Agenda for September 2019 Public Policy Call
September 5, 2019 from 12:00 PM to 1:00 PM

Introductions and Announcements 12:00-12:10 PM
- Census Toolkit and Upcoming Census Trainings and Webinars
  - Download materials at www.washingtonnonprofits.org/2020Census
  - List of webinars and trainings in the announcements section
- Upcoming Washington Nonprofits Advocacy Trainings
  - September 25 in Spokane: In-person BAM: Build A Movement Training
  - October 16 Webinar: BAM: Build A Movement Part 1 - Everyday Advocacy
  - October 23 Webinar: BAM: Build A Movement Part 2 - Step-it Up Advocacy
  - Want a training in your community? Let’s talk!
- Re-Wire Policy Conference Discount!
- ARNOVA Research Project
- Save the Date: February 11, 2020 Washington Nonprofits Legislative Reception in Olympia
- Join our Public Policy Committee! (Description below)

State Policy 12:10-12:40 PM
- Overtime Pay Rule Making
  - Comments due to L&I September 6th
  - Legislature needs to hear from nonprofits too
- Possible 2020 Legislation Update
  - Nonprofit Corporations Act Modernization
  - HB 1808- Nonprofit and Library Fundraising Tax Exemption
  - Liquor – Special Occasion Licenses
  - Gambling – Definition of a Nonprofit

Federal Policy Update 12:40-12:55 PM
- Trump Administration Religious Exemption Proposal

Wrap Up/Next Steps 12:55-1:00 PM
- New Business?

A Summary with Action Items will be Distributed After the Call. Issue Briefs, Action Items, and Announcements are Below.

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State Policy

Overtime Pay Rulemaking: Comment on the Proposal by September 6th

Washington State’s overtime pay rules are likely to change beginning in 2020. The Department of Labor and Industries (L&I) is proposing to raise the overtime salary threshold (the minimum below which employees must be paid overtime for over 40 hours of work in a week) to 2.5x the minimum wage by 2026. This equates to a threshold annual salary of nearly $80,000 once the proposal is fully implemented. We know that this will impact many nonprofits, so L&I needs to hear from you.

The Proposal

L&I is proposing to align our state’s overtime pay threshold with a multiplier of the minimum wage. According to L&I’s proposal, the new salary thresholds would be:

<table>
<thead>
<tr>
<th>Proposed Minimum Annual Salary Levels for an Overtime-Exempt Employee</th>
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<tbody>
<tr>
<td>When the proposed changes would take effect</td>
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<tr>
<td>-----------------</td>
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<tr>
<td>For employers with 1-50 employees</td>
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<tr>
<td>For employers with 51 or more employees</td>
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</table>

What You Can Do

1. Watch our webinar on the proposal above and download L&I’s fact sheet.
2. Analyze the proposal’s impact and organize your comments using this guide.
3. Write up the results as a letter to L&I, and submit it via email to EAPrules@Lni.wa.gov or fax the document to 360-902-5300.
4. After you’ve shared your comments with L&I, share the comments with your State Representatives and Senator. Find their information here.

Federal Policy

Trump Administration Religious Exemption Proposal

[Summary from the National Council of Nonprofits] The U.S. Department of Labor has issued a proposed rule to expand religious exemptions for federal contractors under the anti-discrimination provisions in the longstanding Executive Order 11246. Currently, religious organizations, including some nonprofits, “may make employment decisions consistent with their sincerely held religious tenets and beliefs without fear of sanction by the federal government,” according to a DOL statement. Government contractors – typically for-profit
businesses, but also some nonprofits – are prohibited from discriminating on the bases of sexual orientation or gender identity. The proposed regulations would extend the religious exemption to government contractors, which the Labor Department believes may have been apprehensive about applying for government contracts due to religious views.

Many nonprofit groups are expressing concern that the change would grant permission to discriminate against various classes of people protected against discrimination, including LGBTQ, unwed mothers, non-Christians, people of color, and other protected classes. Rachel Laser, President and CEO of Americans United for Separation of Church and State, stated, “We believe no one should be disqualified from a taxpayer-funded job because he or she is the ‘wrong’ religion, does not follow the same religious ‘tenets’ as the employer or cannot pass an employer’s religious litmus test.” Holly Hollman, General Counsel for BJC (formerly known as the Baptist Joint Committee for Religious Liberty), noted that anti-discriminatory state laws would still apply. Public comments are due September 16.

