PAID FAMILY AND MEDICAL LEAVE

Advisory Committee Meeting
September 12, 2018
PRESENTATION OVERVIEW

Introductions
Approve July & August Meeting Minutes
Voluntary Plan Application Processing Launch
PFML Website Demo
PFML Budget Overview
Brink – Marketing Items
General Program Update
Open Comment
INTRODUCTIONS

► Advisory committee
► In-person attendees

(Note: We will use the conference call feature to identify who is on the phone rather than announce during meeting)
APPROVE JULY & AUGUST MINUTES

► Discussion
Voluntary Plan Application Processing Launch

The Technology platform is not ready for Voluntary Plan launch 9/17/2018. Remainder of the operational structure is ready and able to launch Voluntary Plan processing 9/17/2018 by deploying the contingency plan.

Mitigation strategy:
Voluntary Plan applications to begin 9/17/2018:
  • Submit application through PFML website;
  • Voluntary plan payment via check.

Daily monitoring of completion of Technology platform. Expected Release of 11/1/2018
Applying for a Voluntary Plan

The voluntary plan application process is three steps:

1. Submit the application
2. Upload your policy
3. Pay the application fee

All three steps need to be completed before the Customer Care Team can review your plan.

The application asks questions about your business’s voluntary plan. Before you begin, we suggest:

- Reading the Voluntary Plan Guide.
- Noting your answers to application questions, which you can find on our voluntary plan page.

Keep in mind:

- Answer each question, selecting the answer that accurately reflects your business’s voluntary plan.
- When answering questions that might depend on an employee’s job title, wage, or other criteria, give the answer that corresponds to the minimum benefits given to all your employees.
- Your work is not saved within the application; if you close the browser or hit the back button before submitting, you will need to start over.

To be approved, your plan’s benefits must meet or exceed the state’s plan in the following areas:

- Eligibility
- Premium deduction amount
- Leave duration
- Weekly benefit
- Job protection under FMLA
- Maintenance of health benefits under FMLA

If you have questions, please contact our Customer Care Team at 833-717-2273 or by email at paidleave@esd.wa.gov.
**Business Information**

Tell us about your business

- **UBI (uniform business identifier):**
  - 123-456-789

- **Legal Entity Name:**
  - Megacorp, Inc.

- **Address1:**
  - 123 4th Ave

- **Address2:**
  - [Interactive Field]

- **Address3:**
  - [Interactive Field]

- **City:**
  - [Interactive Field]

- **State:**
  - [Interactive Field]

- **Zip:**
  - [Interactive Field]

**Start Your Plan**

**Contact Information**

If we have questions about your voluntary plan application, whom should we contact? Please provide contact information below:

- **First Name:**
  - [Interactive Field]

- **Last Name:**
  - [Interactive Field]

- **Email Address:**
  - [Interactive Field]

- **Phone Number:**
  - [Interactive Field]

**Voluntary Plan Details**

What kind of paid leave plan will you offer?

- **Type of Plan:**
  - [Radio Button] Family

[Interactive Field]
Will all of your Washington employees, including full-time, part-time, permanent or temporary employees, who work at least 820 hours in a qualifying period, with at least 340 of those hours in your employment, be eligible for benefits under your plan? *

- Yes
- No

An option is required for AllEmployeesEligible.

What is the minimum duration of paid weeks your plan makes available to employees during a period of 52 consecutive calendar weeks? *

Please enter a number.

How many paid weeks will your plan allow paid medical leave to be extended if an employee experiences complications from pregnancy which results in incapacity? *

Please enter a number.

About Your Plan

Providing Care

Note: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

Will your plan provide employees paid leave if they are unable to work due to a serious health condition? *

- Yes
- No

An option is required for PaidLeaveIfUnableToWork.

Will your plan provide employees paid leave to provide care, including physical or psychological, to a family member with a serious health condition? *

- Yes
- No

An option is required for PaidLeaveCareForFamilyMember:

Will your plan provide employees paid leave to care for a grandchild, grandparent, parent, or sibling with a serious health condition? *

- Yes
- No

An option is required for PaidLeaveCareForGrandchild.

Will your plan allow employees paid leave to care for their husband or wife, or state registered domestic partner with a serious health condition? *

- Yes
- No

An option is required for PaidLeaveCareForSpouse.
Leave and Benefits

Will your plan pay benefits that are greater than or equal to the state plan to your eligible employees? *

- Yes
- No

An option is required for BenefitsGreaterThanOrEqualToStatePlan.

