
RULEMAKING STAKEHOLDER MEETING
(VIA MICROSOFT TEAMS)
THURSDAY, AUGUST 31, 2023
OLYMPIA, WASHINGTON

APPEARANCES:

PRESIDING:

JASON BARRETT

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1 BE IT REMEMBERED that on Thursday, August 31,
2 2023, at 9:03 a.m. before DIXIE J. CATTELL, Certified Court
3 Reporter, the following proceedings were had, to wit:

4

5 MR. JASON BARRETT: I think we will go ahead and
6 get started here.

7 Good morning and welcome, everyone. My name is Jason
8 Barrett, and I'm the lead policy analyst for the Leave and
9 Care Division at the Employment Security Department. There
10 are other members from the Leave and Care Policy and Rules
11 Team on the call, and I'll ask that they go ahead and
12 introduce themselves now.

13 MS. JANETTE BENHAM: Good morning. I'm Janette
14 Benham. I'm the rules coordinator for the Leave and Care
15 Division.

16 MS. APRIL AMUNDSON: Hello. My name is April
17 Amundson. I'm the policy rules manager for the Leave and
18 Care program.

19 MR. BRETT CAIN: Good morning. My name is Brett
20 Cain, and I'm a policy analyst for the Leave and Care
21 Division.

22 MS. SARA GOODRICH: Good morning. My name is
23 Sara, and I'm with the Leave and Care Division.

24 MR. JASON BARRETT: Thank you all very much. We
25 are here this morning to review and discuss drafts of rule

1 amendments that the Department is considering regarding the
2 Paid Family and Medical Leave program. The Department
3 determined that only two amendments to the Washington
4 Administrative Code are necessary to implement SB 5286 and
5 SB 5586, both of which passed during this year's
6 legislative session.

7 For more information about what changes the bill
8 made, please visit the legislature's website at
9 www.leg.wa.gov and search for each bill number.

10 The Department also drafted changes to the public
11 records rules to eliminate redundancies and align with
12 agency rules that are already in place.

13 The changes to implement the bills are in WAC
14 192-510-090: How will the Department determine the premium
15 rate for each calendar year? And WAC 192-500-035,
16 Interested Parties. The changes to public records rules
17 are in WAC 192-810-010, Definitions; WAC 192-810-020,
18 Purpose; and WAC 192-810-030, How do individuals and
19 entities request records from the Department?

20 The drafts that we will reviewing and discussing can
21 be found at paidleave.wa.gov/rulemaking. If you look at
22 Current Rulemaking, the second subtitle called
23 "Implementation of Substitute Senate Bill 5286 and
24 Substitute Senate Bill 5586," you can expand that list and
25 click on "Draft rules" to see the text of the proposed

1 changes.

2 If you've called in for this meeting, please keep
3 your mute on by using the Mute function on your phone or by
4 pressing *6. Please keep in mind that the subject of this
5 call is the draft rules document I just referenced. We
6 will not be discussing other rules, and if you have a
7 question about your claim or application, please hang up
8 and call our Customer Care team at 833-717-2273.

9 I also want to ask that if you're commenting on the
10 proposed rules to please state and spell your name and
11 indicate if you are here on behalf of an organization. And
12 I again want to remind everyone that this meeting is being
13 recorded.

14 Before we open the floor for comments, I want to give
15 folks an opportunity to ask any questions about anything
16 I've already discussed, why we're here, where to find the
17 draft rules or any other housekeeping items. Go ahead and
18 unmute yourself using your computer or hit *6 on your phone
19 if you'd like to ask any questions.

20 MS. SIXTA CASTILLO: Hi, my name is -- hello,
21 can you hear me?

22 MR. JASON BARRETT: Yes, we can hear you.

23 MS. SIXTA CASTILLO: Yes. Hello. My name is
24 Sixta Castillo. I am a contractor. I am self-employed. I
25 am under a collective bargaining agreement with the union

1 of the interpreters, Local 1671. I'm not talking in their
2 behalf. I'm talking for myself.

