

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OF THE STATE OF OREGON**

PUBLIC RULEMAKING HEARING

In the Matter of the Amendment of OAR: 440-150))))	TRANSCRIPT OF TESTIMONY
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The proposed amendment to the rules was announced in the Secretary of State’s *Oregon Bulletin* dated Feb. 1, 2021. On Feb. 16, 2021, a public rulemaking hearing was held as announced at 9 a.m. via telephone and video conference from the Labor & Industries Building, 350 Winter Street NE, Salem, Oregon. Fred Bruyns, from the Department of Consumer and Business Services, was the hearing officer. The record will be held open for written comment through Feb. 23, 2021.

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TRANSCRIPT OF PROCEEDINGS

Fred Bruyns (hearing officer):

Good morning and welcome. This is a public rulemaking hearing.

The filing caption for this rulemaking is: “Adopting rules related to Quarantine Time Loss Program administration.”

My name is Fred Bruyns, and I’ll be the presiding officer for the hearing.

The time is 9 a.m. on Tuesday, Feb. 16, 2021. We are conducting this hearing by telephone and video conference from the Labor & Industries Building, 350 Winter St. NE, in Salem, Oregon.

We are making an audio recording of today’s hearing.

The Department of Consumer and Business Services proposes to adopt chapter 440 of the Oregon Administrative Rules, specifically division 150, Quarantine Time Loss Program. The department has: summarized the proposed rule changes and prepared an estimate of fiscal and economic impacts in the notice of proposed rulemaking filed with the Oregon Secretary of State on Jan. 22, 2021; distributed the notice to a list of interested people; notified Oregon legislators as required by ORS chapter 183; and posted public notice and the proposed rules to its website.

The Oregon Secretary of State published the hearing notice in its *Oregon Bulletin* dated Feb. 1, 2021.

This hearing gives the public the opportunity to provide comment about the proposed rules. In addition, the division will accept written comment through and including Feb. 23, 2021, 5 p.m., and will make no decisions until all of the testimony is considered.

We are ready to receive testimony. I'm going to ask if Theresa Van Winkle can testify now because I have her signed up.

Theresa Van Winkle:

Good morning Fred. Thank you. Hi, I'm Theresa Van Winkle. I am the legislative director of the Department of Consumer and Business Services. I am also the project sponsor for the quarantine time loss program.

The Department is developing a permanent rule for two reasons. First, the original deadline for states to spend money from the Coronavirus Relief Fund was Dec. 30th, 2020. However, the federal Consolidated Appropriations Act extended the deadline to Dec. 31st, 2021. This action does allow DCBS to accept Quarantine Time Loss Program applications and administer benefits into calendar year 2021. Also, the authority for administering the Quarantine Time Loss Program is via a temporary rule that will expire on March 13. A permanent rule is needed for successful program continuation and will be repealed upon program closure.

The permanent rule language is in development. However, it will be very similar to the temporary rule, with changes that reflect current federal regulation and qualification criteria for workers who do apply in calendar year 2021. The primary changes include:

- Updating the deadline for spending coronavirus relief fund moneys to Dec. 31st, 2021;
- Updating income threshold requirements that include qualifications for applications that are submitted in calendar year 2021;
- Clarifying program qualification criteria. The federal requirement for certain employers to provide emergency paid sick leave expired on Dec. 31st, 2020. Although the federal mandate was not extended, covered private employers can voluntarily provide COVID-19 paid leave through March 31st, 2021. Also, public sector employers can extend the emergency paid sick leave or develop their own short-term leave provisions program. The permanent rule language will be updated to reflect this change and the allowance in the application criteria;
- The permanent rule will also continue the clarification that DCBS will stop accepting applications when the allocated funds are expended in full, after administrative costs are reimbursed. However, the permanent rule may also include additional reasons for closing the application portal, such as federal regulation that preempts the Quarantine Time Loss Program, and the end of Oregon's state of emergency declaration and withdrawal of applicable executive orders;

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- The permanent rule may also include a new provision that allows the Quarantine Time Loss Program to be funded with additional appropriations from the Legislature, should it occur;
- And, it also may contain provisions that allow for administrative activities for program closure that is currently outside of DCBS authority.

A working draft of the proposed permanent rule was distributed at the Fiscal Impact Advisory Committee meeting on February 10th, and is attached to this exhibit.

With that – that concludes my testimony. Thank you.

Fred Bruyns:

Thank you very much, Theresa.

Is there anyone else with us who would like to testify at this time?

Hearing no one, we'll go ahead and recess the hearing in a moment, but we will resume for additional testimony, if anyone wishes to testify before 10 a.m.

Again, the record remains open for written testimony through and including Feb. 23, 2021, 5 p.m. Send testimony to the attention of Amy Hilgemann at the email or postal address listed in the *Oregon Bulletin*.

This hearing is recessed at 9:05 a.m.

Okay, this hearing is resumed at 9:59 a.m.

Is there anyone on the telephone or connected by Internet who would like to testify at this time?

Hearing no one, this hearing is adjourned. The time is still 9:59 a.m.

Thank you for coming. Good day.

Transcribed from a digital audio recording by Fred Bruyns, Feb. 16, 2021.