



June 30, 2020

Via Email: esilverman@dccouncil.us

The Honorable Elissa Silverman
Council of the District of Columbia
1350 Pennsylvania Ave NW, Suite 408
Washington, DC, 20004

**RE: Request for Supplemental Performance Hearing for the Department of
Employment Services (DOES) Office of Unemployment Compensation to address
immediate COVID-19 related performance issues**

Dear Councilmember Silverman:

On behalf of the Claimant Advocacy Program, First Shift Justice Project, Legal Aid Society of the District of Columbia, Public Justice Advocacy Clinic at the George Washington University Law School, Washington Lawyers' Committee for Civil Rights and Urban Affairs, and Whitman-Walker Health, *we request that the Committee on Labor & Workforce Development of the Council of the District of Columbia hold a supplemental hearing for the Department of Employment Services (DOES) Office of Unemployment Compensation in the coming weeks to address immediate COVID-19 related performance issues.*

Since the start of the COVID-19 public health emergency, jobless workers have filed more than 120,000 claims under the District's unemployment compensation (UC) program. This number reflects a historic level of job loss, and yet, does not capture the full extent of worker displacement, as many workers have tried and failed to file for UC or Pandemic Unemployment Assistance.

We understand and appreciate that DOES has undertaken extensive effort to implement the District's emergency legislation and new federal unemployment programs included in the CARES Act to address the extraordinary needs of the District's community to access critical safety-net benefits. DOES's employees have provide an indispensable service for jobless workers, and they deserve our thanks and heartfelt appreciation for their services during this crisis.

However, despite DOES's efforts, the extreme surge in workers claiming benefits has exposed flaws in DOES's ability to implement required law changes and process claims so that all workers, especially the most vulnerable, can access these necessary benefits. As you know, the last performance hearing for DOES, held on March 4, 2020, preceded the COVID-19 public health emergency. And while we appreciated the opportunity to raise these issues during the DOES budget hearing on May 28, 2020, the limited time available was not sufficient to fully address DOES performance issues.

We ask that the Committee hold a performance hearing to review the following issues:

- **Access to unemployment benefits for workers without home computers.** The application for standard UI is only available over the phone and online. The application for Pandemic Unemployment Assistance, or PUA, is only available online. DOES must expand access for workers who do not have access to the technology needed to access online applications, especially considering that the phone lines for DOES are so overwhelmed as to be often inaccessible. This must include an option that individuals be able to apply for benefits by filling out paper copies and dropping them at the DOES office (as applicants for other benefits are able to do at the Department of Human Services service centers).
- **Access for non-English proficient and limited-English proficient workers.** Currently, the standard UI application is only available in English and Spanish, and the PUA application is only available in English. These applications must be available in every language required by the D.C. Language Access Act and other applicable state and federal laws. The inaccessibility of the applications in languages other than English severely impacts low wage workers, especially immigrant and other workers of color.
- **Processing Pandemic Unemployment Assistance (PUA) benefits.** The District was eligible to pay PUA benefits to eligible workers in the first week of April 2020. Workers have filed more than 24,000 PUA claims since the District launched the PUA application on April 24th. While some workers are receiving the minimum benefits amount (\$179/week) provisionally, thousands are entitled to back-benefits or adjusted benefits higher than the minimum. Congress appropriated – and the District received – millions of dollars to support the states in administering these benefits in a timely manner. The District should account for the status of these unpaid benefits and immediately make them available to the workers who qualify for them. Additionally, the PUA program application denies certain workers the ability to apply for PUA by automatically denying claims where the claimants report zero income from calendar year 2019 – despite the Department of Labor being clear that past income is not a requirement for PUA eligibility.

- **Claims Website Modernization.** DOES has already spent at least \$9 million on website updates in previous years, but the system has not been modernized on the benefits side to help workers file claims. DOES has passed several deadlines for website modernization, which was originally slated to be concluded in 2018. As we describe above, significant further changes are needed in order for the system to be accessible for all workers.

In this unprecedented time, we ask the Council to hold a hearing to examine DOES's performance during this crisis and require that DOES comply with its responsibility to make these benefits available to claimants.

Thank you for considering this request.

Sincerely,

/s/ electronically signed Tonya Love, Laura Brown, Drake Hagner, Jeff Gutman, Daniel Katz, and Amy Nelson

Please direct replies to:

- Tonya Love, Program Director, Claimant Advocacy Program of the Metro Washington Council AFL-CIO – tlove@dclabor.org
- Laura Brown, Executive Director, First Shift Justice Project – lbrown@firstshift.org
- Drake Hagner, Senior Staff Attorney, Legal Aid Society of the District of Columbia – dhagner@legalaiddc.org
- Jeff Gutman, Director, Public Justice Advocacy Clinic of The George Washington University Law School – jgutman@law.gwu.edu
- Daniel Katz, Senior Counsel, Washington Lawyers' Committee for Civil Rights and Urban Affairs – daniel_katz@washlaw.org
- Amy Nelson, Director of Legal Services, Whitman-Walker Health – anelson@whitman-walker.org

CC: Dr. Monique Morris-Hughes, Director, Department of Employment Services via email