What You Can Do
Washington Nonprofits is planning to submit comments expressing concern with this proposal. If your organization has concerns, please submit comments by the September 16th deadline. There is no specific format for comments; all you have to do is write something and submit it to the Federal Register. Click here to view the proposal and comment.

ANNOUNCEMENTS

Upcoming Census Trainings
- September 10th: Count All Kids Campaign Webinar
- September 10th: Census and Data Webinar
- September 17th in Seattle: Youth Development Executives of King County Census Training
- September 24 in Walla Walla: Raising Our Voices: 2020 Census Info Session
- October 8th: Washington Nonprofits' Census 101 Webinar

2019 Re-Wire Public Policy Conference Discount
The 2019 Re-Wire Public Policy Conference will take place on December 10th in Seatac. The conference will provide an excellent opportunity to connect with policymakers and to learn about the legislature’s plans for the upcoming legislative session. When we attended the conference in 2017 and 2018, we truly felt “at the table” and “in the know” because of the briefings, connections we made, and the opportunities to share information about the key policy issues facing by nonprofit organizations. This year, we are proud to be serving on the conference’s convening panel. We strongly encourage nonprofit organizations to attend this year’s conference so that we can “be at the table” and collectively work to raise our sector’s profile among our state’s policymakers. Washington Nonprofits Members can register for the conference and save 20% off their tickets using the code WANP20. Click here to learn more and register.

ARNOVA Research Project
Put Barber and Steven R. Smith (formerly of the Evans School at UW) will be presenting one among several policy proposals during a special session at the upcoming ARNOVA research conference. Since the proposal would (if accepted) make some big changes in the way the IRS interacts with 501(c)(3) organizations, Put is interested in getting feedback from members of Washington Nonprofits. The paper is available here; Put’s email address for sending your thoughts is putnam.barber@gmail.com.
Public Policy Committee Member Description
Public Policy Committee members will be responsible for developing Washington Nonprofits’ public policy positions and agenda. Committee members will be encouraged to ask the “tough questions” about policy issues and to think holistically about the nonprofit sector’s current and long-term needs.

Committee members will initially convene by conference call monthly to discuss current policy issues identified by Washington Nonprofits staff, members, and external partners such as the National Council of Nonprofits. Washington Nonprofits’ Public Policy Director will provide materials to the committee and manage its schedule and resources. During the Washington State legislative session (January to March in even numbered years and January to April in odd numbered years) and final months of the congressional session (November-December) there will likely be opportunities for rapid response decision making via email or conference calls as needed.

Washington Nonprofits’ Director of Public Policy will lead the implementation of the Public Policy Committee’s board-approved recommendations, however Public Policy Committee members will be encouraged to “lead by example” by participating in calls to action, legislative and lobbying visits, and relationship building with policymakers and external partners. Public Policy Committee members may also be asked to help develop supplemental public policy procedures for Washington Nonprofits as needed. Please contact David Streeter at david@washingtonnonprofits.org or (408) 505-6606 if you are interested or have questions.

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Overtime Comment Template

Below is a template for written comments on L&I's overtime pay proposal. Please feel free to customize your talking points to fit your organization’s mission, voice, and style. Be sure to submit comments before September 6, 2019.

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Washington State Department of Labor & Industries
ATTN: Employment Standards Program
PO Box 44510
Olympia, WA 98504-4510

Dear Employment Standards Program Staff.

I am writing on behalf of [your organization] regarding the Department of Labor and Industries’ overtime pay proposal. Our organization appreciates this opportunity and hopes that our comments are helpful to your rule making process.

Our nonprofit organization’s mission is [mission]. [Describe your work...] We currently employ [number full and part time employees; unique information about them, etc...]

Based on the current information that we have today, we estimate that the overtime proposal will impact us in the following ways:

- How will this impact your mission and service delivery?
  - Will you have to serve fewer or more people?
  - Will you have to raise program fees?

- How will this impact your employees?
  - Staffing costs
  - Staffing plans
  - Benefits
  - Payroll taxes
  - Operations and organizational culture

- What will this change mean for any government contracts that you hold?
  - Ask L&I to ensure that your funders know about this change:
    - Ex: “Our organization has a service contract with the Department of Social and Health Services. We will be letting them know about this change, but we ask that you educate DSHS and other state departments about this change so that they can adjust their contracts and service plans.”

