

Paid Leave Oregon Advisory Committee

March 1, 2023

1:00pm – 3:00pm

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

Agenda

Members

Karen Humelbaugh
David Gerstenfeld
Jeannine Beatrice
Amanda Dalton
Jenny Dresler
Linda Herrera
Eric Hunter
Andrea Paluso
Eva Rippeteau
Catie Theisen
JaJetta Dumdi

Docket #	Topic	Purpose	Presenter
1.0	Welcome	Inform	Karen Madden Humelbaugh &
1.1	Member Roundtable		David Gerstenfeld
1.2	Agency Updates		
1.3	Approval of February Meeting Notes		
2.0	Operations, Benefits & Policy Updates	Inform	Danielle Willey & Shannon Ball
2.1	Legislative Concepts		
2.2	Collective Bargaining Agreements		
3.0	Customer Care, Outreach & Communication Updates	Inform	Michele Schwartz & Angela Yeager
4.0	Additional Program Updates	Inform	Karen Madden Humelbaugh

Paid Leave Oregon Advisory Committee Docket

Docket Item:

1.3 – Approval of February 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 – Paid Leave Oregon Advisory Committee Notes 02-2023

Staff Recommendation:

Approve notes.

Meeting:	Paid Leave Oregon Advisory Committee				
Date/time:	February 1, 2023				
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	David Gerstenfeld	P	Shannon Ball		
P	Jeannine Beatrice	P	Juan Serratos		
A	Amanda Dalton (employers)	P	Danielle Willey		
P	Jenny Dresler (employers)	P	Michele Roland-Schwartz		
P	Eric Hunter (employers)	P	Angela Yeager		
P	JaJetta Dumdi (employers)	A	Kelley Ofoni		
P	Andrea Paluso (employees)	P	Ayesha Khalid		
A	Eva Rippeteau (employees)				
A	Linda Herrera (employees)				
P	Catie Theisen (employees)				

Agenda

Docket #	Topic	Purpose	Presenter
1.0	Welcome	Inform	Karen Madden Humelbaugh &
1.1	Member Roundtable		David Gerstenfeld
1.2	Agency Updates		
1.3	Approval of January Notes		
<p>Karen Madden Humelbaugh welcomes two new members to the Advisory Committee:</p> <p>JaJetta Dumdi, A-dec Dental Manufacturing</p> <p>Catie Theisen, Oregon AFL-CIO</p> <p>David Gerstenfeld shared agency updates. The agency is preparing to provide a budget presentation for the 2023 Legislative Session, likely in late February. They also anticipate that the legislative concepts this committee assisted with should move forward soon. The Governor's recommended budget was released yesterday and the agency is pleased to find that it includes the budget they requested. The only minor change is related to a requested package for additional funding using the General Funds. Instead, it's been recommended to use a slightly increased diversion from the Unemployment Insurance taxes. The agency is also working on seeking formal legislative approval through the budget process to have dedicated funding for formalizing an Equity and Inclusion office.</p>			
2.0	Operations, Benefits & Policy Updates	Inform	Danielle Willey & Shannon Ball
2.1	Legislative Concepts		

Danielle Willey shared updates on operations and benefits. The Paid Leave team has partnered with Department of Consumer and Business Services (DCBS) to review and approve applications from insurance companies who wish to offer insurance plans for employers. DCBS has now approved 4 plans, and is working on three additional. As of yesterday, the team has approved 213 of the 460 total Equivalent Plan applications they have received. The Equivalent Plan team is proactively contacting employers who have submitted a Declaration of Intent but not yet submitted their equivalent plan application to ensure that they have all the information they need and are aware of next steps.

JaJetta Dumdi asked if there will be a posted list of providers who have an approved equivalent plan for employers to reference? DCBS does not proactively post this information online. Generally speaking, when a business is interested in utilizing an insurance product they would contact DCBS to inquire about the insurer. The Paid Leave team is trying to determine how to have this information more readily available. Andrea Paluso commented in the chat, "I would oppose using public funds and a public program to advertise private, for-profit insurance products, so I hope we have more discussion before making decisions on that."

The Paid Leave team continues to meeting with the Modernization Team and the technology vendor, FAST, to define how the system will function for benefits. Self-employed individuals are now able to elect into coverage for the Paid Leave program. Applications are available on both the Paid Leave website and on Frances Online. The team has received about 100 applications so far.

Shannon Ball shared legislative session updates and reviewed a summary with the committee of the 6 bills directly related to Paid Leave.

Catie Theisen asked if the Paid Leave team felt that HB2290 is critical to having the program up and running on time? The agency does not currently have a formal position on the bill, but it is critical in that if changes aren't made now they will need to be made later as they are important in regards to both technology and cost savings.

