

Meeting:	<b>Advisory Committee</b>						
Date/time:	<b>06/10/2020   1:30 – 3:30 pm (Postponed from 6/3/2020)</b>						
Location:	<b>Sent with calendar meeting invitation</b>						
Attendees:	P (Present)	A (Absent)	C (Conference Caller)	F (Facilitator)			
C	Gerhard Taeubel (Chair)	C	Linda Herrera (Member)	C	Eva Rippeteau (Member)	A	David Gerstenfeld (Executive Sponsor)
C	Amanda Dalton (Member)	A	Eric Hunter (Member)	C	Paloma Sparks (Member)	A	Jeannine Beatrice (Executive Sponsor)
C	Jenny Dresler (Member)	C	Andrea Paluso (Member)	C	Jessica Giannettino Villatoro (Member)	C	Phoebe Colman (Staff)
C	Jason Bouley (Staff)	F	Lois Williams (Staff)	C	Kelley Ofoni (Staff)	C	Cameron Buzzell (Staff)

## Supporting Materials

1. 5-6-2020 PFMLI Advisory Committee Agenda Meeting Notes – Final
2. PFMLI Advisory Committee Recommendation re: Public Access to AC meetings
3. Updated Equivalent Plans and Contributions Workgroup Rosters (Distributed separately via email)
4. Preliminary list of applicants for Benefits, Small Employers, and Self-Employed / Independent Contractor workgroups (Distributed separately via email)

## Agenda

	Topic	Purpose	Time		Presenter
1.	<p>Welcome, agenda review, outcomes</p> <p>Outcomes for today's meeting:</p> <ol style="list-style-type: none"> <li>1) Provide an update on Employment's COVID-19 response</li> <li>2) Discuss Director's response to Advisory Committee recommendation about meetings being open to the public</li> <li>3) Provide program updates</li> <li>4) Discuss status of Third-Party Benefits Administration RFI</li> <li>5) Discuss workgroup activity and review tentative applicants for three remaining workgroups</li> </ol>	Discuss	1:30	1:40	Lois Williams and Gerhard Taeubel
2.	<p>Employment Department's COVID-19 response</p> <p>David Gerstenfeld has taken a new role as the Acting Employment Department Director. Gerhard Taeubel will serve as the Acting PFMLI Director.</p> <p>The agency is continuing to process a record number of unemployment insurance claims. David has spoken at a number of press and legislative events as part of a concerted effort to inform the public.</p> <p>The May economic forecast was released and was a sobering look at the impacts of the virus on the economy and state revenues. The General Fund is expected to decline by</p>	Discuss	1:40	1:45	Gerhard Taeubel

	<p>approximately two billion dollars. PFMLI, as a General Fund program for now due to the initial loan for program initiation, has identified potential reductions for DAS procurement and actuarial study costs. Those possible reductions have been submitted to the Governor’s Office for consideration with other statewide reductions.</p>				
3.	<p>Advisory Committee (AC) recommendation re: Public access to AC meetings - follow-up discussion</p> <p>David was supportive of the recommendation before he moved into his new role, so our assumption is that we will be able to move forward with the recommendation. We are exploring the best methods for implementing the switch to public meetings. Certain meetings (or portions of meetings), such as those involving workgroup selections, may remain private in order to protect candid discussion.</p>	Inform/Discuss	1:45	2:00	Gerhard Taeubel and Lois Williams
4.	<p>Program updates:</p> <p>1) Approval of May 6, 2020 meeting notes</p> <p>The meeting notes were approved.</p> <p>2) Decision on UI Tax Modernization / PFMLI Contributions combination</p> <p>ORS chapter 657B states that the agency should leverage existing resources and align the program with other similar programs whenever practical. With that in mind, the agency continues to explore whether to combine PFMLI contributions with the UI Tax Modernization project, as the advantages outweigh the disadvantages. We are currently exploring what this means and what the oversight for the project will be. The contributions system procurement is one part of a larger agency modernization effort. This modernization effort will eventually result in the replacement of three separate systems: UI tax, UI benefits, and employment services. The UI tax project is already at Stage Gate 2 and is close to issuing a notice of intent to award for a vendor. The two final vendors being considered in the UI tax project procurement have indicated that they do not anticipate any issues in implementing a technology system for PFMLI contributions by January 1, 2022, in the event that such a system is added to the scope of the project.</p> <p>3) Other updates</p> <ul style="list-style-type: none"> <li>– PFMLI has submitted an oversight investment form to DAS as the first step in initiating the Stage Gate oversight/review process for technology projects.</li> <li>– PFMLI is in the process of recruiting additional communications staff to assist with a plan for robust outreach and marketing. This is vital for creating awareness about the program. Additionally, the</li> </ul>	Discuss/Approve	2:00	2:20	Lois Williams, Gerhard Taeubel