- What else do you want L&I to know?
  - What will you have to do to comply successfully?
  - What unique challenges do you face?
  - What other costs does this add?
[Your organization] appreciates the opportunity to share feedback on this. Please feel free to contact [me/my organization] if [I/we] can provide additional information.

Thank you very much,

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**Tips:**
- Use your own words and have the text reflect your organization’s mission, style, and voice.
- Make the letter about your organization’s views, not your personal views unless you are writing as an individual.
- If you have a story to illustrate the proposal’s impact, include it.
- Try to provide numbers and details about the proposal’s impact. It is acceptable to include estimations.

**How to Submit:**
1. Write up your comments.
2. Submit the comments via email to EAPrules@Lni.wa.gov or fax the document to 360-902-5300.
3. Watch for next steps from Washington Nonprofits.
Proposed Changes to Washington’s Overtime Rules

Washington’s overtime employment rules are changing – and we want to hear from you!

The Department of Labor & Industries (L&I) is changing the employment rules that determine which workers in Washington are required by law to be paid at least minimum wage, earn overtime pay, and receive paid sick leave. These changes will affect executive, administrative, and professional (EAP) workers and outside salespeople across all industries in Washington.

Changes to these rules mean some employers will have to provide minimum wage, overtime, and paid sick leave to some employees who were previously considered exempt. In other cases, employers may choose to increase salaries for exempt employees.

Who are these workers?

A combination of a minimum salary and specific job duties determines whether a worker meets the definition of an executive, administrative, or professional worker, or outside salesperson contained in state rules. These workers are typically “white collar” workers who often have more economic security and relative bargaining power than lower-wage workers.

In general, these workers must be salaried and paid a minimum specified salary level, and must primarily perform executive, administrative, professional, or outside sales duties as defined by federal regulations.

Proposed changes update minimum salary level and job duties

Under the proposed changes, the minimum pay a salaried worker must receive to be considered exempt would increase incrementally to 2.5 times minimum wage by 2026.

For many employers, the first increase would take effect July 1, 2020, when the minimum required salary level for exempt employees would increase from the current $455 a week (under federal rules) to $675 a week for small employers, and $945 a week for large employers (with more than 50 employees). This salary level is based on Washington’s 2020 minimum wage requirement. See the salary chart on page 3 for a full schedule of when the proposed changes would take effect.

In addition to the change in the minimum salary level, the job duties tests in the proposed rules are being updated to more closely align with the federal job duties tests.
Your input needed during rulemaking

L&I is updating the rules through a rulemaking process, and you have an opportunity to submit formal comments during this process. Here’s how:

- Review the draft overtime rules, available online at www.Lni.wa.gov/OvertimeRulemaking.

- Provide formal public comments. You can do this by attending a public hearing; submitting your comments by email at EAPrules@Lni.wa.gov or by fax at 360-902-5300; or mailing comments to the Employment Standards Program, P.O. Box 44510, Olympia, WA 98504-4510. L&I must receive your comments by 5 p.m. September 6, 2019.

Public hearing schedule

Western Washington:

<table>
<thead>
<tr>
<th></th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
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<tbody>
<tr>
<td>Date</td>
<td>7/15/2019</td>
<td>7/16/2019</td>
<td>7/17/2019</td>
</tr>
<tr>
<td>City</td>
<td>Tumwater</td>
<td>Seattle</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Venue</td>
<td>L&amp;I Headquarters</td>
<td>The Swedish Club</td>
<td>Four Points by Sheraton Bellingham Hotel &amp; Conference Center</td>
</tr>
<tr>
<td>Room</td>
<td>S117/S118/S119</td>
<td>Stockholm Hall</td>
<td>Whatcom Room</td>
</tr>
<tr>
<td>*Explanation and discussion of the proposed rule</td>
<td>1:00 p.m. – 2:00 p.m.</td>
<td>9:00 a.m. – 10:00 a.m.</td>
<td>9:00 a.m. – 10:00 a.m.</td>
</tr>
<tr>
<td>Public hearing</td>
<td>2:00 p.m. – 4:00 p.m.</td>
<td>10:00 a.m. – 12:00 p.m.</td>
<td>10:00 a.m. – 12:00 p.m.</td>
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Eastern Washington:

