of last year. So, we are still kind of following that same application trend of about 28 percent here with this, as well.

So, then we can jump to the next slide.

MR. BUELOW: Did it go?

MR. KENNEDY: It did not.

MR. BUELOW: Interesting. It did on my screen. Let me try it again.

MS. KOWALD: Now advanced.

MR. KENNEDY: So, here we have our weekly benefit levels. On average for the first quarter of this year is about 999 on claims starting, which is about seven percent higher than Q1 of last year. And, again, we just want to emphasize that January is probably reflective of what we are expecting throughout the rest of the year. It will probably tick up a bit higher, but if this does tick up a little bit higher, but it does tick as it comes down throughout the year. So, March is a bit higher than we should see moving forward and jump to the next one.

And then here we have lengths of leave. We have condensed this a little bit from the detail that we provided last meeting when you asked us. Mostly, here we are showing the trends on the claim and claim year level. All of that extra detail that we pulled off of this slide is still on the dashboard.

So, if you go to our ESD website, you can find all of that extra detail, and that is updated quarterly. So, if you want to dive deeper on the combinations of the types together, you can dive in there.

So, at the claim level, we are seeing both family and medical trending a little lower than last year's average, and then at the claim year level, the last couple months have been slightly higher than last years average.

As you can see, there is some fluctuations happening on month over month, but there is no real major shifts that are indicative of major change other than maybe at the claim level where we are seeing those lower ones trending but nothing really exciting here. They are kind of staying the same.

One thing I want to note is this doesn't quite capture what happened with birth-related claims in June of last year. When you are looking at a month level, you are looking at claims that had their claim year end in that month.

So, we won't actually see those changes for a few months, because any new claims that establish a new claim wouldn't start showing up until June or later. So, we will have to wait a little longer before we get a good idea of how those changes impact lengths of leave comparing claims to claim year. And we can jump to the next slide.

Here we have our fiscal projections, and I do want to call out the elephant in the room here.

This doesn't include any of the that \$200 million that was passed into the budget. This was all developed prior to any of that coming to fruition. And once that all gets signed and settled, we will have a better idea of when that money will be coming into the account. It is before the end of the biennium. I believe it says by June 30th. So, it will happen prior to that whole situation.

So, we won't like be running a weekly balance at the end of the biennium, because that money will be there. So, kind of focusing in on this deficit period, it began on March 7th, as you know,

and it will continue until the end of this month. It will be the first time that we will be collecting at that new rate year. We now know that we did top out at the negative

\$140.8 million. So, we have reached the lowest point.

We have already started to see those first quarter -- go back -- first quarter premiums and wage reporting sent in already. I think we have accessed up to \$415 million already. That's not like money coming in, but that's like the first step of it. We know we will be receiving that much so far, and we are expecting somewhere around the \$450 million for Q1, in general, which is about 40 percent more than Q1 of last year.

Like I said, we are seeing that already start to roll in. And once the end of this month happens, we will have a better idea of, you know, what -- how long this will pull us forward and when that actual \$200 million will hit the bank account. So, a lot happening with the account in the next week to couple months.

So, that's what I will give you today, and then I will hand it off to Steve to go into some more financials.

MR. ZAWOYSKY: So, we will talk about medical benefits paid first. March of '23 was the highest month so far in program history at \$120 million in benefits paid, 20 percent higher than March of 2022, 17 percent higher than last month. The preceding highest month before March was January. So, we are certainly seeing that trend in benefits continuing to tick up to some degree.

The first quarter of 2023 was 26 percent higher, and that it should say quarter one of 2022, so last year, amount to about \$70.6 million more than the previous. Year quarter one was about \$15.8 million higher in benefits than last quarter, the quarter four of 2022.

In the next slide, I will show you that, in addition to benefit payments increasing, we are also seeing premiums increase. From quarter one of 2022, we saw an increase in premiums of \$104.3 million. So, we can go to the next slide, please, and look at that a bit.

So, this is our monthly view of premiums remitted. So far, in the first three months of 2023, we have collected \$274.8 million in premiums. Again, that's \$1.43 million increase from quarter one of 2022, a 61 percent increase, and that's primarily due to the

increase -- excuse me -- it's not due to premiums increase, because we are seeing that actually start in April of this year.

And so, the statistics in April so far, so April is a reporting month. And so, we begin to see premiums remitted for the first quarter of 2023, which does include the new premium rate of

0.8 percent. And so far this month, we have seen

116 percent increase from April 1st through April 25th compared to the same dates last year.

This is due to a combination of that premium rate increase and also we are seeing employers and some third-party administrators paying a bit earlier this year than last year. So, next slide, please.

And here is our quarterly summary of benefits premiums and operating expenses. This was updated through the end of March for quarter one. So, again, we see the first quarter of 2023, we paid \$339.5 million in benefits. This is the highest amount to date and increased about

\$70 million from the first quarter of last year.

