

PFMLI Advisory Committee

May 4, 2022

1:00 pm – 3:00 pm

ZoomGov - <https://www.zoomgov.com/j/1603758108>

Agenda

<i>Members</i>	Time	Docket #	Topic	Purpose	Presenter
Karen Humelbaugh	1:00 pm	1.0	Welcome	Inform	Karen Madden Humelbaugh & David Gerstenfeld
David Gerstenfeld		1.1	Member Roundtable		
Jeannine Beatrice		1.2	Agency & Program Updates		
Amanda Dalton		1.3	Approval of April Meeting Notes		
Jenny Dresler	1:30 pm	2.0	Rules Update	Inform	Shannon Ball
Linda Herrera		3.0	Outreach & Communications Update		
Eric Hunter	1:45 pm				
Andrea Paluso					
Eva Rippeteau					
Paloma Sparks					
Jessica Giannettino					

PFMLI Advisory Committee Docket

Docket Item:

1.3 – Approval of April Meeting Notes

Docket Summary:

Karen Madden Humelbaugh asks committee members if they have any edits to the notes from the previous meeting. After feedback is addressed, the committee will vote on whether to approve the notes.

Docket Materials:

PDF – PFMLI Advisory Committee Notes 04-2022

Staff Recommendation:

Approve notes.

Meeting:	PFMLI Advisory Committee				
Date/time:	April 6, 2022				
Location:	Microsoft Teams				
Attendees:	P (Present) A (Absent) S (sent sub)				
	Facilitator: Karen Madden Humelbaugh Scribe: Mackenzie Jones				
Members		Staff		Guest	
P	Karen Madden Humelbaugh	P	Mackenzie Jones	P	Kris Araki
P	David Gerstenfeld	P	Shannon Ball	P	Brad McKinney
P	Jeannine Beatrice	P	Ayesha Khalid	P	Lynn Kneeland
A	Amanda Dalton (employers)	P	Danielle Willey	p	Shannon Clesceri (sub for Eric)
A	Jenny Dresler (employers)	P	Michele Roland-Schwartz		
P	Linda Herrera (employees)	P	Kaitlynn Chritton		
S	Eric Hunter (employers)	P	Juan Serratos		
P	Andrea Paluso (employees)				
P	Eva Rippeteau (employees)				
P	Paloma Sparks (employers)				
P	Jessica Giannettino (employees)				

Agenda

Time	Docket #	Topic	Purpose	Presenter
1:00 pm	1.0	Welcome	Inform	Karen Madden Humelbaugh &
	1.1	Member Roundtable		David Gerstenfeld
	1.2	Agency & Program Updates		
	1.3	Approval of Jan-March Meeting Notes		

No concerns from committee members on the January, February or March meeting notes, all are approved.

David Gerstenfeld provided agency updates:

Recently, the federal budget for the Employment Department programs was approved for the federal budget year which began in October 2021. Since October we have been operating under a continuing resolution. The downside to this budget approval is that it is back to historical trends of not providing adequate funding levels, particularly for the cost of administering the Unemployment Insurance program. OED is continuing to highlight the concerns and potential long-term risks to congressional members at every opportunity.

Oregon Employment Department has joined the Tiger Team, working with the U.S. Department of Labor and additional outside vendors and experts to identify additional opportunities for improvement around equity and inclusion for the Unemployment Insurance program and around fraud prevention measures.

The agency has also been invited by the U.S. Department of Labor to discuss the Modernization Project. Recently, they were also invited to a national employer group to talk about the way the agency has engaged with employers to understand their perspectives. OED uses the same approach when speaking with workers by getting input from them upfront.

Karen Madden Humelbaugh provided program updates:

The team is preparing to onboard nine new employees who will join in a variety of capacities over the coming weeks. They are continuing to recruit for a number of additional positions within each of the PFMLI work streams (Policy, Operations and Outreach and Engagement). Rachel Bruneau is amongst the group of new staff, and is joining the team as a DEI Policy Analyst. She will join next meeting for introductions.

