

Meeting:	Advisory Committee							
Date/time:	09/02/2020 1:30 – 3:30 pm (Virtual)							
Location:	Advisory Committee meetings are open to the public with the ability to listen by phone. If you have questions about the PFML program, please Email us							
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	Meeting ID: 160 794 8910 Passcode: 655077							
Attendees:	P (Present)		A (Absent)		C (Conference Caller)		F (Facilitator)	
P	Gerhard Taeubel (Chair)	P	Linda Herrera (Member)	A	Eva Rippeteau (Member)	P	David Gerstenfeld (Executive Sponsor)	
P	Amanda Dalton (Member)	A	Eric Hunter (Member)	P	Paloma Sparks (Member)	P	Jeannine Beatrice (Executive Sponsor)	
P	Jenny Dresler (Member)	P	Andrea Paluso (Member)	A	Jessica Giannettino Villatoro (Member)	P	Phoebe Colman (Staff)	
P	Jason Bouley (Staff)	F	Lois Williams (Staff)	A	Kelley Ofoni (Staff)	P	Bre McGehee (Staff)	
P	Dean Johnson (Staff)							

Supporting Materials

1. 8-5-2020 PFML Advisory Committee Agenda.Meeting Notes – Final

Agenda

	Topic	Purpose	Time		Presenter
1.	Welcome, agenda review, outcomes Outcomes for today’s meeting: 1) Share Employment Department pandemic response efforts 2) Provide program updates 3) Share Communications planning 4) Provide workgroup activity updates	Discuss	1:30	1:40	Lois Williams
2.	Employment Department’s COVID-19 response Acting Director, David Gerstenfeld, explained that the agency is currently working with partners in local WorkSource Oregon offices to prepare for reopening and scheduling in-person visits. The agency is exploring what services will be offered both in-person and remotely, so the agency can be well prepared to support businesses as they reopen, and workers that will be seeking new jobs and to obtain new skills.	Inform	1:40	1:50	Gerhard Taeubel, David Gerstenfeld

	<p>The program’s modernization efforts are continuing. The Notice of Intent to Award will soon be released, and the program will be negotiating with the proposed vendor to get a better idea of the time frame it will be working under. The agency continues to spend a lot of effort on getting benefits out to Oregonians. A lot of progress has been made, but there’s still a lot of work to do. The agency recently shared some information with the Senate Interim Committee on Labor and Business, including that over \$4 billion in benefits were paid out to claimants by mid August, which is more than the agency has paid out in the last 7.5 years. The agency received a grant from the Federal Emergency Management Agency (FEMA) that will provide an extra \$300 per week to individuals experiencing job loss. A lot of WorkSource Oregon employees are still processing unemployment claims, while the agency is waiting to see what, if any, new program congress will enact that will require implementation.</p>				
<p>3.</p>	<p>PFMLI Program updates:</p> <p>1) Approval of August 5, 2020 meeting notes</p> <p>Minutes were approved and will be posted on the web page for public viewing</p> <p>2) Third-Party Benefits Administration RFI</p> <p>Gerhard Taeubel, Acting PFMLI Director, explained that the PFMLI policy team continues to analyze the PFMLI law, administrative rulemaking and other business processes that will need to be put in place. The Communications team is identifying stakeholders and planning for public listening sessions that will take place in the near future. In general, the PFMLI team is making progress. A couple of important elements are the third party-benefits administration request for information (RFI). The program received a small number of responses to the RFI, and did some initial analysis. The program is still awaiting an executive decision for the administration of the benefits program. Given the current circumstances relating to the pandemic, the program has not been able to give this the attention that it deserves.</p> <p>3) Modernization Update</p> <p>Gerhard relayed that the Modernization Program is close to issuing a notice of intent to award a contract to a vendor, which is also of importance to PFMLI, because this would permit the agency to discuss in greater detail the timing and cost of adding a PFMLI contributions system to the modernization project for UI Tax and to further explore the feasibility of doing so.</p> <p>4) Budget reductions</p>	<p>Inform/ Discuss/ Approve</p>	<p>1:50</p>	<p>2:05</p>	<p>Lois Williams, Gerhard Taeubel</p>