3.0	Customer Care, Outreach & Communication Updates	Inform	Michele Schwartz & Angela Yeager
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Michele Schwartz provided updates on customer care, outreach and engagement. The Outreach and Engagement team has been continuing to host public virtual sessions about Paid Leave. Starting in late February, the team will host sessions called "Contributions Explained" to support employers in filing their first Oregon quarterly report. They will also begin a "Benefits Explained" series in July to help Oregon workers understand how to apply for benefits. Meanwhile, staff are also ramping up outreach to labor unions and worker advocacy groups including connecting with Women, Infants and Children (WIC) offices and Community Partner Outreach Programs (CPOPs). In April, Paid Leave will be hosting sessions with two statewide non-profits: Prevent Child Abuse Oregon and Sexual Assault Task Force. The team has also secured two non-competitive contracts with culturally specific organizations and are hoping to share more details at the next Advisory Committee meeting.

Angela Yeager shared updates from the Communications team. The new Paid Leave Oregon website launched yesterday, January 31. The new site is transcreated in 6 languages, features a "safe exit" button to quickly close the browser and clear cookies, has extended pages for different types of leave, a forms page, as well as a contributions calculator. They hope that with future iterations they will also be able to provide a benefits calculator. The team hired a full time website administrator to ensure that the site stays up to date and are planning to publicize heavily in the next few weeks. If members notice any quirks with the website, please send feedback to Mackenzie Jones.

4.0	Actuary Updates	Inform	Ayesha Khalid
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Ayesha Khalid reviewed the provided Paid Leave Oregon Trust Fund update (attached). No questions from committee members.

4.0	Additional Program Updates	Inform	Karen Madden Humelbaugh
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Contributions began coming out of paychecks on January 1, 2023.

While businesses are only required to report quarterly, some businesses choose to report and pay more frequently. Some have begun submitting their contributions on Frances Online and sending payments to the Department of Revenue.

The Paid Leave team is continuing to see an increase in phone calls and other inquiries about the program. They are continuing to hire rapidly and plan to double in size by Spring 2023 in preparation for Benefits Go-Live in September.

Andrea Paluso asked where the Customer Care staff will be based? The team is trying to diversify the workforce in many ways, including geographically. The Customer Care staff will be fully remote and therefore can be located anywhere in Oregon. They hope to hire from all corners of the state.

JaJetta Dumdi asked how she can sign up to receive Paid Leave bulletins? Anyone can register to receive bulletins on the Paid Leave website at the bottom of the page.

Action Items

Action	Assigned	Due Date	Completed

Paid Leave Oregon Advisory Committee Docket

Docket Item:

2.0 – Operations, Benefits & Policy Updates

Docket Summary:*Equivalent Plans*

Equivalent Plans staff continue to review and approve applications. We have been working closely with the Department of Consumer and Business Services to approve fully insured plans employers may utilize through various insurance companies.

Hiring Update

Paid Leave Oregon's Policy and Program Support section welcomed Eduardo (Eddie) Rodriguez as Employer Programs manager. Eddie will take over the management of equivalent plans and prepare for the administration of assistance grants starting in September.

Frances Development

All Paid Leave Oregon staff participated in First User System Experience (FUSE) training sessions on Frances in February, which provided a high level overview of how benefits will be administered in the system.

The definition session phase of Frances development for benefits roll out next September has concluded for Paid Leave, but subject matter experts continue to work with the software vendor to refine system configuration to meet our identified business needs.

Paid Leave has identified 40+ staff members that will conduct testing of Frances functionality between April and July to ensure the system is working as expected and ready to launch in September.

Administrative Rules

The public comment period on batch 6 rules on employer size and representation concluded in February. The rules are now under final department review and will be filed with the Secretary of State in March.

Paid Leave is currently preparing batch 7 rules on benefits, contributions, and equivalent plans. This batch will include new rules and rule amendments. The Rulemaking Advisory Committee (RAC) meetings will be held on April 12th and April 17th, meetings invites shall be sent shortly. The draft rules will be filed in the June bulletin for public comment.

Docket Materials:

N/A

Staff Recommendation:

None, this is an informational item only.

