

SENATE BILL REPORT

ESSB 5847

As Amended by House, March 3, 2022

Title: An act relating to providing information to public service employees about the public service loan forgiveness program.

Brief Description: Providing information to public service employees about the public service loan forgiveness program.

Sponsors: Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Liias, Randall, Das, Hasegawa, Keiser, Kuderer, Lovick, Nguyen, Nobles, Saldaña and Wilson, C.).

Brief History:

Committee Activity: Higher Education & Workforce Development: 1/20/22, 2/01/22 [DPS-WM, w/oRec].

Ways & Means: 2/04/22, 2/07/22 [DPS (HEWD), w/oRec].

Floor Activity: Passed Senate: 2/10/22, 37-12.

Passed House: 3/3/22, 66-32.

Brief Summary of Engrossed First Substitute Bill

- Requires the Student Loan Advocate (Advocate) to create and provide information on the Public Service Loan Forgiveness (PSLF) program to public service employees (employees) annually.
- Requires the Office of Financial Management (OFM) to develop a program for state agencies to certify employment for the purposes of PSLF by July 1, 2023.
- Requires OFM to work with certain entities to develop a plan for a state initiative for increasing access and removing barriers for PSLF for all public service employees by December 1, 2024.
- Establishes a calculation for part-time academic employees' duties outside of assigned in-class teaching to be counted towards full-time

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employment for the purposes of PSLF.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5847 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Lias.

Minority Report: That it be referred without recommendation.

Signed by Senator Sefzik.

Staff: Kellee Gunn (786-7429)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5847 as recommended by Committee on Higher Education & Workforce Development be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Braun, Wagoner and Warnick.

Staff: Sarian Scott (786-7729)

Background: Public Service Loan Forgiveness (PSLF). Public Service Loan Forgiveness (PSLF) is a federal program which allows borrowers employed full-time in a public service job, and who have made 120 qualifying payments for certain qualifying loans, to get their student loans repaid.

Under federal rules for the program, "full-time" is defined as either the employer's definition of full-time or at least 30 hours per week, whichever is more. A public service job or employer includes government organizations at any level and 501(c) (3) not-for-profit organizations. Labor unions, partisan political organizations, and contract work with a qualifying employer do not count as public service jobs. To be eligible for PSLF, loans must be a certain type of qualifying loan or consolidated qualifying loan.

To receive PSLF, the borrower must submit a form and employment certification to the United States Department of Education (USDOE). A person seeking PSLF may submit a form at any time prior to making 120 qualifying payments. Employment can only be certified by an authorized official of the employer who has access to an applicant's employment or service records.

Student Loan Advocate. The student loan advocate (Advocate) was created by the Legislature in 2018. The Advocate supports current and future student loan borrowers in Washington State. They work with other state agencies and address student borrow complaints, provide information and resources about student repayment, and educate the public about the rights and responsibilities of student loan borrowers.

Summary of Engrossed First Substitute Bill: Providing Information on Public Service Loan Forgiveness to Public Service Employees. The Advocate, with the Washington Student Achievement Council (WSAC), must develop materials designed to increase awareness of the PSLF to public service employees annually. Materials must include, at minimum, a standardized letter summarizing PSLF, a detailed fact sheet with certain relevant contact information for PSLF, and a document with frequently asked questions. The Advocate must also coordinate with the Office of Financial Management (OFM), and other public service employer entities, to ensure materials are received.

Program to Certify Employment for Public Service Loan Forgiveness. OFM must develop a program for state agencies to certify employment for the purposes of PSLF by July 1, 2023.

OFM must work with certain state agencies, nonprofits, WSAC, and local government entities to develop a plan for a statewide initiative to increase access and remove barriers to PSLF for all public service employees by December 1, 2024.

State Agencies. As soon as available, state agencies must provide PSLF materials created by the Advocate to all employees annually and new employees within 30 days of employment.

If the state agency does not directly certify employment with USDOE, they must annually provide notice of renewal and a copy of the PSLF certification form to:

- all employees;
- any employee for whom the employer has previously certified employment; and
- an employee who has separated from service or employment.

An employee may opt out of the employment certification process at any time.