We are also seeing premiums again increase substantially. We collected \$274.7 million in premiums in the first three months of 2023 as compared to \$170.5 million in the first quarter of 2022. So, that was an increase of

\$104.3 million. Although benefits are increasing, premiums are increasing faster, which is a good sign, a good trend, certainly.

So, if you can see our premium-to-benefit deficits just for the first quarter of 2022 the difference in those two numbers was not bad, negative 98.3 million. In the first quarter of 2023, that number was reduced to negative

\$64.8 million. So, although it's still a deficit, the deficit is decreasing, which is certainly the trend we want to see.

That increased our negative balance at the end of the first quarter of 2023 to \$97.8 million at the end of March, and that was an increase from the previous quarter, quarter four, December of 2022, of negative \$18.5 million. Again, we are still seeing that deficit between benefits and premiums, but it is decreasing quarter to quarter. And next slide, please.

Here is our monthly ending account balance.

So, again, March of 2023, at the end, we were seeking a negative \$97.8 million compared to March of 2022 where we were at a positive

\$19.1 million. Again, although we are experiencing deficits in benefits to premiums, that is causing that decrease in fund balance. It is getting better quarter to quarter.

The balance in the trust fund at the end of February is a positive \$29.3 million, and that return to a negative balance on March 7th. And as Brian mentioned, so far this month in April, we are seeing premium invoices increase substantially from last year. I think he said we are currently at \$415 dollars so far. We are expecting that to increase in the next three days as the end of the reporting period concludes.

We are also hopeful that the FY-23 supplemental budget, which includes that \$200 million infusion, will put us at a positive balance at the fiscal year end and along with the bill, Senate bill 52.86, that modifies the PFMLA rate setting, that the combination of those things should really lead us through the next biennium into thing getting out of the space of having these temporary negative deficits on a monthly basis.

I think that's my last slide, so I will turn it over to John.

MR. MATTES: Thank you, Steve. So, I'm John Mattes.

I'm the operations manager for the Leave and Care Division here to update everyone on application processing and our telephony customer service stats.

So, what you will see here on the slide is our processing time. So, this is the time from when customers submit their initial application until we process the first weekly claim. So, you will see for the month of March, we were able to decrease both the median average for that metric by about 0.4 week, half a week, in that time frame, which was good. So, we have seen that kind of improvement in the month of March.

I don't expect April to continue that improvement. We have spring breaks in the month of April and some increased kind of leave usage, I think. So, I don't expect that trend to continue into April, but we are doing everything we can to kind of continue to improve our processing time for additional applications.

Next slide for me.

Here is our telephony -- I think I see a hand, sorry. Edsonya?

MS. CHARLES: I just wondered on that previous slide whether redeterminations are captured in that, or is that just initial applications?

MR. MATTES: Great question. So, included in this data is all applications. Redeterminations are included in this data set. So, if a customer has a redetermination, it does get included in this, in this data, which, again, is from initial application to the first week of a claim being approved.

MS. CHARLES: Thanks.

MR. MATTES: As you see here, here is our telephony stats for the month. So, for the month of March, are in line with what we have seen in our previous months, so not a lot of movement in our connect rates, but we did see a pretty significant increase in a queue time in a positive, so a decrease in the queue time. It's about March, in the month of March from what it in February. So, that was that really great to see, and we also, from March of last year, had more calls getting into queue and a 10 percent kind of increase in our calls answered.

We have been doing a lot lately to really focus on call times or calls during the lunch hour. So, a lot of our focus lately has been kind of trying to increase our capacity during that lunch time, which is what has kind of led to the reduction of overall queue time here, and we are seeing our max hold times improve as a result of some of the work we have been doing in this area.

With that, I think that's all for me, unless anybody has any questions. All right. I will hand it back over to Matt.

MR. BUELOW: Thanks, John. It wouldn't let me advance the slide for a second there.

With that, Edsonya, I'm going to hand it over to you to do your report for us, please.

MS. CHARLES: Good afternoon, everyone. So, I apologize. There are going to be some slides in here that weren't in the original packet. So, I apologize for that, but it will be on the website with the other packet -- with the other information when we proffer this meeting is over.

So, here is our 2022 call data. I will say we continue to see the calls decrease. So, this is about half the number of calls that we got last year from a high of about 3,000 calls in 2020.

I think, in large part, the drop in numbers is due to the improved time in processing applications, the improved time in answering phones, and reduction in call times. So, in 2020, I would say almost every call there was a complaint about not being able to get through to the customer care. We still get those, but it's really infrequently.

I do want to thank people who we work with.