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<thead>
<tr>
<th></th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
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</thead>
<tbody>
<tr>
<td>Date</td>
<td>8/5/2019</td>
<td>8/6/2019</td>
<td>8/7/2019</td>
</tr>
<tr>
<td>City</td>
<td>Ellensburg</td>
<td>Kennewick</td>
<td>Spokane</td>
</tr>
<tr>
<td>Venue</td>
<td>Hal Holmes Community Center</td>
<td>SpringHill Suites by Marriott Kennewick Tri-Cities</td>
<td>CenterPlace Regional Event Center</td>
</tr>
<tr>
<td>Room</td>
<td>Hal Holmes</td>
<td>Vista Hall</td>
<td>Large Meeting Room</td>
</tr>
<tr>
<td>*Explanation and discussion of the proposed rule</td>
<td>9:00 a.m. – 10:00 a.m.</td>
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<td>10:00 a.m. – 12:00 p.m.</td>
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* All public hearings include a pre-hearing overview, which will provide the public with an opportunity to learn about the new rule and ask Labor & Industries’ staff questions.

Learn more

Find more information online at www.Lni.wa.gov/OvertimeRulemaking, or contact L&I’s Employment Standards program at EAPrules@Lni.wa.gov or 1-866-219-7321.

Sign up to receive email updates on the overtime employment rule changes at www.Lni.wa.gov/WageNews.
### Proposed minimum weekly salary levels required for an overtime-exempt employee

<table>
<thead>
<tr>
<th>When the proposed changes would take effect</th>
<th>July 1, 2020</th>
<th>January 1, 2021*</th>
<th>January 1, 2022*</th>
<th>January 1, 2023*</th>
<th>January 1, 2024*</th>
<th>January 1, 2025*</th>
<th>January 1, 2026*</th>
<th>Future years</th>
</tr>
</thead>
<tbody>
<tr>
<td>For employers with 1-50 employees</td>
<td>$675 (1.25 x min. wage)</td>
<td>$965 (1.75 x min. wage)</td>
<td>$1127 (2 x min. wage)</td>
<td>$1296 (2.25 x min. wage)</td>
<td>$1324 (2.25 x min. wage)</td>
<td>$1353 (2.25 x min. wage)</td>
<td>$1536 (2.5 x min. wage)</td>
<td>Beginning Jan. 1, 2027, the salary level will remain at 2.5 times minimum wage and be updated annually for inflation</td>
</tr>
<tr>
<td>For employers with 51 or more employees</td>
<td>$945 (1.75 x min. wage)</td>
<td>$1103 (2 x min. wage)</td>
<td>$1268 (2.25 x min. wage)</td>
<td>$1296 (2.25 x min. wage)</td>
<td>$1324 (2.25 x min. wage)</td>
<td>$1503 (2.5 x min. wage)</td>
<td>$1536 (2.5 x min. wage)</td>
<td></td>
</tr>
<tr>
<td>Total employees affected (cumulative)</td>
<td>77,000</td>
<td>125,000</td>
<td>168,000</td>
<td>190,000</td>
<td>198,000</td>
<td>229,000</td>
<td>252,000</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

* The salary levels for the years marked by an asterisk are projections, based on estimated increases in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) of 2.17 percent annually.

1. Under the current federal law, a salaried employee must be paid a minimum of $455 a week to be exempt from overtime requirements.
2. Under the current state law, a salaried employee must be paid a minimum of $250 a week to be exempt from overtime requirements.
3. A full-time minimum wage job in Washington in 2019 makes $480 per week for a 40-hour work week.
4. Certain hourly computer professionals, as defined in the proposed rule, would have higher minimums than those listed here.
"THE MOST IMPORTANT POLICY CONFERENCE OF THE YEAR!"

The Re-Wire Policy Conference is a non-partisan, policy agnostic platform for civil, civic discourse on policy, politics, and political economy.

Re-Wire Policy Conference
December 10th, 2019
Hilton Seattle Airport & Conference Center

With more legislators at one event than any other convening – except for the legislative Session itself – the 2019 Re-Wire Policy Conference has been called “The Most Important Policy Conference of the Year,” teeing up the most important policy conversations right ahead of the 2020 legislative session.

The Re-Wire Policy Conference is hosted by The Washington State Wire, an independent nonpartisan news gathering organization focusing on Washington politics, policies and political economy.

Register Today!

Save 20% with promo code WANP20

Register today at [www.washingtonstatewire.com](http://www.washingtonstatewire.com) to secure your space on December 10, 2019.

Join 300 of the most important policy advocates, elected officials and market leaders for this once a year event from 8:15 to 4:30 p.m.

Registration cost: $269

If you have trouble registering, contact us at (425) 361-2118.