Part-Time Academic Employees. For part-time academic employees to qualify as full-time for PSLF, additional duties outside of contractually assigned in-class teaching hours must be counted by their employers, effective immediately. To count these hours, each hour of in-class teaching must be multiplied by 3.35 hours. This shall not supersede any calculation

or adjustment established by collective bargaining.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Original Bill (Higher Education & Workforce Development): *The committee recommended a different version of the bill than what was heard.* PRO: Just this last year, I received public student loan forgiveness. For folks who have worked in multiple levels of government, or in several different public service jobs, this bill creates a one stop shop for PSLF for public service employees. The 3.35 multiplier for part-time faculty to get full-time status for PSLF is what other states have used. This will make getting PSLF easier for everyone and will help the State.

I have worked as a part-time math professor for the last 20 years. Because I have been in a part-time status, I have had a hard time qualifying for PSLF. This bill will allow part-time faculty to qualify. Oregon and California have already enacted this law. Though there is no retroactivity in this bill, it will still make a huge difference in my life. I am not paid for grading or lesson planning. Even though I have been making payments my loans, rather than diminishing, my student debt has increased over the years. Only recently I have been able to make a dent on the debt.

Increasing access to information in PSLF will help adjunct faculty immensely. The calculation for adjuncts will treat these employees the same as other public service employees. This increases the viability of teaching in higher education. This bill will ensure public servants get the right information, make PSLF more accessible, and treat adjunct faculty the same as they are treated in states like Oregon and California. The pandemic has been brutal on professors and students. Even before the pandemic, affordable housing was nearly impossible to find and the increasing costs for basic needs have made making a living wage difficult. Passing this bill is a morally right thing to do when so many people are struggling with debt, not just from their student loans. The information on PSLF is not accessible. I want to get my bachelor's degree but am still paying off and working on my associate's. The cost of completing my degree is a huge barrier. Passing this bill will make decisions like furthering my education an easy choice.

The PSLF program is notoriously convoluted. So much so, that people who would qualify aren't applying. Providing this help, to assist them in qualifying, will be helpful. The federal program is considering many of the things in this bill. Washington State already has a knowledgeable advocate that can assist people through the PSLF program. The USDOE is working towards automating the certification process. This bill would allow Washington

to share information with the federal government for PSLF easily. Since 2019, my office has worked with student loan borrowers. It's estimated that there are over 90,000 public service borrowers in Washington, but only 20,000 have applied for PSLF. Borrowers who have received forgiveness report that it has been life changing.

Though the state pays wages and provides benefits to public service employees, many of them had to take out loans to get their jobs. This bill will help to incentivize people to work and stay in public service.

Persons Testifying (Higher Education & Workforce Development): PRO: Senator Marko Liias, Prime Sponsor; Jake Heare, Green River AFT Local 2195; Natalie Simmons, Seattle Colleges/AFT Washington; HyeEun Park, AFT Washington; Mahim Lakhani, AFT Pro Staff 6550; Anitra Wise, TFESP Local 461; Sandra Toussaint, AFSCME Council 28/WFSE; Winston Berkman-Breen, Student Borrower Protection Center; Stephanie Sampedro, WSAC-Washington Student Achievement Council; Tessa Bowen; Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development): PRO: Bill Lyne, United Faculty of Washington State.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This bill will make a real difference. Debt holders were initially denied in the first few years of PSLF, and now that it is functioning as intended employers can make a key role. Critical part of the bill is the adjunct faculty hours calculation clarity. It is good for our communities as a whole. This is a good opportunity to inform employees how they can qualify for PSLF. Student loan debt is a big deal and is a burden. PSLF is a great way to attract talented workers into public service.

Persons Testifying (Ways & Means): PRO: Karen Strickland, AFT Washington; Natalie Simmons, AFT Seattle, Local 1789; Arlen Harris, Wa State; Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Requires state agencies to certify employment beginning July 1, 2023, rather than by July 1, 2023.
- Clarifies that state agencies only need to certify employment for employees upon separation, and that a filled out PSLF form be provided to the employee within 60 days of separation and not annually.
- Allows higher education institutions to retroactively apply the part-time academic employee calculation to determine if an employee is full-time for the PSLF program.
- Adds a null and void clause, making the bill null and void unless funded in the budget.