3 (Reporter asking for clarification)

4 My question is I am a self-employed interpreter, but
5 I am a contractor for the State Health Care Authority. We
6 have -- I am part of a union, so I am under a collective
7 bargaining agreement, and the Governor is my employer. I
8 mostly work taking all the state jobs, and I'm considered
9 an employee for the State every time I take a job. I am
10 part of the union who interprets, which is called
11 Interpreters United. I am talking here on my behalf, not
12 on behalf of the union and their (inaudible).

13 My question is -- now that I agree and see all the
14 notifications, I pay for my own leave in case I take it.
15 My question is if I am under a collective bargaining
16 agreement, the governor is my employer, and I mainly work
17 for -- covering (inaudible) as an interpreter for Health
18 Care Authority, why I am not having the deduction for the
19 Paid Medical and Family Leave. I got (inaudible) --

20 MR. JASON BARRETT: Okay. Ma'am, ma'am, so this
21 meeting is to discuss proposed regulatory changes to the
22 program.

23 MS. SIXTA CASTILLO: Okay.

24 MR. JASON BARRETT: We can't answer individual
25 questions about your relationship to paid Family and

1 Medical Leave.

2 MS. SIXTA CASTILLO: Okay.

3 MR. JASON BARRETT: I'm going to ask you -- I'm
4 going to give you a phone number to call. It's going to be
5 our Customer Care team, and they can answer your question
6 for you. Are you ready for the phone number?

7 MS. SIXTA CASTILLO: Yes, I do have the --

8 MR. JASON BARRETT: The 833 number, you already
9 have it?

10 MS. SIXTA CASTILLO: Yes. That is Customer
11 Service, right?

12 MR. JASON BARRETT: Correct. Go ahead and give
13 them a call. They can answer general questions about the
14 program.

15 MS. SIXTA CASTILLO: Okay, thank you.

16 MR. JASON BARRETT: This is a meeting about
17 proposed changes to the rules of the program.

18 MS. SIXTA CASTILLO: Okay, I (inaudible). Thank
19 you.

20 MR. JASON BARRETT: Thank you.

21 Edsonja Charles, our ombuds, I see your hand raised.

22 MS. EDSONJA CHARLES: Yes. Thank you.

23 If you need additional help, you can also call the
24 Ombuds office. I'll give you that number now.

25 844-395-6697, 844-395-6697.

1 MR. JASON BARRETT: Thank you, Edsonja.

2 Are there any other housekeeping questions before we
3 begin?

4 (No response).

5 MR. JASON BARRETT: All right, hearing none, we
6 will move on to our first rule, WAC 192-510-090. Senate
7 Bill 5286 changed the calculation the Department must use
8 to determine the paid Family and Medical Leave premium each
9 year. This rule is amended to establish the time period
10 for which each calculation is applied based on the
11 requirements of the bill in event of an appeal. The rule
12 also clarifies that small business grants shall also be
13 considered when determining agency expenditures with regard
14 to the new premium calculation.

15 Are there any questions or comments on this rule?

16 (No response)

17 MR. JASON BARRETT: Hearing none, we will move
18 on to WAC 192-500-035. Senate Bill 5586 allows employers
19 to access certain data points related to their employees'
20 use of paid Family or Medical Leave. Specifically,
21 employers are now permitted to know whether an employee
22 applied for and received benefits for a particular week, as
23 well as the type of leave being taken. The rule specifies
24 which employers are permitted to access this information
25 and is intended to prevent other employers, who may be

1 considered interested parties for other purposes, from
2 accessing confidential information.

3 Are there any questions or comments on this rule?

4 (No response).

5 MR. JASON BARRETT: Moving on to WAC
6 192-810-010. These changes refer to agency rules in WAC
7 192-02-020 and eliminate a redundancy. One subsection was
8 kept because it is specific to paid Family and Medical
9 Leave. Are there any questions or comments on this rule?

10 (No response).

11 MR. JASON BARRETT: Next for discussion is WAC
12 192-810-020. Repealing this rule eliminates a redundancy
13 because the purpose is already addressed in agency rules
14 under WAC 192-02-010.

15 Are there any questions or comments on this rule?

16 (No response.)

17 MR. JASON BARRETT: Last is WAC 192-810-030, How
18 do individuals and entities request records from the
19 Department? The changes refer to agency rules in Chapter
20 192-02 WAC and eliminate redundant information regarding
21 how to request records. The information that is not
22 changed or eliminated in this rule is specific to paid
23 Family and Medical Leave privacy provisions found in RCW
24 50A.25.040. Are there any questions or comments on this
25 rule?