We would not be able to do or work a presentation without. So, Roberta Allison, the incomparable Christine Dickerson, (inaudible) with my office, the whole customer support lead supervised by Heather. So, thank you. I think we can advance the slide.

So, this is our list of ongoing issues and concerns. So, I'm not going to spend time. I'm going to highlight a couple of these. If there are questions, I can certainly talk more about them.

So, the not implemented, some of these things -- so, this is a 2022 report, some things are now on their way to implementation. Some are based on the package of 5586. And in the room for improvement, not all the improvements are improvements that I think that Paid Family Medical Leave can make, and the short-term disability providers is an example.

There still seeming to be a lack of clarity that short-term disability providers are giving to their customers about the interplay with Paid Family and Medical Leave and short-term disability, and whether the short-term disability provider is going to withhold a portion of the short-term disability payment based on improvement or predicted improvement of Paid Family and Medical Leave. So, we still get a number of calls about that issue.

Redeterminations, I continue talks with staff about there are two areas that are of concern.

One is that I wish that it were easier for people whose leave is extended to be able to get a redetermination. So, what happens, if you were originally approved for leave, your doctor gave you let's say six weeks, you go back to the doctor, they extend the leave for longer. You have to have go back and wait in the same manner that you waited when your claim was initially decided. Granted, it is in a different category. It is a redetermination, but the wait period is about the same.

The other redetermination where the wait period can be quite long and painful for customers is instances where an employer failed to properly report or failed to report at all the employer's wages and the employee's situation and hours. So, the employee was denied benefits, because there is not a record of them working the 820 hours.

The employee then, after the determination is made, is given an opportunity to upload their pay stubs, but then the employer is given ten days to respond. The Department notifies the employer there is a discrepancy in wage reporting, and the employer is given an additional ten days, plus time for mailing, which works out to be about

14 days for the person to respond.

So, in these cases, it takes probably six weeks, eight weeks or so for someone who was denied for no fault of their own for their employer's failure to report to get their benefits.

Healthcare provider, medical certification issues, we hear complaints of medical providers charging for completing the forms, requiring an appointment for the forms, of also healthcare providers having their own internal politics and issues about how much leave they will provide sort of and making a blanket rule for all people that category as opposed to the individual circumstances of a particular customer.

And then unlawful acts are complaints that there is a lack of transparency. So, employees who file a complaint alleging their employers committed an unlawful act, they are not able to determine or they find it difficult to determine sort of what the status of that is until a decision is made.

So, still a lot of questions on FMLA, Paid Family Medical Leave stacking. So, I put that in the room for improvement, because there is a lot of misunderstanding with both employees and employers. There's not -- I still think there is some ambiguity that might take a legislative change to fix.

Adoption and placement, I think we brought this issue forward in the first year. Just because of the nature of most adoptions in Washington, most children who are adopted have been in foster placement with that family for some period of time prior to the adoption. So, parents being disappointed that they are unable to take bonding leave when the adoptions is finalized, because it's been more than a year since the placement.

Any questions? If not, I'm going to roll on.

Okay. Next slide, please. So, hardships and accommodation requests. I would like to thank the incredible hardship team that we work with, as well.

So, many of you I'm sure will remember, when the program launched, there was an attempt in March of 2020. So, after the launch but in March of 2020, there was a 10- to 12-week wait for benefit approval. So, we started a hardship request where someone could request accelerated review of their application, if they had been waiting at least four weeks and could demonstrate imminent financial harm.

So, we first defined that as a utility shut off, an eviction notice, or something of that nature. When we brought it to advisory, advisory asked that that definition be expanded to people being unable to pay their bills, unable to

buy -- pay for medication, or needing to buy diapers. As you see, there were very few requests.

People are not waiting four weeks now, and that's a huge improvement in the process and to the customers. So, you see there were very few requests approved, but still there was a great need.

So, March 20th, we changed the requirement to people only had to be waiting one week and show imminent financial hardship and reverting back to the initial definition of imminent financial hardship being a utility shut off, an eviction notice, something more than just being unable to pay your bills, and that was because, for a number of reasons, it was clear that there was a need, but according to an October 2022 News and World Report, 63 percent of Americans live paycheck to paycheck. So, there are a lot of people who are unable or who have some financial difficulty meeting their bills with missing a single paycheck, which is true of most people who apply for the program. So, we went back to that original definition of what financial hardship meant.

Then the last category I'm reporting on there is reasonable accommodation requests, and those are requests from people who have a disability or some other unique situation that makes using the regular process difficult. So, most of the people who fall in that unusual circumstance are people who don't have internet access, who are illiterate, or some other reason is preventing them from getting access.

Go ahead, Bob.

MR. BATTLES: Forgive me. Maybe is it a conversation we had back in 2020. I don't recall the conversation, but how do we move back and forth from a definition? Where is this definition located, and how do you keep changing it back and forth? How would you do that, if it's in statute or WAC or what?