	<p>Gerhard explained that, in its August special session, the Legislature approved a Ways and Means subcommittee recommendation reducing the PFML program’s current biennium budget by approximately \$6.2 million. The reduction does not affect staff positions that were planned for when the original budget was developed because the cuts have been made to supplies and services (in areas where savings have been realized and in the line item for technology system costs for this biennium).</p>				
<p>4.</p>	<p>Communications Update:</p> <p>1) Status of Communications RFP</p> <p>The Communications Team is in the process of acquiring the services of a communications firm to develop strategic communications, marketing, and outreach plans and to provide communications support and assistance to the PFML program. The procurement process is being managed by DAS Procurement Services in collaboration with the Department of Justice (DOJ); the team is working with them to negotiate a timeline to complete this procurement process as soon as possible. The team is currently working with DAS and DOJ to finalize the RFP documentation. The target is to release the RFP this month (September). The goal is to have the vendor on board by early 2021.</p> <p>2) Town Hall Planning</p> <p>The Communications Team is in the process of planning listening sessions. The team is proposing to hold listening sessions for the five different workgroups, which would be held every other Tuesday starting mid-October and would go through the beginning of December. The Contributions and Equivalent Plans workgroups have been identified as the initial focuses for the listening sessions, because those two workgroups have been meeting the longest. The team is looking to hold the listening sessions on Zoom. The sessions would start with updates from the workgroup staff members on what they’ve been working on and would then be turned over to the public for questions and feedback. The team is looking to hold an initial meeting with agency partners to identify potential stakeholders. All listening sessions would be recorded and posted on the PFML website for public consumption.</p> <p>One Advisory Committee member inquired about the communications teams’ outreach plan and how the team planned to identify sectors of workers that may specifically have difficulty accessing the PFML program. Additionally, the member inquired about how the program will provide language access for the listening sessions and which languages interpretation services would be available.</p>	<p>Inform/ Discuss</p>	<p>2:05</p>	<p>2:20</p>	<p>Jason Bouley Dean Johnson</p>

	<p>The communications team plans to reach out to employers and state agencies before hand to identify some of those populations in order to get the word out about the virtual listening sessions. A stakeholder registry will also be put together to help gain outreach. Further outreach is planned to specific stakeholder groups in the future.</p> <p>Additionally, the communications team is brainstorming ways to utilize the agency's interpretation services. There are plans to ask those in attendance how the program can accommodate them regarding language access. The agency has a language access coordinator, Eric Villegas, and PFMLI is currently seeking his help with webinar support for the covid-19 response. Employment is current making those webinars available in Spanish, Russian, and Vietnamese. Eric also assists with ADA accommodation requests.</p> <p>An AC member suggested that it may be important to do some specific targeted listening sessions (i.e. agricultural workers, or workers that work for multiple employers) in specific languages.</p> <p>3) Other</p> <p>Lois Williams, Policy Manager, explained that the agency is doing some work around diversity, equity and inclusion. Operating in this pandemic environment, we know that not everyone is able and available to participate in virtual forums. The program realizes that it may need to physically seek out these targeted populations for participation in public forums. The program is open to any and all ideas around how to reach specific, targeted populations. The program also will have a vendor working on strategic marketing and branding to help with the roll out of the program.</p> <p>Gerhard explained that the program has internal resources at OED around language access that will be leveraged to the fullest extent possible. This includes connections to various community groups that we can reach out to regarding the virtual listening sessions and other meetings that the program may be able to organize. The agency also has bilingual employees that can provide interpretation and facilitation services as needed for specialized sessions.</p>				
5.	<p>Workgroup Activity:</p> <p>1) Equity and Inclusion Discussions</p> <p>The PFMLI program is a new program that is learning and adjusting as it moves forward, but the program is also a part of the Oregon Employment Department, which places a high value on diversity, equity and inclusion. The PFMLI program is trying to align its development within the agency's overall strategic plan as it relates to diversity, equity and inclusion. The program is working with the agency's Equity and Inclusion Officer to</p>	Discuss	2:20	2:40	Lois Williams

learn about all of the different tools and resources that the Department has to offer. The program is discussing the different criteria it evaluates in analyzing policy decisions. The program is currently revisiting the strategic plan materials and ways diversity, equity and inclusion can be implemented into the structure of the program. Related materials will be sent out in the near future. Discussions are being held with each of the workgroups.

