



Council of the District of Columbia
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Director Unique Morris-Hughes
Department of Employment Services
4058 Minnesota Avenue, NE
Washington, DC 20019

Dear Director Morris-Hughes:

District workers, their former employers, and advocates email Councilmembers every day asking for help accessing the unemployment insurance safety net. Their stories share many common themes: long delays, confusing processes, and unclear direction when attempting to work with the Department of Employment Services (DOES) to get the benefits they need. Since September, I have been scheduling regular oversight hearings and roundtables where members of the public can bring their concerns to me and to DOES. These events have been effective at highlighting where we as a government can and must do better.

Thank you for agreeing to testify at a performance oversight roundtable on the topic of "Unemployment Insurance Programs in the District During the COVID-19 Pandemic" on Wednesday, December 16, 2020 from 10:00 am to 11:00 am. We have received written testimony from DOES to enter into the official record. In order to use this time as efficiently as possible, I am providing an overview of the key concerns witnesses at previous roundtables have asked me to find out more about.

At this time, I am also sending follow-up questions and recommendations for the agency to respond to in writing. I hope that together, we can advance the public's understanding of how these programs are faring. Please provide the requested information no later than January 4, 2020. If you have any questions, please contact Margaret O'Hora, Legislative Counsel, via email (mohora@dccouncil.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Elissa Silverman".

Elissa Silverman
Chair, Committee on Labor and Workforce Development
Council of the District of Columbia

December 16, 2020 Oversight Roundtable Topics and Likely Questions

1. Pandemic Unemployment Assistance (PUA) and \$1,200 stimulus payment
 - a. Who will receive the \$1,200 stimulus payment? When and how will they receive it? Does a qualified claimant have to apply or take any action to receive the stimulus?
 - b. If a qualified PUA claimant does not receive the \$1,200 payment, what should they do?
 - c. If CARES Act funding expires and Congress does not extend, will the PUA program end? Will claimants owed back pay still receive their money if the program ends on December 26? What about claimants who still have not had their monetary redetermination?

2. Pandemic Emergency Unemployment Compensation (PEUC)
 - a. Many claimants who have applied for PEUC are told they have earnings in another state and are ineligible for PEUC in DC. What should they do? Do they apply for traditional unemployment insurance (UI) in that state or do they apply for PEUC? Do they ask for their wages in that state to be combined with DC wages?
 - b. What if a claimant never worked in that state during their base period? What documentation do they need to prove to DOES that the assessment is incorrect?
 - c. If the CARES Act or PEUC is not extended by Congress, will the program end on December 26? Should UI claimants apply for Extended Benefits if PEUC ends?
 - d. If a claimant is owed back pay under PEUC (or other programs) will they still receive that money after December 26?
 - e. Please explain combined wage claims and how they work.

3. Extended Benefits (EB) program
 - a. Will the EB program end on December 26?
 - b. When and how will the additional 7 weeks of EB be provided to qualified claimants?

4. DOES Outreach schedule
 - a. Please provide the dates and times of DOES webinars and other public events that UI claimants may be interested in attending.

Council Questions Submitted to DOES for Written Responses

A. Making UI Extensions Easier for Claimants

In the October 9, 2020 [letter](#) to DOES, Councilmembers asked, **“How can DOES automate the 13-week extensions for UI claimants who are eligible for PEUC and Extended Benefits?”**

The Committee is interested in problem-solving and working with the agency to keep UI compensation flowing to claimants. In the October 30 responses, DOES explained that “states may not automatically enroll current UI claimants into the PEUC program” and “claimants are required to file an application,” according to the U.S. Department of Labor (US DOL).¹ DOES also said that “a state may not automatically switch an individual to an EB claim. Each state must determine if an individual meets all EB eligibility requirements.”²

The Committee recognizes that there are legal barriers to automatically extending the program. Therefore, we are interested in seeking other ways the agency could streamline the process for claimants, make the extension programs more understandable, and make it easier to access funds. Furthermore, each state is required to “individually notify each potentially eligible [for PEUC] individually. Posting information on the state website is insufficient for individual notice.”³ US DOL provides model language in to be used for this purpose. Please review these recommendations and explain which of these can be implemented, which will be the fastest, and which one(s) the agency is moving or will move forward with:

1. Can DOES notify claimants who are in the second to last week of either initial UI, PEUC or PUA that benefits are about to run out? Can this notification appear in their customer portal as well as in an email? Can that notification include a link to any extension program they are eligible for, such as PEUC or EB?
2. Can DOES pre-populate PEUC and EB application forms with information already provided, and simply allow each claimant to revise any fields that may have changed?
3. When a claimant receives their final week of benefits under a specific program, can DOES state in the portal that the claimant’s benefits have ended and as of X date, they may be eligible for an extension of benefits? Can DOES also provide a link to the application form in the portal?
4. Can DOES notify PEUC claimants that have earned money during their base period in another state and that they need to apply for UI in the other state where they earned wages? Also, can DOES send an email to these claimants clearly explaining why those with wages need to apply in the other state? Clearly outline the process for continuing with PEUC in DC.
5. Can DOES notify PEUC claimants when their UI benefit year is going to expire so they can reapply for traditional UI benefits?
6. Can DOES notify claimants in advance what to expect and what to do if/when CARES Act programs expire?

¹ DOLETA UIPL 17-20, Change 1 (May 13, 2020).

² DOLETA UIPL No. 24-20, Section 4.a. (May 14, 2020).

³ DOLETA UIPL 17-20, Change 1 (May 13, 2020).

B. Staffing

The Committee would like to better understand how many employees are performing various core functions for the Office of Unemployment Compensation. According to FY2021 budget documents, the Office of Unemployment Compensation's Benefits Unit is staffed by 93 Full Time Equivalents (FTEs, or employees) who are dedicated to accepting and reviewing claims for benefits.⁴

As of December 1, 2020, how many employees in the Office of Unemployment Compensation's Benefits Unit:

1. Are qualified to "adjudicate claims" under each of the following programs: UI, PEUC, PUA, EB (answer for each program separately)?
2. How many are supervisors (i.e., the employees claims adjudicators report to)?
3. Is DOES actively working to train and qualify additional employees to perform claims adjudication? How many? When?
4. How many new employees (permanent or term) have been hired to work in the Office of Unemployment Compensation since April 1, 2020? Please list the positions filled.
5. How many individuals who were employed in the Office of Unemployment Compensation on March 1, 2020, no longer work for DOES?
6. How many of the 20 FTEs approved by USDOL to process PUA claims⁵ have started working at DOES? On what date(s) did they or will they begin?
7. How many FTEs are in the UI call center? Are any of the call takers able to adjudicate claims?
8. Are there any "volunteers" from other DC government agencies still working in the UI division? If so, how many and what are their roles?

C. PUA Redeterminations

DOES has said that "[a]ll eligible PUA applicants who applied before October 1, 2020 have received a notice of monetary determination for the minimum PUA weekly benefit amount of \$179, unless the claimant had already received a redetermination. As DOES continues to review new PUA claims and existing PUA claims for redeterminations, claimants receive a notice of monetary redetermination via U.S. mail."

1. In its October 30 letter, DOES could not provide a timeline for completing the monetary and back pay redeterminations for PUA claimants. Please provide a timeline for completion. If DOES still cannot provide a completion date, please explain why.
2. In its October 30 letter, DOES could not specify the number of PUA claimants who received a benefit level adjustment. DOES said that "we are working with our contractor to report this

⁴ The Benefits Unit had 93 positions with 11 vacancies reported in FY2020 budget documents.

⁵ At the September 30 oversight hearing, the Committee expressed concerns that only 10 staff were responsible for processing over 40,000 PUA claims reportedly filed since March 2020. In its October 30 letter, DOES said that "USDOL approved DOES for 20 FTEs to process PUA claims," and noted that 11 DOES employees were temporarily assigned to review PUA claims.⁵ The letter also said that 25 contractors from the District's Capitol Bridge vendor were providing "additional support in reviewing and processing PUA claims."

number.” Please provide this data. If the data is still not available, please explain in detail why it is not available, and provide the date when it will be available.

Freelance workers have testified about the difficulty of meeting PUA application requirements. The Committee is concerned that as PUA claims are reassessed, claimants are not provided with adequate opportunity to supplement or correct the documentation they have submitted in support of their claim.

3. Please explain how PUA claimants are informed of how to document their income, what documents are acceptable, and how to request a redetermination if the claimant disagrees with DOES. Also provide a copy of the notice of monetary redetermination for PUA benefits and, if not included on the notice, a copy of the form notifying PUA claimants of their appeal rights.