1 (No response)

2 MR. JASON BARRETT: Hearing none, I want to open
3 it up one final time for any questions or comments about
4 any of the rules that we have discussed today.

5 (No response).

6 MR. JASON BARRETT: One final call, any
7 questions or comments on any of the five rules that we have
8 discussed today?

9 (No response).

10 MS. SIXTA CASTILLO: Hi. I have a quick concern
11 on something I don't understand. What is the minimum fee
12 for --

13 MR. JASON BARRETT: Ma'am --

14 MS. SIXTA CASTILLO: -- self-employed people?

15 MR. JASON BARRETT: Ma'am, I'm sorry. Could you
16 please introduce yourself and spell your name for our
17 stenographer?

18 MS. SIXTA CASTILLO: Yes. I'm sorry. My name
19 is Sixta Castillo. I was the one who earlier asked you a
20 question. What would be the minimum for self-employed --
21 self-employers to pay for your own premium? You say that
22 there's going to be a deduction for this? Do you have
23 already the amount? Is that the same thing, the reduction
24 for self-employed?

25 MR. JASON BARRETT: Are you asking if any of

1 these rules impact self-employed individuals?

2 MS. SIXTA CASTILLO: Yes. And what is the
3 reduction in the premium? You mentioned that in the
4 beginning, that there would a reduction in the premium for
5 self-employed or self-employees.

6 MR. JASON BARRETT: So the premium that
7 self-employed individuals pay is identical to that of
8 employees and employers. This doesn't really impact
9 self-employed individuals any differently than it does
10 standard employees. This rule just determines the math
11 that the Department uses to calculate the premium, and then
12 we announce the premium publicly so that everyone knows
13 what to pay. It basically affects everybody the same way,
14 is what I'm saying.

15 MS. SIXTA CASTILLO: Thank you.

16 MR. JASON BARRETT: Any other questions or
17 comments about any of the rules that we have discussed
18 today?

19 (No response).

20 MR. JASON BARRETT: With that, we will close
21 out. Thank you for the comments and discussion this
22 morning. Regarding next steps, we will gather all of the
23 comments we've received on these amendments to determine
24 which should be incorporated, then draft paperwork to
25 formally propose rule changes. Once the proposed rules and

1 paperwork are filed, individuals will have an opportunity
2 to participate in the public hearing and provide written
3 comments up to and through the day of the hearing.
4 Following the hearing, if no substantive changes to the
5 amended rules are necessary, we will file paperwork
6 providing a response to each comment received during the
7 comment period and hearing and then adopt the rules.

8 Please visit paidleave.wa.gov/rulemaking for more
9 information on when these next steps will occur. If you
10 have any additional comments or questions, please feel free
11 to send us an e-mail at rules@esd.wa.gov. Once more,
12 that's rules@esd.wa.gov.

13 Thank you so much for joining us this morning, and we
14 hope you enjoy the rest of your day.

15 MS. SIXTA CASTILLO: Thanks for your time.

16 MR. JASON BARRETT: Thank you.

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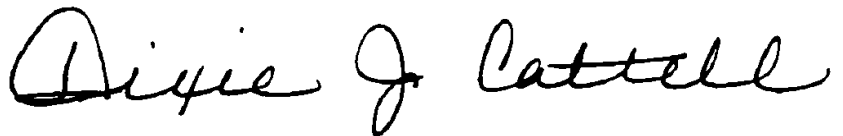
C E R T I F I C A T E

I, DIXIE J. CATTELL, the undersigned Registered Professional Reporter and Washington Certified Court Reporter, do hereby certify:

That the foregoing PUBLIC HEARING was taken before me and completed on the 4th day of September, 2023, and thereafter transcribed by me by means of computer-aided transcription; that the transcript is a full, true and complete transcript of the proceedings;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

IN WITNESS HEREOF, I have hereunto set my hand this 18th day of SEPTEMBER, 2023.



Dixie J. Cattell, RPR, CCR
NCRA Registered Professional Reporter
Washington Certified Court Reporter CSR#2346

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