PAID FAMILY AND MEDICAL LEAVE

Advisory Committee Meeting
June 21, 2018
PRESENTATION OVERVIEW

Introductions
Approve May Meeting Minutes
Rules Update
Communications & Outreach Update
General Program Update
Open Comment
INTRODUCTIONS

► Advisory committee
► In-person attendees
APPROVE MAY MINUTES

Discussion
RULES UPDATE – KEY DATES

► June 19: Draft two of phase two rules posted
► June 25: Stakeholder meeting
► June 30: Phase one rules in effect
BENEFITS PHASE UPDATE

► Proposal: Expand phase three into multiple phases

► Why?
  ► Stakeholder feedback
  ► Creates more focused discussions
  ► Lessons learned from phases one and two
  ► Most effective way to meet our deadlines
  ► Key requirements known earlier and more often
  ► Agile philosophy
ON-CALL HOURS

WAC 192-540-040 How should employers report hours worked for each calendar quarter?

(12) On-call and standby hours. Report the number of actual hours for which an employee receives wages for being on-call or on standby with the employer.
WHY NOT PAID FAMILY AND MEDICAL LEAVE (PFML)?

Many types of similarly named leaves may lead to confusion regarding eligibility, responsibilities under the law and access to benefits.

- Paid Family and Medical Leave (Paid Family and Medical Leave)
- Family and Medical Leave Act (FMLA)
- Paid Sick Leave

Paid family leave is also known as “family caregiver leave” or “family leave insurance.” Paid medical leave is also known as “temporary disability insurance” (TDI) or “short-term disability.” Paid family and medical leave together are also referred to as “family and medical leave insurance” (FMLI).

Source: https://www.dol.gov/sites/default/files/PaidLeaveFinalRuleComparison.pdf
Recent results from the survey sent out in March.

- 28% selected PFML is only for “eligible employees working at a company of more than 50 employees in Washington state” - including 27% of employer respondents.

- This indicates confusion between eligibility between PFML and FMLA. Businesses with fewer than 50 are exempt from FMLA requirements, but not exempt from the PFML program.

Only eligible employees working at a company of more than 50 employees in Washington state 28.34%
One of the key findings:

• “Most potential users have difficulty ascertaining eligibility due to the confusion between PFL and FMLA, and the minimal information available in existing literature about how the programs can be coordinated.” Pg. 135 Paid Family Leave report

Other findings:

• “Many had misconceptions about program benefits, eligibility, the application process and interaction with other complementary programs, such as the Family Medical Leave Act (FMLA). In fact, in some instances those who stated that they were aware of PFL had actually confused the program with FMLA. Inasmuch, simple awareness of the program may not accurately reflect significant enough knowledge of the program to proactively apply to the program.” pg. 61

• “Also, focus group participants often confused PFL with FMLA/CFRA; this was particularly important because many assumed that PFL offered job protection.” Pg. 65

• “63% of HR professionals citing misconceptions about eligibility as the greatest cause for confusion among their employees.” Pg. 65
Why not Paid Family and Medical Leave (PFML)?

Chinese Community Research

• “Our research indicates that awareness is typically low in this population. Additionally, those who are aware of PFL often do not know significant details about the program or the information may not be entirely accurate. PFL is often confused with FMLA and Disability.” pg. 107

• “Focus group participants also note that the Chinese community tends to be entrepreneurial; as such they start up small businesses where FMLA does not apply. This makes concerns about job security more serious.” Pg. 109
Latino Community Research

- “Awareness of the specific benefits PFL provides is low. According to focus group respondents, conflating PFL, FMLA and disability leave is common as well. Cultural brokers and focus group participants report that there is confusion around whether or not PFL includes job protection, what exactly the wage replacement rate will amount to and where the money used as wage replacement comes from. This was noted to be a crucial issue, as there are cultural stigmas in the Latino community against taking ‘handouts.’ Unless it is made clear that PFL is not a handout, the common assumption is that it is.” pg. 117
PERMISO DE TRABAJO PAGADO PARA EL CUIDADO FAMILIAR Y MÉDICO (PAID FAMILY AND MEDICAL LEAVE)
WHAT’S IN A NAME?

COMMUNICATIONS & OUTREACH UPDATE

Too long for web & many print forms

- The length is prohibitive in digital venues – it will need to be shortened or the name is truncated.

- The choice is really between PFML and something else.
COMMUNICATIONS & OUTREACH UPDATE

PARTICIPATION OPPORTUNITIES

► Usability & accessibility testing
  ► New website information architecture: Less than five minute online activity running from 6/19/18 – 7/7/18
  ► Summer Usability & Accessibility testing (For large employers and TPAs)

► Employer insight interviews
  ► Want to share your insights with us? We’re conducting 1:1 interviews with employers to learn:
    ► What concerns you about PFML?
    ► What excites you about PFML?
    ► Your questions
    ► Your advice for success

Interested? Email paidleave@esd.wa.gov
Communciations & Outreach Update

What's New

► Check out our ESD website refresh – new, more navigable content
► Invite us to speak to your group! We have 15 upcoming outreach events (through July 20) including:
  - South Puget Sound SHRM
  - WA State Transit Association
  - Ritzville Area Chamber of Commerce
  - Adams County Economic Development City Hall Meeting
  - Washington State Public Health Association
  - Independent Colleges of WA
  - Governor's Small Business Liaison Team
  - State Human Resources Managers Meeting
  - AEC Industry Human Resources Group
  - Associated Industries HR firm – Spokane public meeting (with Spokane Chamber and others)
FOR THE GOOD OF THE ORDER

►Public Comment
CONTINUE THE CONVERSATION

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