As part of the budget process this year, the agency has been asked to be an early adopter of a new budget building process which includes intentional community engagement focused around racial equity. The agency has decided to focus this effort around the PFMLI budget and has scheduled 11 sessions throughout April. The sessions will include a high-level overview of the program and solicit feedback on what will be the most important considerations for building and administering the program to ensure equitable access. Additional sessions will be scheduled in May outside the 8:00-5:00pm hours to provide additional access. Invitations to these sessions will be sent today, Advisory Committee members are encouraged to distribute the information to their networks. In addition to the community engagement, the budget process will also include a Racial Equity Impact Statement for the PFMLI budget.

The team is developing “leave behind” documents that describe the program in plain language. The documents are still being created and translated but will be available on an updated website platform which is coming soon.

At the previous Advisory Committee meeting, members moved to set the contribution rate at 1%. The contribution rate was intended to be announced in August 2022 but thanks to the committee, the team is working to have it fully finalized and documented prior to the May Advisory Committee meeting.

Michele Roland-Schwartz, PFMLI’s Outreach and Engagement Manager shared an additional update with the committee. PFMLI is preparing to launch a survey by next Monday to get a sense of employers that may be interested in requesting an equivalent plan to help us forecast. The brief survey will help the team forecast and prepare the appropriate level of staffing to review the requests. Included in the survey will be an FAQ regarding the program and equivalent plans. Responses are for informational purposes, they are not binding to the employer. Michele requests that the committee share this survey to their networks and encourage participation.

1:30 pm	2.0	FAST demo	Inform	Kris Araki
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Brad McKinney, MOD Business Team Manager; Lynn Kneeland, MOD Communications Specialist; and Kris Araki, Project Architect shared a demo of the new technology system, Frances relating to contributions.

Linda Herrera asked if employers are going to have the ability to use something else other than an SSN when inputting employee information? The combined payroll report currently requires an SSN. Employers requests the information from the employee and report back on the combined payroll reports for unemployment compensation, state withholding, workers comp, and now PFMLI.

Jessica Giannettino shared that it makes sense for UI to require an SSN but is not true for workers compensation and shouldn’t be for PFMLI. David Gerstenfeld stated that federal law requires an SSN for combined reporting. There is more flexibility with PFMLI and it hasn’t been stated that an SSN is required to receive PFMLI benefits. Employers are supposed to verify with employees that they are legally authorized to work in the U.S. and report using an identifier. When self-employed individuals file their reports, they can use their SSN or their ITIN if they do not have an SSN. Without requiring every employer to report wages multiple times for the different programs, the PFMLI team looked at how to create an exception process for where the current reporting requirements that employers already have wouldn’t capture everything that is needed for PFMLI.

Jessica Giannettino shared that a payroll system with the ability to view paystubs from previous pay periods may not be available for the vast majority of undocumented workers. She stated that the program shouldn’t create a barrier just because the program aligns with federal requirements that require a SSN.

Andrea Paluso requested a follow-up conversation with MOD, PFMLI and the Advisory Committee members to further discuss this topic.

1:55 pm	3.0	Legislative Concepts Updates	Discuss	Shannon Ball
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Shannon Ball summarized a proposed change to the PFMLI legislative concepts for 2023.

After reviewing feedback on the 2023 legislative concepts, the PFMLI team proposes to pull four of the legislative concepts that were previously outlined for the committee. These include: Defining Employment, Maximum Wages per Employer, Annual Filers, and Equivalent Plan – New Hire Coverage and Portability of Benefits. These concepts were removed because the agency feels they have rulemaking authority to make changes and no longer need to present these items as legislative concepts. The 12 concepts remaining will be combined into one or two bills.