Premium Deductions

Do you intend to withhold premiums from your employees' wages? *

- Yes
- No

An option is required for WithholdPremiumsFromWages.

Job Protection

Do you have 50 or more employees? *

- Yes
- No

An option is required for FiftyOrMoreEmployees.

Will you protect the job of an employee on leave who was employed with your business at least 9 months and 960 hours in a 12-month period before the leave began? *

- Yes
- No

An option is required for ProtectJobOfEmployee.

Health Benefits

Do you currently provide employees with health benefits? *

- Yes
- No

An option is required for CurrentlyProvideHealthBenefits.

Will you continue to provide the same health benefits while the employee is on leave as long as they can maintain their share of the employee's cost of medical premiums? *

- Yes
- No

An option is required for ContinuouslyProvideBenefits.
Acknowledgment

I certify, by my submission of this request, this plan affords current and future Washington employees employed under this Unified Business Identifier (UBI) and benefits that are greater than or equal to that of what the state plan offers. I acknowledge this plan will remain in effect for no less than one year from the initial start date and continue thereafter unless withdrawn or the plan is terminated by the department for failure to comply. In the event my plan is withdrawn or terminated, I agree to remit all moneys collected and owed, including any interest accrued, to the department. I understand this plan must be approved annually for the first three years with all subsequent approval required for any changes made to the plan not mandated by law.

After I have read and accept the laws and rules set forth in RCW 50A.04 and understand I am subject to employer penalties for any violations of this chapter. Acknowledgement is a mandatory field.

Carefully review your voluntary plan application before continuing. Once you move on to uploading your supporting documents, you will not be able to make adjustments or corrections to your application.

Upload Documents

In addition to your application, the Customer Care Team will review your voluntary plan policy. Please upload below. If you would like to provide your policy later, you can do so from your account homepage by clicking the “Upload” link.

To upload a file, select the file from your computer and click “Upload”. Once the file is uploaded, you will not be able to modify or delete this file.

- File formats allowed: .pdf, .doc, .docx, .xls, .xlsx, .xsl, .txt, .jpeg, .jpg, .png
- Maximum file size allowed: 5 MB

Voluntary Plan Policy

Choose Files

Comments (Optional)

By clicking “Submit”, you are confirming that your application is complete and ready for review and determination.
Your Application Has Been Submitted

Thank you for submitting your voluntary plan application.

Next Steps:
1. Check your email. We've sent you instructions and a payment coupon to use when you submit your voluntary plan application fee. Applications are not considered complete until we receive your payment.
2. We recommend you allow us thirty days to process your application. As you know, this is a new program and process, and we appreciate your flexibility.

If you have questions, please contact our Customer Care Team at 833-717-2273 or by email at paidleave@esd.wa.gov.
## PFML Budget

### Revenue, Expenditures, and Fund Balance - Paid Family and Medical Leave Account (22F)

Data Source: Labor Market and Performance Analysis (in millions)

<table>
<thead>
<tr>
<th>Description</th>
<th>FY18</th>
<th>FY19</th>
<th>FY20</th>
<th>FY21</th>
<th>FY22</th>
<th>FY23</th>
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<td>Loan Repayment with interest**</td>
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* Revenues reflected do not include Penalties and Interest (P&I), or VP application processing fees ($250 per application).

**The actual expenditures for implementation plus interest will be repaid from PFML premium collections by June 30, 2019.

***Unknown/unanticipated costs, such as first floor tenant improvement/IT systems/services, etc.
PFML ACCOUNT (22F) FUND BALANCE

Note: Revenues from Penalties and Interest (P&I), or Voluntary Plan application processing fees ($250 per application) are not reflected in the Revenue section.
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<tr>
<th>Org/Index &amp; Title</th>
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<th>FY19</th>
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<td><strong>Rules &amp; Policies</strong></td>
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<td><em>(A)</em> Total Direct Budgeted in PFML Division</td>
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<td><strong>(B) Total Indirect Not Allocated in PFML</strong></td>
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<td>$5,780,328</td>
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<td><strong>(A)+(B)+C Total Dollars</strong></td>
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<td>137.4</td>
<td>95.6</td>
<td>95.6</td>
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</table>

- **Additions: Indirect --- Expenditures will be paid by PFML account but not allocated in PFML Division.**
  - **ASBT, Food Cost, and Central Service Costs:**
    - **Legal Services:**
      - **Office of Administrative Hearings (OAH):**
        - $1,478,300
      - **Commissioner’s Review Office (CRO):**
        - $3,795,647
    - **Total Indirect Not Allocated in PFML:**
      - $27,960,356
  - **Total Budgeted in PFML:**
    - $13,145,000
  - **Contingency** - 15% of (B):
    - $3,421,000
  - **Total Dollars:**
    - $175,753,000

