

**Joint Testimony of the
Claimant Advocacy Program, First Shift Justice Project, and the Legal Aid Society of the
District of Columbia**

**Before the Committee on Labor & Workforce Development
Council of the District of Columbia**

Public Hearing on B23-985 Unemployment Benefits Extension Amendment Act of 2020

November 17, 2020

The Claimant Advocacy Program,¹ First Shift Justice Project,² and the Legal Aid Society of the District of Columbia³ jointly submit this written testimony in support of the “Unemployment Benefits Extension Amendment Act of 2020” (B23-985). This bill would permanently codify recent emergency legislation extending standard unemployment compensation and Pandemic Unemployment Assistance (PUA) benefits by an additional seven weeks through the Extended Benefits program until December 31, 2020 when full federal reimbursement is set to expire. This bill also positions the District to more quickly take advantage of future federal stimulus bills that reimburse the District for Extended Benefit programs.

Attorneys from our legal organizations have been on the front lines of the COVID-19 economic downturn while serving District workers seeking unemployment compensation, PUA, and other

¹ The Claimant Advocacy Program (CAP) is a free legal counseling service available to individuals who file unemployment compensation appeals in the District of Columbia. CAP is a program of the Metropolitan Washington Council AFL-CIO, which works with over 200 affiliated union locals and religious, student, and political allies to improve the lives of workers and families throughout the greater metro Washington area. For more information, visit <http://www.dclabor.org/unemployment-help.html> or <http://www.dclabor.org/>.

² First Shift Justice Project is a D.C. based organization founded in 2014 with a mission to help working mothers in low wage jobs assert their workplace rights to prevent job loss. More information can be found at <http://www.firstshift.org/>.

³ The Legal Aid Society of the District of Columbia is the oldest and largest general civil legal services program in the District of Columbia. Over the last 88 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

safety-net unemployment programs.⁴ Together, we have served more than a thousand workers since the District declared a public health emergency in March 2020.

As many workers begin to exhaust their unemployment compensation and federally funded benefit programs, our attorneys regularly talk to workers who express intense anxiety and distress about the looming exhaustion or expiration of their benefits. The overwhelming majority of our clients use these benefits to pay for shelter, utilities, food, prescription drugs, and other basic necessities. When our clients can meet their basic needs, they are more likely to socially distance safely at home, thus contributing to the public health efforts of the District to combat COVID-19.

Benefits of the Legislation

We commend the Council's Labor Committee and DOES for working together to develop and pass the recent emergency legislation to extend unemployment compensation and PUA benefits by an additional seven weeks. We strongly support this bill's amendment to the Unemployment Compensation Act to allow the District to take advantage of current (and future) federal laws that reimburse the District of Columbia for one hundred percent of Extended Benefit programs. The whole city benefits when our workers are able to claim each and every federally reimbursed dollar of benefits during an economic downturn. District workers need and deserve this extension.

Limitations

However, there are limitations to the seven-week program by design and implementation, and while the most troubling limitations are due to the U.S. Congress's failure to extend the CARES Act, we would be remiss if we did not describe these limitations below.

First, only a small fraction of jobless workers will receive these seven-weeks of benefits.

This is because the seven-week extension expires on December 31, 2020, when one hundred percent federal reimbursement for Extended Benefits in the CARES Act expires. Also, the seven-week extension can only be drawn after exhausting PEUC and permanent Extended Benefit programs. This means that claimants must first exhaust 26 weeks of standard unemployment compensation, then 13 weeks of PEUC, then 13 weeks of Extended Benefits before claiming the seven-week extension. *As a result, only unemployment compensation claimants who became unemployed in November 2019 (or earlier) will be able to draw from these funds.* This is a small fraction of currently unemployed workers in the District as the

⁴ Other benefit programs include Pandemic Emergency Unemployment Compensation (PEUC) a fully federally funded 13-week extension program that expires on December 31, 2019; Extended Benefits (EB) an additional 13-week extension program funded by the federal government until December 31, 2019, with funding divided between the District and federal government starting January 1, 2021; and the Federal Pandemic Unemployment Compensation (FPUC) a temporary additional \$600/week federally funded payment that was only available for claims filed in between March and July 2020.

majority lost work at the beginning of the public health emergency in mid-March 2020.

For claimants of PUA, the seven-week extension should benefit a larger group of workers. If a PUA claimant was able to successfully file for benefits back to mid-March 2020 (when the public health emergency began in the District), then their thirty-nine weeks of PUA benefits will expire in mid-December 2020. These claimants can then apply for the seven-week extension for the last two weeks of December.

However, in our experience, many PUA claimants had a very difficult time filing claims for back-benefits after the PUA application was launched online on April 24, 2020. This is because PUA claims were only accepted online and in English, excluding many of our most vulnerable workers without computer access or limited English proficiency. Other workers failed to understand how to claim back benefits any earlier than April 24, 2020 as the claims process was confusing and it was difficult to ask questions of DOES representatives because the phone lines were clogged. This makes it even less likely that PUA claimants will be able to exhaust all 39 weeks of PUA benefits – let alone any of their seven-week extension – before these programs expire December 31, 2020.

Second, the seven-week extension will not reach all workers who need it because of the onerous DOES requirement that claimants complete a new application.

Our organizations have counseled dozens of workers in recent weeks who have lost extension benefits (like PEUC or Extended Benefits) because DOES similarly requires a new application in order to access these benefits. DOES will not instruct claimants on their continuing claim cards that they should submit a new claim for the relevant extension benefit. Some claimants try to figure this out on their own, but they find the self-education materials confusing and the DOES claims website difficult to navigate. As a result, claimants miss weeks of benefits that they would be otherwise entitled to.

Recommendations

In closing, we recommend the following:

- We urge DOES to seamlessly transition otherwise-eligible UC and PUA claimants to PEUC, Extended Benefit, and the seven-week extension benefits instead of requiring claimants to file brand-new claims for benefits. (We encourage DOES to automatically redetermine a claimant's monetary determination where necessary to transfer the claimant to PEUC as required by federal law.)
- We urge the Council to work with the Mayor's office and other stakeholders to consider local funding for extension benefits in lieu of the U.S. Congress's failure to timely extend CARES Act benefits.
- We urge the Council to use all available resources to petition the U.S. Congress and Senate, on behalf of District workers and the city as a whole, to extend the CARES Act.

Thank you for the opportunity to submit this written joint testimony.