D. Claims Data

The Committee would like to get a clearer picture of the number of claims for benefits in DC. The following data has been reported by the US Department of Labor,⁶ for the weeks indicated.

UI

Week ending	Initial claims	Continuing claims
Oct. 24, 2020	1,363	36,662
Oct. 31, 2020	1,188	34,086
Nov. 7, 2020	1,234	31,881
Nov. 14, 2020	1,242	28, 427

PEUC

Week ending	Claims
Oct. 24, 2020	20,892
Oct. 31, 2020	22,656
Nov. 7, 2020	23,984
Nov. 14, 2020	25,054

PUA

Week ending	Continuing claims
Oct. 24, 2020	15,057
Oct. 31, 2020	15,002
Nov. 7, 2020	14,874
Nov. 14, 2020	15,223

⁶ Unemployment insurance weekly claims data sources: <https://www.dol.gov/ui/data.pdf>; <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/ui-claims/20202020.pdf>; <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/ui-claims/20202058.pdf>; <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/ui-claims/20202118.pdf>

1. These numbers are different from what DOES has previously reported in public hearings and in written responses to the Council.⁷ Please explain the discrepancy between the DOL and DOES data in each category (UI, PEUC, and PUA).

E. Shared Work

The Shared Work (also known as “Short Time Compensation”) program provides an important opportunity for employers that must reduce staffing levels to keep valuable, trained staff in place until they can ramp up working hours again. Shared Work is presently eligible for 100 percent reimbursement by the federal government, also making it an efficient way to bring more money into the local economy.

Many employers have told the Committee that they are interested in Shared Work but would like to be able to talk to someone at DOES to ask about the application process, plan requirements, and other case-specific questions.

Recommendation: DOES should identify those staff members with experience building employer relationships, including those who may traditionally perform workforce development roles, and enlist their help in rolling out the Shared Work program.

According to the Shared Work program guide, “Review of the Shared Work plan may take longer than fifteen calendar days if the submitted Shared Work plan is incomplete, inconsistent, or complicated and DOES is required to contact employer for additional clarifying information.” Providing more direct customer service to businesses *before* they submit applications will help speed up the application review process.

1. How is DOES getting the word out about Shared Work to local DC businesses and organizations such as the Restaurant Association of Metro Washington (RAMW), DC Chamber of Commerce, ONE DC, and the D.C. Bar and Restaurant Workers Alliance?
2. Please provide the following information regarding Shared Work program participation between April 1, 2020 and November 30, 2020:
 - a. How many applications have been submitted thus far?
 - b. How many employers have had one or more applications approved?
 - c. How many applications approved in 15 calendar days or less?
 - d. How many applications approved in 30 calendar days or less?
 - e. How many applications withdrawn by the applicant?
 - f. How many applications denied by DOES?
 - g. Of applications denials, how many re-applied?
 - h. How many participating employers by industry? (Or, top 5 industries represented?)

⁷ In DOES’s September 18, 2020, letter to the Committee, it reported having received 133,463 claims for unemployment insurance benefits in the weeks ending March 21, 2020 through August 1, 2020, with 128,183 claimants; 96,330 approved; 2,627 pending and 29,226 denied. Also, DOES said there were 37,137 claims filed for PUA in the weeks ending April 25, 2020, through August 1, 2020, with 30,848 claimants; 19,337 approved, 1,060 pending; and 1,949 denied.

- i. How many employees have participated?

F. Unemployment, tax, and child support debt payments

The U.S. Department of Labor has directed state unemployment agencies to recover outstanding federal and state taxes, unemployment insurance overpayments, and other debts from claimants receiving UI, PEUC, PUA, and EB benefits.

1. Please provide a copy of the notice a claimant receives if they have benefits reduced due to any of these reasons.
2. As of December 1, how many claimants in each category (UI, PEUC, and PUA), who filed a new claims for benefits since March 15, 2020, have had their benefits reduced due to:
 - a. DC taxes owed?
 - b. Outstanding federal or non-DC state taxes owed?
 - c. Overpayment of benefits?
3. What is the total amount identified for recovery by DOES since the week ending March 21, 2020, toward:
 - a. DC taxes owed?
 - b. Outstanding federal or non-DC state taxes owed?
 - c. Overpayment of benefits?
4. Can the claimant appeal the decision within DOES and, if so, what is the process to request and proceed through such an appeal?