Andrea Paluso inquired if there would be an opportunity for members to review the next draft of the concepts and expressed that she has concerns with the Confidentiality concept as it stands. Shannon confirmed that the program is committing to the concept but not language, and there is still a couple more weeks to edit the drafted language.

The committee expressed no concerns. The team will move forward with submitting these concepts.

Shannon Ball also shared that in an effort to spare the committee members' time, the Rulemaking Advisory Committee (RAC) will transition back to a one-meeting format instead of two per Batch. The Batch 4 RAC will take place on May 17, 2022.

2:30 pm	4.0	Equivalent Plans Update	Inform	Kaitlynn Chritton
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Kaitlynn Chritton reviewed the provided docket on Equivalent Plan updates.

5.0	Supplemental Documents	Inform
5.1	Communications Update	

Action Items

Action	Assigned	Due Date	Completed
Invite Rachel Bruneau to May meeting for introductions	Mackenzie Jones		4/13/2022
Schedule follow-up discussion on combined reporting	Mackenzie Jones		4/12/2022

Decisions

- January, February and March Advisory Committee meeting notes were approved.
- Remove Defining Employment, Maximum Wages per Employer, Annual Filers and Equivalent Plan – New Hire Coverage and Portability of Benefits legislative concepts for 2023 and move forward with the remaining 12 concepts.

PFMLI Advisory Committee Docket

Docket Item:

2.0 – Rules Update

Docket Summary:

As stated previously, the PFMLI Division is drafting five batches of administrative rules by October 2022. Below is an update on where the Division is with each batch of administrative rules:

PFMLI Rule Batch	Content	Status
Batch 1	Contributions, Self-Employed, Small Employer, Assistance Grants, and Outreach	Final - January 31, 2022
Batch 2	Equivalent Plans	Final – April 21, 2022
Batch 3	Benefits	Public comment period – May 1 – 31, 2022 at 5pm
Batch 4	Anything else left: Additional rules related to Benefits, Equivalent Plans, Contributions, and Tribal Government.	RAC – May 10 & 17, 2022
Batch 5	Appeals	Drafting

The Batch 5 rules related to appeals have been drafted so the Division is going to move the appeal rules to Batch 4 so discussion and feedback can begin earlier. Based on this, we may not have five batches of administrative rules and will be done ahead of schedule.

At the April Advisory Committee meeting it was announced we would only have one RAC meeting for Batch 4. However, because the appeal rules is moved into Batch 4, the Division will have two RAC meetings. The first RAC meeting on May 10, 2022 will be to discuss the appeal rules and the meeting on May 17, 2022 will be to discuss all other rules.

Docket Materials:

None

Staff Recommendation:

None, this is an informational only item.

PFMLI Advisory Committee Docket

Docket Item:

3.0 – Outreach & Communications Update

Docket Summary:

The *Outreach and Engagement Team* will expand from a team of three to a team of eight by May 9th.

The *Outreach and Engagement Team* has begun to schedule virtual webinars for employers, beginning in June.

PFMLI announced the public-facing name of the program, now called ***Paid Leave Oregon***. Brink Communications facilitated two stakeholder branding sessions in April – one for employers and one for employees. Stakeholder priority was given to BIPOC, LGBTQIA2S+, over 65, people with disabilities, and included attention to geographic diversity and representation. Participants provided feedback on the proposed *Paid Leave Oregon* wordmarks and color palette. We requested feedback from paid leave staff and the Advisory Committee.

The Outreach and Engagement Team released a survey to determine the percentage of employers who intend to apply for an equivalent plan. The survey will remain open through early May - we will share results during our next meeting.

Paid Leave Oregon contact information is available:

Paid Leave Oregon
PO BOX 14151
Salem, OR 97311

Phone: 503-370-5800

Email: paidleave@oregon.gov

Email Subscription:

https://public.govdelivery.com/accounts/OREMPDEPT/subscriber/new?topic_id=OREMPDEPT_94

Docket Materials:

None

Staff Recommendation:

None, this is an informational only item.