**Notes:**
- All figures are in USD.
- The table includes budget allocations for various operational costs across different divisions and programs within the PFML (Parental Leave and Maternity Leave) division.
BRINK – MARKETING UPDATE

► Employer Survey
► Marketing Plan
GENERAL PROGRAM UPDATE

Proposed 2019 Advisory Committee Meetings

► January 18\textsuperscript{th}*
► February 15\textsuperscript{th}**
► March 22\textsuperscript{st}*
► April 19\textsuperscript{th}*
► May 17\textsuperscript{th}*
► June 20\textsuperscript{th}
► July 18\textsuperscript{th}
► August 15\textsuperscript{th}
► September 19\textsuperscript{th}
► October 17\textsuperscript{th}
► November 21\textsuperscript{st}
► December 19\textsuperscript{th}

*Friday meetings | **February would be just before Policy Cutoff
GENERAL PROGRAM UPDATE

Policy Update:

► Phase 2 Employer requirements:
  ► CR102 (proposed rules) was filed August 16
  ► Public hearing in Lacey on October 24
  ► Public Hearing in Spokane on October 29
  ► CR103 (adopted rules) filing November 2
  ► Rules effective December 3
GENERAL PROGRAM UPDATE

Policy Update:
► Phase 3 Benefit applications:
  ► Listening session August 9
  ► Draft 1 posted to engagement site September 12
  ► Stakeholder meeting September 18
  ► Draft 2 posted to engagement site November 2
GENERAL PROGRAM UPDATE

Policy Update:

► Phase 4 Ongoing employee eligibility:
  ► CR101 (notice of intent to rule make) filing October 3
  ► Listening session October 15
FOR THE GOOD OF THE ORDER

► Open Comment
CONTINUE THE CONVERSATION

Carla Reyes
Interim Director, Paid Family & Medical Leave
Washington State Employment Security Department
(360) 485-2349
CReyes@ESD.WA.GOV

Visit us online at www.esd.wa.gov/paid-family-medical-leave

Join our listserv at bit.ly/PaidLeaveList

Ask questions and make comments on our public forum at bit.ly/CommentForum
DO NOT PUBLISH BEHIND THIS SLIDE– August Materials for reference only
Paid Family and Medical Leave Service Delivery Road Map

The Paid Family and Medical Leave Service Delivery Road Map provides information about the plan for release of key services, information and tools that support the program’s implementation. The project team is Agile and embraces changes at every point in the process to rapidly respond to changing or emerging rules; customer feedback; and continuous enhancement to previously delivered services. This ability to adapt to change means the plan will evolve based on the most current and best information we have. The Road Map will be updated to reflect changes as they are identified.

The Road Map reflects a release about every 7 weeks over the course of the project. Releases will occur on this cadence; however, the scope of each release is subject to change as noted above. We won’t wait until everything is done to deliver something that adds value for the customer. The Road Map each planned release with a more detailed description of the services we plan to be able to deliver by that point in time.

The Road Map will have a corresponding work break down for each release. This will include all the planned activities we believe will be required to accomplish each of the listed objectives for the release. In Agile teams plans start at a high level and go through a process of becoming more and more detailed as you move closer to delivery.

As of 8/24/2018
Service Delivery Release 1- Foundations & Voluntary Plans
Complete by 9/17/18

Customers will have access to...
- Voluntary Plan Guide & Employer Toolkit
- PaidLeave.wa.gov
- PFML Customer Care Team Phone Center
- PFML presence on social media
- Online premium estimate calculator
- Training videos for Voluntary Plan application

Employers will be able to...
- Login to the external portal using Secure Access Washington (SAW)
- Link their SAW account to their business
- Establish their PFML Contact Information
- Submit a Request for ESD to review their Voluntary Plan and attach supporting documentation
- Pay the administrative fee for their Voluntary Plan application by Check; Money Order; or online by ACH or Credit Card (fee)
- View the current status of their voluntary plan application

ESD Staff will be able to...
- Review voluntary plan applications and supporting documents
- Record decisions and actions related to voluntary plan applications
- Make a determination and notify employer of their determination
- View and update employer information
- Manage, report on, assign and look up actions related to employer information and voluntary plans
- Account for funds received for voluntary plan applications
- Account for and report on the cost of voluntary plans
- Record fund balances in the state accounting system
- Receive and reconcile records of payments from USBank
- Produce knowledge base content
- Track internal service requests and incidents

As of 8/24/2018
Service Delivery Release 2- Employer Account Management & Appeals  
(November 2018)

Customers will have access to...