MS. CHARLES: This is not in statute or WAC. It allows -- it's not a determination, not a determination that allows people to go into the front of the line. So, it's not in policy. It's not anything. We just changed it on the website.

MR. BATTLES: It has to be a policy or something to be able to do it. I guess my concern I'm raising is that by not being a policy or WAC or statute, we are creating something that doesn't meet -- I mean you're going to have somebody else challenging why their system is not -- you know, why they are waiting for claims. I understand the hardship concept, but I'm not sure it shouldn't be in something like that. And then we would have to define what that definition is, and I just don't know if it's based in statute or not. I understand the concept and where we are trying to go. I question whether we have the authority to do it.

MS. CHARLES: I will say that we borrowed -- well, I don't know if "borrowed" is the right word -- but something that is done in UI that has been done for many years. The difference in UI is not an outwardly visible thing. So, under Paid Family and Medical Leave, a worker can apply for it and submit their request for accelerated review. In UI, they have to make the request. They have to call the Department and make the request for accelerated review, and that's not something that is established in the RCW or WAC under unemployment, as well. So --

MR. BATTLES: Again, it might be under Policies and Guidelines, and it also might be under federal. I don't know. I'm just saying we have to make sure we are in compliance, because somebody else could challenge we are treating them differently under the program on standards that are not set forth someplace. I just raise that as a concern that we probably should think about and understand.

MS. CHARLES: Thank you. Other questions? Thank you.

MR. BUELOW: Edsonya, I appreciate it. I'm going to talk through our program priorities. Okay. So, what I wanted to do today was ask for your input as committee members. You know, as we talked about last month, we are working on putting together a plan to complete the Paid Family and Medical Leave implementation, and in doing that, we are -- we have put priorities into really two categories, not any more or less important, but when do we think we should be working on them, and can I talk about why these things are in particular categories, as well. So, as we develop that cohesive plan, we want to make sure that we are doing the plan in a way that meets your expectations, right?

So what we are proposing is in the now bucket, the things that we work immediately -- which is not to say we don't do any work on the next ones, so it can get a little confusing -- we have in there two things that are currently in progress. So, we are recommending continuing to complete those. We don't want to stop work. You know, as we talked about last month, we don't want any of this planning to prevent us from starting or completing any of these things, and it will not.

So, we have been working on the Paid Family and Medical Leave and unemployment insurance and L&I cross-match. We have implemented a relatively simple and new manual process, which we -- to help us identify and prevent payments in these situations. It's not to the level that we need it to be in the technology or robust enough.

So, we want to continue to improve that and do it as we need to.

Child support, as well. We have talked about that one in the past, too. We have been and continue to work with the Department of Labor and Industries to come up with the solution that meets everyone's needs, so that we can comply with that part of the statute and get money into the hands of deserving parents. So, we are recommending that we continue to progress that one forward.

You will also notice that we have our three bills that passed the Legislature this year. The reason we are putting those into the now category is they have legislative mandates and timelines like all legislation, and we want to honor those commitments that we have made and don't think it does any good to not honor those. So, we are proposing that we work those as we have talked about throughout session.

Bob, I see your hand, and I will stop.

MR. BATTLES: I'm sorry, Matt. I feel I have to say something. The original bill had legislative mandates and timelines, too, and we still haven't hit that. I have concerns that we aren't finishing what we need to do to take on new work on new bills. I understand that the mandates apply to the earlier bill, too. So, I just -- I just caution that that -- my frustration again.

MR. BUELOW: Are you suggesting that we don't work on those before completion --

MR. BATTLES: No, I'm suggesting we got to get the original bill done.

MR. BUELOW: Absolutely.

MR. BATTLES: We haven't done that, and until we do that, we still haven't fully implemented the original legislation from 2017, and we are now putting priorities -- again, we are going to talk about priorities.

We are going to talk about it again over this next month, and we are getting together and talking about it, but the concern I have is that we are doing that and not addressing what I think are basic priorities that still haven't been implemented from the original bill, and those were critical to and keep changing. Maybe it's because the goalpost gets changed on you folks by new legislation. So, I understand that, but I have a real concern with the reason being that you have mandates on the legislation, you had mandates on the original legislation. So, thank you.

MR. BUELOW: Understood. Thanks, Bob. In the next category, we are talking about everything else we have talked about, getting benefit overpayments implemented, penalties and interest, collection of those things, conditional payments.

One minor thing in the law that we did not talk about last month, which was just an oversight on our part, there is also a requirement in the law that we report as part of reporting the county and the legislative district of our benefit recipients, and that is something we haven't yet done and we have to figure out how to do, because it's not a data set that is easily discernable. So, Sam, I see your hand, please.