	<p>program is hiring additional business analysts and a policy manager.</p> <ul style="list-style-type: none"> <li>– Workgroups and the Advisory committee will receive a complete roster of all workgroup contacts once the membership is finalized.</li> </ul>				
5.	<p>Status of Third-Party Benefits Administration RFI</p> <p>We received three responses from vendors, and the responses have been reviewed. Analysis of the responses is waiting for a final review and decision from the Director.</p>	Discuss	2:20	2:30	Gerhard Taeubel
6.	<p>Workgroup Activity:</p> <p>1) Status of Equivalent Plans workgroup</p> <p>The Equivalent Plans Workgroup held their kickoff meeting last week. This meeting laid the foundation for future meetings by providing a high-level overview of the department and PFMLI program along with a list of prioritized policy topics. This workgroup is working on finalizing a regular meeting schedule.</p> <p>2) Status of Contributions workgroup</p> <p>One individual chose not to participate. Another individual did make contact and has agreed to participate. There are 14 members total, and the workgroup will hold their kickoff meeting on June 12<sup>th</sup>.</p> <p>3) Review applicants for remaining workgroups:</p> <ul style="list-style-type: none"> <li>– Received many interested applicants and referrals, but more interest in Benefits Workgroup than for Self-Employed/Independent Contractor and Small Employers workgroups. Discussion ensued around individuals applying for and serving on multiple workgroups and multiple applicants from within the same organizations. AC members recommended not letting these factors limit consideration or selection of applicants, but reiterated that the size of the workgroup needs to be manageable.</li> <li>– Benefits: Members recommended representation from local government as well as a desire to look at the wider lens and incorporate a variety of perspectives. Members tentatively recommended workgroup members.</li> <li>– Self-Employed: The group will address self-employed individuals electing PFMLI coverage; members will generally represent themselves rather than employers or employees. Suggestion was made to add representation from gig economy workers, home-care workers, as well as realtors. Another suggestion was to have someone with a finance/tax background or from the Department of Revenue.</li> </ul>	Discuss	2:30	3:00	Lois Williams, Gerhard Taeubel

<ul style="list-style-type: none"> <li>Small Employers: Due to the small number of applicants for this workgroup, the AC requested additional time to review the materials and possibly propose some additional candidates. The AC will either continue the discussion over email or schedule an additional meeting.</li> </ul> <p>Feedback about the Equivalent Plans Workgroup kickoff meeting:</p> <ul style="list-style-type: none"> <li>A recommendation that workgroup members review all handbook documents; it is a valuable resource.</li> <li>The contextual information about the program was helpful, but there was a lot of information covered and it may be a bit overwhelming for those members of the workgroup who have little prior knowledge of the program.</li> </ul>				
<p>7. Review action items and decisions</p> <ul style="list-style-type: none"> <li>Some additional time needed for benefits, self-employed and small employer workgroup selections. Schedule a follow-up meeting or provide additional information about candidates over email within the next two weeks.</li> <li>Continue to review meeting tools and technology options for public listening of AC meetings.</li> </ul>	Discuss	3:00	3:10	Lois Williams