- Small Business Toolkit
- Information about PFML through employer focused marketing campaign (Sept. 2018 – February 2019)
- Information about PFML through statewide PFML month tour
- Postcards to all employers in WA through UI/DOR lists

Employers will be able to...

- Review and update information ESD (and other sources) has about their business
- Send and receive messages to ESD from the External Portal
- Establish their account is authorized to act on behalf of a business
- File an appeal of a decision related to their Voluntary Plan including supporting documentation
- View the status of an appeal they have filed
- Initiate chat with ESD from Paidleave.wa.gov

ESD staff will be able to...

- Take action on appeals
- Route appeals to OAH
- Chat with external customers
- Send and receive messages from Customer Administration
- Conduct investigations and audits associated with employer responsibilities

As of 8/24/2018

Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change.
Service Delivery Release 3- Employer Representatives & Elective Coverage (December 2018)

<table>
<thead>
<tr>
<th>Customers will have access to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>• State Poster printable from Paidleave.wa.gov</td>
</tr>
<tr>
<td>• Information about what they will need to report at the end of Q1 2019</td>
</tr>
<tr>
<td>• WorkSource Ambassadors trained to talk to customers about PFML</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employers will be able to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Delegate someone in their organization to act on their behalf</td>
</tr>
<tr>
<td>• Delegate a third-party to act on their behalf</td>
</tr>
<tr>
<td>• Request a conditional waiver of program participation for specific employees</td>
</tr>
<tr>
<td>• Toggle between businesses</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Third Party Administrators will be able to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Register as a TPA</td>
</tr>
<tr>
<td>• Provide ESD with documentation that authorizes them to represent employers</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Self Employed people will be able to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Elect PFML coverage</td>
</tr>
<tr>
<td>• Change/Remove Elective Coverage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ESD Staff will be able to...</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Load financial reports automatically</td>
</tr>
<tr>
<td>• Report information to AFRS automatically</td>
</tr>
<tr>
<td>• Load Bank files automatically</td>
</tr>
<tr>
<td>• Review and authorize TPAs</td>
</tr>
<tr>
<td>• Make decisions related to Elective Coverage</td>
</tr>
</tbody>
</table>

**As of 8/24/2018**

*Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change.*
As of 8/24/2018

Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change.
Employers will be able to...

- View Premiums owed based on reported wages
- Employers can make premium payments online
- Employers can make premium payments check/cash/money order
- View their account balance for PFML
- Be notified of delinquent premiums or reports and any ESD action

ESD Staff will be able to...

- Generate a Premium Invoice
- Send Invoice of premiums and statement/account balance owed to employer
- View and load record of premium payments
- Apply Penalties and Interest to premium invoices
- Report premiums collected to the state accounting system
- Process and issue refunds related to premium payments

As of 8/24/2018

Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change.
### Service Delivery Release 6 - Employer Service Enhancements, CBA Exclusions & Conditional Waivers (May 2019)

**Customers will have access to...**

- Submit a request for support from the PFML Ombuds Office
- Employee Toolkit

**Employers and TPAs will be able to...**

- Select preferred communication channels
- Turn on/off automated notifications
- Notify ESD of liquidation, quit, or sale of a business
- See all available tools and services on one screen
- Retrieve copies of previous correspondence
- Take any necessary action related to CBA Exclusions

**ESD staff will be able to...**

- Take action on liquidation quit or sale of a business
- Review and approve conditional waivers
- Respond to changes to notification and communication preferences
- Take any necessary action related to CBA Exclusions

---

**As of 8/24/2018**

*Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change.*
Service Delivery Release 7- Employee Portal Access
(July 2019)

Employees will be able to*...

• Login to the External Portal through SAW
• View information that has been reported about them to ESD
• Submit an application for benefits

ESD staff will be able to...

• Take action on accounts that are out of compliance with reporting or payment requirements
• Determine benefit amounts for future claims
• Determine eligibility for future claims
• Set ongoing eligibility cadence

As of 8/24/2018

Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change. Items with an * are anticipated to be built but not released for use until 1/1/2020.
Service Delivery Release 8- Employee Account Management (August 2019)

Employees will be able to*...

- Track their leave usage
- View status of their benefit application
- Communicate securely with the department
- Authorize someone to act on their behalf
- Set up federal tax options
- Set up payment options
- Receive benefit payments

ESD staff will be able to...