MS. HETRICK: Just curious. I know this is obviously a really big list. We did those workgroups last year, and I feel like we got kind of three different policy area things to implement close to the finish line but have not actually implemented any of those from last year. Where do they fall on the priority list, because I don't see them here?

MR. BUELOW: So, you don't see them here. That's correct. You know, I think we talked about last month whether or not we wanted to I guess pause, for lack of a better term, the workgroups and the work we were doing in order to finish the completion of the legislation, and our take away was that that was the ask. Perhaps we misunderstood, and if that's the case, please let us know. We are happy to talk about that.

MS. GRAD: I can't speak for the whole group. I won't say whether you misunderstood that or not. It might make sense for it to be the third, a chart that's not on this slide, of like now, next, later, like that is the buckets that exists after this chart, or is that what you guys are thinking?

MR. BUELOW: Yes.

MS. GRAD: It's not off the list. It's just not on this small list.

MR. BUELOW: Correct, yes. That's an excellent way to put it, and we will go through more detail when we have the plan next month.

Some things, right, we are going to need to do in order to build other things on top of it. So, some of those things we have talked about might be work that we need to do before we can do some of this other work. I can't say that it is or isn't as I sit here today, because I don't honestly know, but just know that that is a conversation we will be having.

Any other questions or comments on this?

Okay. I do want to acknowledge, you know, Bob, your comments. I hear you, and I want to know what the committee would like us to do with that information.

Would the committee like us to consider a plan where we don't implement the new pieces of legislation in favor of these other things, or would you like us to plan in meeting those? I just want to make sure we are meeting your needs and expectations as we build this out.

If you want to think about it, we can talk about it later. That's fine, too. I totally get that.

MS. HETRICK: I do think we need to really have a robust list of all of the things that are working, on how they network together, where you think priorities are, in order to complete part of those other tasks and just make sure we are not losing sight of anything. I think that's the concern. Like employer opt-in is a perfect example where it just kind of got delayed and delayed and delayed. So, I think it would be really value for us to really focus on where we are at with all the different things that we have to do.

MR. BUELOW: Okay. It sounds good.

MR. KENDO: And I'm not trying to pile on, Matt, but I think it would be helpful, and if I missed this, and I apologize, but, you know, certainly we, as stakeholders, have priorities and things that we are, you know, wanting to sink our teeth into and frankly make you do, but, you know, there's also laws and stuff, right, that drive a lot of your work. So, I think it is helpful. I mean this chart, you know, this list of things is helpful, but I think maybe in advance of the next meeting, so that we have some time to stew on it and kind of balance our core interests versus what it is you have on your plate would be helpful? If we had a very clear list of sort of everything in the queue that you have identified and what the agency's opinion is in terms of like what you must do, because there's, you know, statute that is driving it.

I mean I would agree with Bob, the extent to which there are still things left undone from 2017 seems like something worth prioritizing, but laws are laws, and a bunch of them have passed in the last few years. So, I know you kind of have to take all of that at once.

But something like what you have on the screen right now, if, we as a committee, could get that sent to us within the next week or so, that is sort of your full accounting of everything and what it is the agency things needs to be prioritized. So, we individually could sink into it and maybe come into next month's meeting with a clear conversation with us, and we can have that very informed conversation about what together we think the priority should be over the next 12 months or so.

MR. BUELOW: That's great. Thanks, Joe. We will figure out how to do that and what to do there. Okay. That sounds really good. And then we still are planning next month to bring a draft plan on, not a finalized plan, and then we can talk about there why priorities are -- why we thing the priorities are where they are and that sort of thing and collect feedback and take that in and work what we need to. So, it sounds good.

Any other questions or comments on this slide?

Next I'm going to talk a little bit about the process of how we are going to get to a plan, okay? So, our next steps we are currently in the first box there. So, we are figuring out what the right -- what we think the right scope is for each of these pieces of work, and then we are putting together what are the dependencies, the enabling work, any constraints we have, those sorts of things, because that needs to be part of the plan.

And we have not quite started this yet, but we will have it ready, the level of effort and any resources, needs that we see, and talk through that. We will bring that back to you all to get your feedback, and then we will finalize that plan and execute it, and we will be again working on things as we are putting that plan together, as well.

And the timeline that we are thinking, right, I think we will fit really well with what I'm hearing here. So, right now, we are working through the analyze-and-define state. We will also gathering some feedback right now. So, we can come back with hopefully something closer to what you're expecting. The next month we want to be gathering feedback on that plan, and then over the summer finalize it, execute it. We have planned a long meeting in June. So, I'm hoping we can use that time, and that's our thought on the process and the timeline. Are there any comments, questions? Gabriela.

MS. QUINTANA: Matt, are these specific to those issues you talked about a few seconds ago, or do you see anything in here about taking time to actually, you know, digest the -- all the issues that everybody is worried about that should be included but are not? So, would this just be for those particular issues?