## Action Items

Action	Assigned	Date Due	Completed
<i>Develop remaining workgroups member solicitation plan</i>	<i>Lois Williams</i>	<i>March 4, 2020</i>	<i>Complete</i>
<i>Draft proposed template workgroup charters</i>	<i>Lois Williams</i>	<i>April 1, 2020</i>	<i>In progress</i>
<i>Provide any further changes, areas of interest, recommendations for workgroup members and what perspectives or expertise are particularly important to include in various workgroups, assistance with helping to communicate workgroup membership solicitation through networks.</i>	<i>Committee Members</i>	<i>March 13, 2020</i>	<i>Complete</i>
<i>Provide any further suggestions on workgroups – their relative scope (should any be combined, etc.), timelines and related matters</i>	<i>Committee Members</i>	<i>March 13, 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>Forward to Director AC's recommendation that the department allow the public to listen but not comment during AC meetings.</i>	<i>Lois Williams</i>	<i>May 11, 2020</i>	<i>Complete</i>
<i>Provide AC with updated workgroup rosters for Equivalent Plans and Contributions Workgroups</i>	<i>Lois Williams</i>	<i>May 15, 2020</i>	<i>Complete</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>Schedule a follow-up meeting or provide additional information about workgroup applicants via email.</i>	<i>Lois Williams</i>	<i>June 12, 2020</i>	
<i>Forward additional workgroup referrals</i>	<i>Committee Members</i>	<i>June 17, 2020</i>	

## Recommendations

DRAFT

**To: Kay Erickson, Director, Oregon Employment Department**

**From: David Gerstenfield, Chair, PFMLI Advisory Committee**

**Re: PFMLI Advisory Committee meetings –**

Recommendation from PFMLI Advisory Committee: On May 6, 2020, PFMLI Advisory Committee members by consensus recommended that the department allow the public to listen, but not comment, during Advisory Committee meetings.

Background: Originally, the department thought deeply about how best to balance the need, and its desire, to fully engage as many diverse groups as deeply as possible in creating the PFMLI program with the equally important need to ensure the Advisory Committee has very open, frank discussions so the advice it gives the Director is as well vetted and carefully considered as possible. The department had originally talked about having Advisory Committee meetings be open to the public. But, in considering how vital it is that the Director know any advice given by the Advisory Committee is the result of full and rigorous discussion, and considering the best way to actually get perspectives and ideas from (as well as information to) those impacted by PFMLI, the department made a decision to not allow public attendance. The department believed that preserved the opportunity for very robust engagement with stakeholders and the ability to have full, open discussions as an Advisory Committee. This included taking into account that the existing robust legislation in Oregon around public meetings does not consider the meetings of this Advisory Committee to be public meetings and that HB 2005 was structured to ensure balance in Advisory Committee perspectives by being specific about how many committee members represent employees and how many represent employers. As a result, recent meetings have not been open to the public, but meeting notes and materials are posted to the PFMLI website after being approved by the committee. The PFMLI program also continues to explore additional ways of getting diverse perspectives, including public listening sessions and maximizing use of the PFMLI website to both gather and distribute information.

In response to an invitation from the Department to revisit this topic, some members wanted to do so and that was done on May 6, 2020. There remains a strong desire by several Advisory Committee members to make Advisory Committee processes more transparent by opening these meetings to the public. Members of the public – many of whom may not be represented by an advisory committee member – are interested in updates about the program’s progress, and it may be burdensome to Advisory Committee members to expect that they effectively provide that information to all interested parties. Some reluctance was expressed that having open meetings may result in some comments being misconstrued. There was also concern that opening meetings for public comment may present practical and logistical challenges. Some portions of the public may have limited access to technology even if meetings are open and it might disproportionately impact some communities.

If the department allows the public to attend meetings, agendas will be published to the PFMLI website in advance of meetings, and technology used will allow non-members to listen, but not comment, during meetings. Decisions as to whether meetings are recorded and made publicly available will also need to be made.