

SENATE BILL REPORT

HB 1613

As Reported by Senate Committee On:
Labor, Commerce & Tribal Affairs, February 17, 2022

Title: An act relating to shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

Brief Description: Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

Sponsors: Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley; by request of Employment Security Department.

Brief History: Passed House: 2/9/22, 86-9.

Committee Activity: Labor, Commerce & Tribal Affairs: 2/16/22, 2/17/22 [DP].

Brief Summary of Bill

- Provides data confidentiality, sharing, and disclosure parameters under the Long-Term Services and Supports (LTSS) trust program.
- Provides for disclosure of Paid Family and Medical Leave program data to certain agencies for the administration of the LTSS trust program.

SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun, Robinson, Saldaña and Schoesler.

Staff: Matt Shepard-Koningsor (786-7627)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Paid Family and Medical Leave Program Data Use. With some exceptions, the Employment Security Department (ESD) must keep information regarding individuals and employers under the Paid Family and Medical Leave (PFML) program private and confidential. ESD may disclose this information in the following instances:

- to a third party acting on behalf of an individual or employer, with a signed release;
- to the Legislature under certain conditions, with a signed release;
- to specified other governmental agencies when necessary for certain official purposes;
- to the federal Internal Revenue Service for administration of the PFML program; and
- in certain instances, for the performance of contracts with other governmental organizations, private organizations, or persons.

Long-Term Services and Supports Trust Program. In 2019, the Long-Term Services and Supports (LTSS) trust program was created to provide long-term services and supports benefits to persons who have paid into the program for a specific amount of time and who have been assessed as needing a certain amount of assistance with activities of daily living. ESD determines individual eligibility, assesses and collects employee premiums through employers, and administers the LTSS trust program.

Summary of Bill: Information or records on individuals or employers obtained through the collection of premiums and qualification determinations for the LTSS trust program must be kept private and confidential in the same manner as in the PFML program.

Confidential information or records in the PFML program may be disclosed to the Department of Social and Health Services, the Health Care Authority, and the Office of the State Actuary for administering ESD's responsibilities under the LTSS trust program.

ESD may enter into data-sharing agreements to conduct program evaluations of the LTSS trust program.

The LTSS trust program may disclose confidential information or records in certain instances to allow for contracted assistance in the operation, management, and implementation of the program.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is intended to allow ESD to administer the PFML and LTSS trust programs side-by-side. It allows ESD to report wages

jointly under each program as ESD believes the Legislature intended. The bill adds the privacy protections under the PFML program to the LTSS trust program.

Persons Testifying: PRO: Lisa Kissler, Employment Security Department.

Persons Signed In To Testify But Not Testifying: No one.