MR. BUELOW: I think it can be what we need it to be, and, you know, as what we took away from the last conversation was that what you all were looking for was a plan to prioritize and finish the legislative mandates in the original law, and we know there's a lot of other really important work. Arguably, some people might argue it's more important in some areas, right?

So, we were not building that directly into this plan at this point, because it was the plan to complete the initial legislative implementation. However, if you would like to us do that, we can go back and broaden the plan. It might take a little longer to be perfectly candid, and it would probably require some consideration back and forth, but we are happy to do that. At this point, I'm willing to take direction from you all. What is it that is the most helpful and useful for you all?

MR. DEFOUR: Just to jump in to piggyback on that we have been pretty clear for the last handful of months, our marching orders right now is to finish the law, as Bob stated. We have those items on our list.

I mean, ideally, we would be able to just focus on that alone, and we wouldn't have the new legislatively-mandated pieces to implement, but we do. So, those are priorities, as well. With everything we know, our additions to the program and iterations on what we already have implemented, those things are on a back burner right now with what we know is really critical to finishing out what we have to do.

So, I have been working with our team to really nail that down and hone in on that, so we can get that done, and then we can get to the authentication. We can improve this program as we, you know, heard from all of those folks last week that it was so critical for people's continued success in this program.

But as it stands today, we have been very clear on we want to finish what we have left on the table for the original PFML law, and that's where we are really spending our time to really get that done as quickly as possible.

And to Matt's plan, we are doing thing right now. They are not ideal with the full implementation, and we are currently working on two of those pieces out of the five that are left, but, you know, the full implementation is what we are trying to get to be able to then focus on what we need to really make the changes to the program as necessary.

MS. QUINTANA: Thank you.

MR. BUELOW: Thanks, Justin.

Any more discussion? Okay. It is 5 o'clock, and I don't want to stop the meeting. We will continue to go. If the team is happy to continue on, we will go as quickly as we can. My apologies. If anyone needs to leave, completely understand. So, I'm going to move head and quickly hand it over to Caitlin, if you don't mind doing a quick recap of the legislative session for us.

MS. JEKEL: Thanks, Matt. So, as you all are keenly aware, the bills that we have been reporting to you on throughout the legislative session are in various stages of having passed the Legislature, some of which having been signed by the governor, and some of waiting for the signature.

But we are starting to look to the work and moving the implementation of these bills and will be filing rulemaking notices on the pieces here that require rulemaking shortly after the governor had signed.

So, as you recall, 1570 is a bill that creates a pilot for how the TMC companies can pay the cost of premiums for TMC drivers that elect for paid leave coverage. We are working towards an implementation date of July of 2024 that that process would start for drivers and TMC companies, but we have behind-the-scene implementation work to do as we move toward that deadline, then of course a report ultimately in 2027 where we will report back on the outcomes of the pilot.

We have minimal work to do, some minor rulemaking to implement the paid leave premium provisions bill. That is implementing the results of the legislative task force and then of course development work we have spoke to you about multiple times to change the way that employee data is available for businesses to be able to support individuals that are on paid leave claim. So, that includes the type of leave being taken and affirming whether or not the employee was approved or paid during a given week, and that we have an implementation date of January 2024.

And I think you heard earlier, of course, in addition to 5286, we also have the \$200 million investment in the PFML account that helps stabilize that rate as we move forward.

So, does anyone have any questions or comments on bills at this stage?

Okay. Well, thank you all for incredible collaboration this year on these. I know you all did a huge amount of work on this, as well, and gratitude. Yeah, Christine?

MS. BREWER: Caitlin, I just I wanted to say thank you for being available at short notice and working through. I know the data bill came late from our side. And so, I just I really appreciate, you know, the last minute meeting us in Pritchard and you teams chatting with your technology team just making sure that, you know, we had the right information, and not all state agencies are available like that. So, I just really want to thank you for the collaboration and our labor partners for working with us on that bill.

MS. JEKEL: Absolutely. Thanks to you for your work on it, as well.

MR. BATTLES: I would echo that. Thank you, folks.

MS. JEKEL: I'm handing it back to you, Matt.

MR. BUELOW: Thanks, Caitlin. Okay. Allison, is there any workgroup updates? I think Rebecca wanted to talk about a potential workgroup.

Rebecca, you're up.

MS. GRADY: You may remember in the summer, we typically go through our process to, you know, look at how -- for projections to look at how actuals have been trending; how, you know, other sort of progress; changes might be affecting things; and improving methodology as we get more historical data, all that good stuff, and we have typically gotten your input in that process throughout the summer.

And since we started this workgroup structure this past year, we thought that that might be a good way of going through it, and there is a slide on this, if you click to the next slide, where especially this year we have launched the ESD, the Office of the Actuary.