- Issue a benefit payment
- Calculate and apply any necessary deductions or adjustment
- Calculate employee account balance

As of 8/24/2018

Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change. Items with an * are anticipated to be built but not released for use until 1/1/2020.
Service Delivery Release 9 – Employer Claim Notifications & Medical Certification (October 2019)

Employers will be able to...

• Receive notifications associated with their employees’ benefit application
• Respond to inquiries related to their employees’ application

Employees will be able to*...

• Complete medical certification associated with their claim
• View their account balance

ESD staff will be able to...

• Review and make determinations based on medical certification
• Review and make determinations based on employer response to inquiries
• Process and apply penalties and interest to employee accounts
• Process and issue refunds for employee accounts
• Manage instances of overpayment and related actions

As of 8/24/2018

Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change. Items with an * are anticipated to be built but not released for use until 1/1/2020.
## Service Delivery Release 10 – Ongoing Benefits, Appeals & Audits  
(December 2019)

### Employers will be able to...
- Receive notifications associated with their employees’ ongoing certification
- Respond to inquiries related to their employees’ ongoing certification

### Employees will be able to*...
- Complete their ongoing certification
- Receive ongoing payments

### ESD staff will be able to...
- Review and make determinations associated with ongoing benefit certification
- Conduct investigations and audits associated with benefits
- Process and review appeals associated with benefits

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As of 8/24/2018

*Note: This represents key services, information and tools that are anticipated for this release. The list is subject to change. Items with an * are anticipated to be built but not released for use until 1/1/2020.*
<table>
<thead>
<tr>
<th>Role</th>
<th>Description</th>
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<tbody>
<tr>
<td>Employers</td>
<td>Access additional features and enhancements to be determined</td>
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<tr>
<td>Employees</td>
<td>Access additional features and enhancements to be determined</td>
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<tr>
<td>ESD staff</td>
<td>Access additional features and enhancements to be determined</td>
</tr>
</tbody>
</table>
January 2020 to June 2020 and Beyond—Continuous Improvement and Maintenance

► Additional development and release cycles to provide program enhancements and improve functionality

► Begin maintenance and warranty period activity
## Employer Readiness Communication Chart

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>August 2018</th>
<th>September 2018</th>
<th>October 2018</th>
<th>November 2018</th>
<th>December 2018</th>
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<tbody>
<tr>
<td>Outreach presentations</td>
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<td>Generis Listserv message</td>
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<td>VP Listserv message</td>
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<td>Small Biz Listserv message</td>
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<td>All-employer email</td>
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<td>Live webinars</td>
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<td>VP Guide/Toolkit</td>
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<td>Employer Toolkit</td>
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<td>Small biz toolkit</td>
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<td>Employee Toolkit</td>
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<td>UI mailer (all-employers)</td>
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<td>Statewide forums</td>
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<tr>
<td>Paid advertising</td>
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</tbody>
</table>

*Timeframes expected, specific dates subject to change

**Key**
- **Green** Deliverable/Service provided
- **Gray** Update provided
- **Red** Tentative

Red text: Unsolicited and broad-reaching information
KEY MESSAGES/STATEWIDE DELIVERY – THRU JAN. 1, 2019

**July**
- Key Messages
  - Program is coming + key dates.
  - All employers must participate, with few exceptions.
  - Voluntary plan applications available soon.

**August**
- Key Messages
  - Download the voluntary plan guide & get your plan ready.
  - Customer care center is open for questions.
  - Join our live webinars.

**September**
- Key Messages
  - Prepare for premiums + key dates.
  - Customer care center is open for questions.
  - Join our live webinars.

**October**
- Key Messages
  - Prepare for premiums + key dates.
  - All employers must participate, with few exceptions.
  - Go to paidleave.wa.gov for details.
  - Deadline for VP = Nov.

**November**
- Key Messages
  - Prepare for premiums + key dates.
  - All employers must participate, with few exceptions.
  - Go to paidleave.wa.gov for details.
  - Deadline for VP = Nov.

**December**
- Key Messages
  - Are you ready for premiums?!
  - All employers with few exceptions must participate.
  - Go to paidleave.wa.gov for details.

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2018 actions messages
- Subscribe to our listserv, follow our social
- Download & share our toolkits (Aug. – Dec.)
- Join our live webinars (Aug. – Dec.)
- Go to paidleave.wa.gov for details

MILESTONE 1: Voluntary Plans
- Sept. 2018
  - Voluntary plan applications available + deadline.

MILESTONE 2: Premiums
- Jan. 1, 2019
  - All employers must participate, with few exceptions.

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Timeframes are expected to stay the same, specific dates are subject to change.