Paid Leave Oregon Advisory Committee Docket

Docket Item:

2.1 – Legislative Updates

Docket Summary:

The 2023 Legislative Session began January 17, 2023. As of February 22, 2023, there are over 2,500 bills that have been introduced so far. Of the 2,500 bills, below is a high level summary of the 11 bills the Paid Leave Oregon program is watching as they relate directly to Paid Leave Oregon:

Bill Number	Brief Description	Status of Bill
HB 2138	Repeals Paid Leave Oregon program and creates an income tax credit for businesses that offer Paid Leave to employees. Beginning 1/1/24	Referred to Business & Labor
HB 2290	Paid Leave Oregon's legislative concept to allow the Oregon Department of Revenue to share information with Oregon Employment Department.	1/30/23 - Passed out of Business & Labor and referred to Ways & Means
HB 3336	Requires Bureau of Labor and Industry to study issues related to family leave and submit a report by 9/15/24.	Referred to Speaker's desk
SB 31	Requires Oregon Employment Department to study issues related to Paid Leave Oregon and submit a report by 12/1/23.	Referred to Labor & Business
SB 205	Department of Revenue's legislative concept allows Paid Leave Oregon and Department of Revenue to share information for detecting potential identity theft or fraudulent claims.	Referred to Finance & Revenue
SB 481	Makes changes to the OFLA and Paid Leave Oregon programs.	Referred to Labor & Business
SB 593	Requires Oregon Employment Department to study issues related to Paid Leave Oregon and submit a report by 9/15/24.	Referred to Labor & Business
SB 881	Client company that is furnished workers by leasing company is responsible for employer duties under Paid Leave Oregon. Requires OED to reimburse worker leasing company for employer contributions paid.	Referred to Labor & Business
SB 912	Paid Leave Oregon's legislative concept to expand overpayments and create a new penalty for equivalent plan employers that don't follow through.	Referred to Labor & Business

SB 913	Paid Leave Oregon's legislative concept that has several technical corrections and housekeeping changes to the Paid Leave Oregon statute.	Referred to Labor & Business
SB 999	Requires Bureau of Labor and Industry to study issues related to different leave laws and submit a report by 9/15/24.	Referred to President's desk

Docket Materials:

N/A

Staff Recommendation:

None, this is an informational item only.

Paid Leave Oregon Advisory Committee Docket

Docket Item:

2.2 – Collective Bargaining Agreements

Docket Summary:

Collective Bargaining Agreements (CBAs) entered into before or after September 29, 2019 are required to make Paid Leave Oregon contributions. Our statute ([ORS 657B.460 and note following](#)) does not exempt the parties in a CBA from making contributions. Our statute also states if the CBA provides greater family, medical, or safe leave then what Paid Leave Oregon offers, then Paid Leave cannot lessen the benefits offered by the CBA.

We recognize we are little over a month and a half from when Paid Leave Oregon contributions began (contributions begin with wages paid on or after January 1, 2023). Per our administrative rule ([OAR 471-070-3040](#)), if an employer fails to deduct the employee's contribution from their paycheck, the employer can collect the contributions from the employee's future paychecks within that quarter. Therefore, the employers have until the March 31, 2023 paychecks to collect the employee's contributions due from subject wages earned January through March 2023. Employers will pay the contributions withheld from the employee's paychecks on the combined quarterly payroll tax report that is due May 1, 2023. At that same time, the employer portion of Paid Leave Oregon contributions will be due (if considered a [large employer](#)) on all employees' gross wages from January 1 through March 31, 2023. If an employer anticipates difficulty meeting these timelines due to receiving this new information, please reach out using the [contact us](#) link on our website so we can work with the employers.

Docket Materials:

N/A

Staff Recommendation:

None, this is an informational item only.

Paid Leave Oregon Advisory Committee Docket

Docket Item:

3.0 – Customer Care, Outreach, and Communications Updates

Docket Summary:Customer Care & Outreach

Outreach and Engagement launched our new virtual series, Contributions Explained, beginning February 28-March 21st. The series, offered in collaboration with the Department of Revenue, is to support employers filing their first quarterly report.

Paid Leave issued Dear Tribal Leader letters to all nine federally recognized tribes in Oregon. Paid Leave presented during the February Economic and Development Tribal Cluster meeting.

Labor union outreach includes presentations for LIUNA in Feb, an in-person AFLC-CIO presentation in Astoria with an additional webinar in March, and Women in the Workplace Employee Affinity Group presentation mid-March.

In addition to heavy door-to-door outreach with businesses, nonprofits, and healthcare clinics, the outreach team is coordinating training for healthcare providers and attending a variety of conferences in the spring to include: Oregon Governor's Occupational Safety and Health Conference (GOSH), NW Foods Conference, and Oregon Association of Minority Entrepreneurs Conference.

Communications

Communications has started the planning phase of the employee campaign, to promote the benefits of Paid Leave to employees, which will launch this summer. We also have a communications plan to promote quarterly payroll reports related to Paid Leave Oregon. We are also in the planning phase of the next part of the website, which will add more languages and more benefits information for employees.

Docket Materials:

None

Staff Recommendation:

None, this is an informational item only.