So, it's kind of even more changes than our typical kind of assumption revisions that go into changing, you know, updating the projections.

And so, we thought this might be a good opportunity to have a workgroup to really dive deep, have an opportunity where you can share in more depth and have more discussion around the short-term and long-term plans for your fiscal projections, having that discussion with the advisory members who are interested in getting into details, get your input on the assumptions baked into the models and so on.

And then, of course, with other workgroup, we bring back the kind of higher level results of what do projections look like based on these things to the broader advisory committee meeting.

So, if you're amenable to that idea, we would love some volunteers to participate in a projection workgroup, and of course any other thoughts or comments or questions, please ask or share.

MR. BATTLES: Rebecca, this is Bob Battles. On the physical projection, I think, first, it's an idea. Thank you. In other groups that we have -- several us sit on like worker's comp advisory committee, we do a physical subcommittee, and we actually invite all of the members.

Is there a violation or any requirements why we can't invite everybody to sit on that, and, you know, whether you make it or not is a different thing. But I think it's the kind of information that -- it would have to be a separate meeting. I understand that, but to me it's like the value of something like that for having all that knowledge at once given to people as opposed to splitting it up and then reporting it back, although you would still report back to a large group there. Does that make sense?

And if there is anything that would bar that, let us know. That is something I would throw out as a proposal, that everybody gets invited and then we see who can make it, but, again, I think it's important to have everybody involved in the physical stuff.

MR. BUELOW: We will look into what our options are there.

MR. BATTLES: Thank you.

MR. BUELOW: I think the best way is we will just follow up via email what we uncover there and see what our options are and then can figure it out from there.

MR. BATTLES: Just let us know. If we have a restriction why you can't have more than two of each, because the public meeting stuff, that's fine, too, but let's just -- I think it's the kind of information that would be helpful for everybody to get.

MR. BUELOW: Absolutely, it makes sense. Anything else on that?

Roberta, I'm going to going to hand it over to you to talk about the next meeting.

MS. KOWALD: I was unmuting. My apologies. So, after discussion with everybody, the next meeting we are going to change the time from 1:00 to 3:00 instead of the 4 o'clock. It's still going to stay the last Wednesday of every month. I think there's one exception we have coming, but that's several months down the track. So, that's what we are going to be doing. It is still going to be virtual, but I know there was some discussion last meeting and in the past about possibly resuming in-person options in June.

So, I think in the interest of time what I'm going to suggest is that people let me know if you want -- if you are thinking about coming back in person in June, if you want to keep a hybrid, what the plans are there. We can do several different options there, and also if there is some other topics you think.

We had a pretty full agenda today. So, I know for our May meeting we have got a lot, but if you come up with any other topics that you would like to see on the agenda, just shoot me an email and let me know.

And Rebecca asked that, advisory committee members, we do need to include some written comments in the expanded family member report that goes out in June. So, Matt, you're a little more familiar or Rebecca, you're both a little more familiar with exactly what that ask is, but we are going to be putting a bug out for May that we are going to want some comments about that.

MS. GRADY: We have a draft we are working on internally. We will be sending it to you all once it's finalized, and this is the requirement in the 5097 for an extended family member that we include advisory committee member or comments about the report attached to the end of the report.

MS. KOWALD: Cool. So, we will be making sure you get that. I would also like to point out I will make sure that you all get the presentation you got today and which differs from the one you got last week, and, Bob, I will check on those notes for you, so that you have those, and we will make sure everybody gets those.

MR. BATTLES: We had an email glitch last week. I don't think I even got the notice, the emails, all that other stuff here. So, that would be helpful.

MS. KOWALD: I will just send it to you again, because things go awry as we saw today. So, I will make sure that you get all of that, but, yeah, anything else, Matt, that you wanted me to mention?

MR. BUELOW: I mean the only thing is for next month, I think we need to plan for the agenda to be talking in more depth about competing the work as we were talking about here today and continue that conversation.

So, if there are other -- other items that would be of interest to you all, if you could let us know, and we will see if we can build those into the agenda. But outside of our standard topics, that's what I'm thinking, and that's where I'm hearing the energy. So, if that's not the case or something else, let me know.

MS. KOWALD: I wanted to echo a comment that Joe made making sure that some people have materials prior to the meeting, so you have time to digest them and kind of think about -- it's hard to envision priorities when you're not sure what's on the list. I need a list in front of me. I need something that I can look at directly. So, we will talk some more, Matt, and we will make sure that everybody gets some materials ahead of time, so that you know what it is that you're - so that we can help you make some decisions and help us make some decisions.

MR. BUELOW: Absolutely. Christine?