2) Workgroup activity:

Equivalent Plans workgroup

Meeting 2nd and 4th Thursday, 10:00 am - 12:00 pm

Recent topical discussions:

- Application fees - Revisited – Approval, Reapproval.
- Simultaneous coverage - Where an employee works for multiple employers or one employer with an equivalent plan and one employer (or more) with coverage under the state plan.

Upcoming Discussions:

- Effective date - Once an employer submits a plan for approval and the plan is approved, what date should that plan take effect.
- Covered Employees - Do all employees need to be covered by an equivalent plan? Do employees have the option to choose the state plan or the equivalent plan?

Contributions workgroup

Meeting 1st and 3rd Thursdays, 10:00 am - 12:00 pm

Recent topical discussions:

- Dr. Ayesha Khalid gave a presentation about the methodology and data that she’s accumulating to put together forecasting models. She also shared some of the challenges where data is not available where she has had to find alternative data to replace or validate her projections. For example, safe leave. There’s not a lot of information about the duration of leave people take for safe leave or the quantity of people that use safe leave.
- Contribution rate period - Should the rate period be set for a calendar year, a fiscal year, etc. Dr. Khalid is not ready to set the rate at this time as she needs more time and data. If the Advisory Committee would like Dr. Khalid to attend a meeting, please let Lois know.
- Diversity, equity and inclusion discussions

- Defining the term “employment” as there are some differences between the PFMLI and UI statutes.

Benefits workgroup

Meeting 2nd and 4th Tuesdays, 10:00 am – 12:00 pm

Recent Topical Discussions:

- Family Leave and Affinity terminology - There’s a lot of different family members defined by relationship, or by blood or affinity that would indicate a family relationship. Some research of federal programs that use this terminology. This is one unique issue that differentiates Oregon’s program from other states.
- Authorized Representation - When is it appropriate for an authorized representative to file a claim or submit a claim on behalf of a claimant to the department. There could be times where an individual is incapacitated or unavailable or unable to file a claim.

Upcoming topics:

- Verification - What circumstances require verification on a relationship or serious health condition. When is it needed, in which situations, and what type of verification is acceptable
- Benefit Year - Rule must be written by September 1, 2021. Employers may choose alternate benefit year. Based on when the benefit year is, the Department will have to determine the base year (or alternate base year), and review wages earned in order to calculate an employee’s average weekly wage, in order to calculate benefits. The workgroup is looking at benefit year and how the department will implement it, especially when an employee has multiple employers.

Self-Employed / Independent Contractors workgroup

Meeting 2nd and 4th Wednesdays, 1:00 pm – 3:00 pm

Recent Topical Discussions:

- Kickoff meeting was August 3rd, 2020
- Election and participation flowchart - From the perspective of the self-employed person, what does the overall process look like. This was a high-level overview of requirements for elective coverage.

Upcoming topics:

- Definitions of Independent Contractor

	<ul style="list-style-type: none"> Reviewing the Internal Revenue Code and how to prepare a methodology for contributions. <p>Small Employers workgroup</p> <p>Meeting 2nd and 4th Tuesdays, 2:00 pm – 4:00 pm</p> <ul style="list-style-type: none"> Launched August 11th <p>Upcoming Topics:</p> <ul style="list-style-type: none"> Counting number of employees - fewer than 25 and multistate employers. Job Protections - Restoration, health benefits continuation, etc. Design of Assistance Grant process <ul style="list-style-type: none"> 				
6.	<p>Review action items and decisions</p> <ul style="list-style-type: none"> Lois to provide the Advisory Committee with the September workgroup calendar and slides from today's presentation. 	Discuss	2:40	2:45	Lois Williams

Action Items

Action	Assigned	Date Due	Completed
<i>Draft proposed template workgroup charters</i>	<i>Lois Williams</i>	<i>April 1, 2020</i>	<i>Complete</i>
<i>Explore virtual meeting tools that include video options</i>	<i>Lois Williams</i>	<i>May 6, 2020</i>	<i>In progress</i>
<i>Explore meeting tools that will allow public to listen to AC meetings</i>	<i>Lois Williams</i>	<i>July 1, 2020</i>	<i>In progress</i>
<i>Provide 9-2-2020 workgroup activity slides to AC members</i>	<i>Lois Williams</i>	<i>October 1, 2020</i>	

Recommendations