

To: DFPI Regulations[REGULATIONS@dfpi.ca.gov]
Cc: Fairman, Peggy@DFPI[Peggy.Fairman@dfpi.ca.gov]
From: Maryann Boller
Sent: 2023-05-09T21:21:06Z
Subject: Comments on PRO 01-21
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Dear Sir/Ms:

I understand that new regulations are being discussed that affect the EWA/on demand pay benefits employers may offer.

As a 25 year veteran Payroll Professional, I have long held the position that the benefits being promoted currently pose serious questions around taxes and DOL concerns around timely payment of wages.

Key to this deliberation is the concept of constructive receipt. Some vendors that offer the benefit appear to assume the liability and some do not. I come from the school of thought that the employer is always ultimately responsible for all aspects of an employee's pay and have strong concerns that the agreements made with such vendors could be interpreted differently than communicated during the sales process.

I hope that the persons considering these rule changes call upon Payroll Professionals for a grass roots look at the real life consequences of providing on demand pay.

Respectfully,

Maryann Boller, CPP (Certified Payroll Professional)