MS. BREWER: I was just curious. So, at the next meeting on the budget proviso, and maybe this is more for Caitlin, but are you going to dive into a little more detail about what that looks like? I know we were all still digesting session, but will that be on the agenda?

MR. BUELOW: It certainly can be.

MS. KOWALD: It is now.

MR. BUELOW: It's a great idea, Christine. Thank you.

MS. BREWER: Thanks.

MR. BUELOW: Anything else?

MR. BATTLES: This is me again. Thank you very much, and I appreciate your patience on that. I would say that, when we start looking at the plan, I think it's important for anything new or old or anything having that expanded list of everything you think is out there, so that that allows us to look at the big picture much clearer as opposed to finding times when there might be something that we didn't consider that we might need to decide to prioritize above it.

I understand the limited amount of time for everybody and having the limited amount of resources, but having everything you think is out there is important, so we can see the full picture, and as I think Joe said, having it earlier than the meeting, so we can actually discuss it and come in prepared to have a discussion.

MS. KOWALD: Yeah, Matt. Thank you.

MR. BUELOW: I think largely -- I don't know for sure we have got to take a look at it, but it will largely be the lists that we shared last month.

I know we don't have it in front of us right now, but we did share a list of here are the other my priority things we have heard from you and things. So, I think it will probably be a machination of those and a couple other things.

I think that is probably the right level to have those discussions as opposed to each and every detail of what we need to do in the technology and things like that.

MR. BATTLES: I'm not asking for a step A, B, C. What I'm asking is what are the projects, other projects, that you think are out there, and then we can have the discussions of do you think one is easier or harder to get done, but I think understanding all the projects, so there aren't surprises for the group.

MR. BUELOW: That makes sense, and we will get something circulated as quickly as possible, so you can have in front of you to be thinking about, as well.

Christine, is that a new hand, or is that still up?

MS. BREWER: That's old. Sorry about that.

MR. BUELOW: No worries. I wanted to open it up for

any comment from the public at this point, and again thank you for your patience. Apologies for the technical issues. Kevin?

MR. HEIM: Hi. I just wanted to give some comment about the concern about the hardship process. I think the question raised about whether it's something that is allowed to be done, I think is something to look at. I think it's a fantastic program to offer.

I also have concerns about how publicized this is. Obviously, it's a very important and critical thing for people in that financial situation to receive their benefits and receive their benefits quickly, and in kind of -- as I -- it was something I have never heard of before as an HR professional. So, I was kind of surprised to learn of a new feature of Paid Family and Medical Leave, and it's very important for me to know about as an HR professional to advise an employee who may need to know about this.

But in reviewing materials on the Paid Family and Medical Leave website, I notice it's not in the benefit guide. It's not in the patient and family guide. It's not in the parents' guide.

The only way I was actually able to find the landing page for the hardship was to do a Google search of only show me results from paidleave@wa.gov. It is not even findable on the search feature on the Paid Family and Medical Leave website. So, just something, if there is a program that ESD wants to continue and the paid leave program wants to continue to push, I think it would be really important to put more language and information out there about this process, so that people who are truly in need can know about it and that professionals like myself can advise our employees to take advantage of it, if they are faced with that kind of situation.

And I appreciate you guys creating this kind of process, and I hope to see it made more widely available and widely known to workers in Washington. Thank you.

MR. BUELOW: Thanks, Kevin. I appreciate it.

Monique?

MS. WEBER: Hi, my name is Monique Weber. I work for a small employer in maritime in Seattle, and I just want to comment on, from an employer's point of view, how incredibly frustrating it is to call your office and ask for information and assistance when an employee has been paid for family leave medical act well in excess of their FMLA and to have a very nice employee tell me there is nothing they did can do to help me, because I don't have more than 50 employees.

You know, the ability for an employer to communicate with you guys is highly lacking.

It's very hard to get information from you. It's hard to talk to people, and it's hard to understand where the federal requirements are versus the state requirement, because I have an employee, to be perfectly honest, whose leave ended May 27th, but you are still paying him leave now, and there's no further doctor notices for his continuing leave, and I don't know which way is up.

And as an employer of 20 people, we don't have an HR specialist, because we can't afford that. So, there really needs to be a lot of effort put into how you interact with the employers. And having to fax and email stuff into the office, it's not -- its not going to cut it. There really needs to be an interface like L&I where I have a scheduled case worker that I can upload leave paperwork with and ask questions with and who understands how to work with employers 50 and under.

MR. BUELOW: Thank you for your input. Appreciate it. Any other comments? Okay. With that, I will go ahead and close today's meeting. Thank you, everyone for attending for all the participation and the robust conversation. Again, my apologies for the technical issues. I'm glad we were able to ultimately get those resolved but sorry for any hardships that created for minute. Thank you so much and have a fantastic evening. See you next time.

(Proceedings adjourned at 5:19 p.m.)