

Meeting:	Paid Leave Oregon Advisory Committee				
Date/time:	November 2, 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	David Gerstenfeld	P	Shannon Ball		
P	Jeannine Beatrice	P	Juan Serratos		
A	Amanda Dalton (employers)	P	Danielle Willey		
P	Jenny Dresler (employers)	A	Michele Roland-Schwartz		
A	Linda Herrera (employees)	P	Kelley Ofoni		
P	Eric Hunter (employers)	P	Angela Yeager		
P	Andrea Paluso (employees)				
P	Eva Rippeteau (employees)				
P	Paloma Sparks (employers)				
P	Jessica Giannettino (employees)				

Agenda

Docket #	Topic	Purpose	Presenter
1.0	Welcome	Inform	Karen Madden Humelbaugh &
1.1	Member Roundtable		David Gerstenfeld
1.2	Agency & Program Updates		
1.3	Approval of October Meeting Notes		

No concerns from committee members, notes approved.

The agency is continuing to manage through a tight budget and is having discussions at the national level regarding the decrease in federal funds. The Unemployment Insurance (UI) division typically receives and increase in claims during the winter season and is seeing more than projected this year. The number of claims received for UI in October was 30% greater than those received in September.

The deadline for quarterly reporting just passed and 50,000 employers filed in the new Frances Online system. Frances has gone smoothly, especially considering the size and scale but as anticipated, the agency has recognized a few adjustments that need to be made during the next rollout. Teams are working hard to prepare for the next rollout which will include Paid Leave benefits.

The agency is preparing for the election and making sure they are ready to bring new legislators and the Governor up to speed and ensuring continued support of the agency's work.

2.0	Policy & Rules Update	Inform	Shannon Ball
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Shannon Ball provided an update on administrative rulemaking:

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- Batch 4 contributions and equivalent plan rules are finalized and are available online. The team is still waiting on a decision from the Attorney General regarding an exemption from the model rules for contested cases.
 - Batch 5 rules related to benefits will be filed within the next week or two.

Paloma Sparks suggests continuing to maintain one document with a compilation of all finalized rules. Shannon Ball will continue sending an updated document each time rules are finalized and will work with the Communications Team to possibly upload the document onto the website.

Employee Count – Temporary Rule proposal:

Karen Madden Humelbaugh and Kelley Ofoni opened a discussion with the committee regarding amending the administrative rule for employee count. If the proposed change has a consensus today, the agency will need to quickly enter temporary rulemaking and have everything solidified prior to when contributions begin in January. Kelley Ofoni provided an overview of the key differences between the current administrative rule and the proposed method for determining employee count.

The proposed method would be using a monthly employee count to calculate the annual average compared to the current method which uses a quarterly count. You would add the monthly counts and divide by 12 to receive the average employee count. If the average employee count is below 25 (no rounding), you are considered a small employer.

The proposed method would use the same type of count that is already being reported by majority of employers for payroll reports for Unemployment Insurance (UI). In general for many employers, it would be the same number. However, if an employer has employees not covered under UI but who are covered under Paid Leave, they'd need to add those employees to their count. When benefits begin, if an employer has hired a replacement worker while the employer is out on leave, that employee would be deducted from the count.

The proposed method would allow for a calendar year lookback period, so the average count for 2022 would determine whether a business is small or large for all of 2023, and so on. This is different than the current method which has to be offset for July-June to allow time for a determination and would vary year-to-year.

With the current method, the Paid Leave division would make a determination based on the information provided on the quarterly tax report and send out an employer size notice to the employers. With the proposed method, employers would determine if their employer size.

Andrea Paluso asked what happens if the employer makes a false determination? Paid Leave still has access to plenty of information and can request additional information from employers in fact finding if there is a question of accuracy in their employee count.

Karen Madden Humelbaugh asked the committee to express their support or concern for the proposed change:

- Paloma Sparks – Appreciates the proposal and believes this is more in line with legislative intent.
- Jenny Dressler – Believes this will help smaller business owners and is closer to legislative intent.
- Jessica Giannettino – Requested a week to confer with others to make sure nothing is fundamentally bothering with seasonal employment
- Andrea Paluso – Would like time to confer but believes it is reasonable to move forward with drafting. Doesn't expect opposition unless there are major concerns. Expressed apprehension regarding the self-determination of employer size.
- Eric Hunter – Feels that the proposed plan is more straight forward and seems like the right direction.
- Eva Rippeteau – Would like time to confer.

Without immediate, large concerns the team is comfortable moving forward with drafting a temporary administrative rule to change the method of determining employee count. Members who have additional feedback can send to the Paid Leave team by the end of the week.

