

Washington State Collection Agencies Board
Special Board Meeting via Zoom
November 3, 2020

Permanent Rule Language – WAC 308-29-010(2), 308-29-085

Background: On June 22, 2020, an emergency rule was filed under WSR 20-14-020 allowing the option for collection agency employees to work from home. The rule expiration date was extended to February 17, 2021, based on the Board's direction to file a CR-103E at their October 8, 2020, Special Board Meeting.

As per the direction of the Board at the June 22 meeting, permanent rulemaking efforts have been in progress to develop revised language before the emergency rule expires. The rules committee, comprising of two Board members and six subject matter experts, met for six consecutive Thursdays starting September 24 to draft the language attached. The six subject matter experts included Kirk Miller and Sam Leonard, attorneys recommended by Scott Kinkley, as well as Andy Madden, David Reid, and Kevin Underwood, attorneys recommended by Mark Case, and finally Gary Nicholas, an IT security expert employee of DOL.

Committee meeting agendas and details for public access were posted to the Board's website prior to every meeting and open to the public for participation utilizing the Zoom platform. The committee reserved 30 minutes at the end of each meeting to provide for public comment. Members of the public attended three of the six meetings and provided comments on two occasions.

Committee members were encouraged to draft and present proposed language for consideration each week. The process included a significant amount of robust discussion among committee members as they worked toward language that provides a foundation of reasonable regulation for collection agency employees to work remotely. After their October 22 meeting, staff distributed the the draft through Listserv, to other interested parties, and posted it to the webpage requesting public comments. Two individuals submitted comments, which the committee considered on October 29 and made minor edits to the language accordingly. The committee encouraged one public participant to provide additional insights for the Board's consideration concerning ADA.

Attached is the draft language, as finalized by the committee on October 29, for your consideration to move forward with the filing of a CR-102. Once the board approves language to be filed with the CR-102, staff will work with the Code Revisers Office to submit the filing. This includes a public comment period and a public hearing, conducted at the end of the public comment period. Once public comments are collected, they will be presented to the Board in a concise explanatory statement along with a proposal to file the CR-103 for the Board's consideration as the final step to establish the rule.

Recommendation: Approve the attached draft language and direct staff to file a CR-102 with the Code Revisers Office to continue the process of permanent rulemaking concerning collection agency employees working remotely.

Submitted by Board Staff
October 30, 2020