



Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Ave, NW
Washington, DC 20004

Elissa Silverman
Councilmember At-Large
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Development

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December 21, 2018

The Honorable Muriel Bowser
Executive Office of the Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Mayor Bowser:

Over the last several weeks, I have been contacted by numerous constituents employed at Providence Hospital regarding its plans to gradually shut down and cease operations by April 2019. Understandably, these employees are concerned about their jobs and how they will provide for their families. They have asked how the District government can help them as they face potential layoffs over the next few months.

Given that the request in D.C. Superior Court for a temporary restraining order to prevent the closure of the hospital was denied yesterday, I think we need to be expeditious in providing resources to these D.C. workers and make it easy for them to access these programs. As chair of the D.C. Council's Committee on Labor and Workforce Development, I ask that we work together on a clear course of action.

There is much that the District can do to help the Providence Hospital workforce, and it's in our best interests to keep these households economically stable as these workers transition to new employment. The Department of Employment Services (DOES) can play a pivotal role in supporting these workers. There are several programs that can provide immediate assistance:

- **Rapid Response** The federal Workforce Innovation and Opportunity Act (WIOA) is designed to help job seekers access employment, training, and other support in order to succeed in the labor market. According to the DOES website, Providence Hospital issued a WARN Notification to DOES on August 17, 2017 for an industry closing/layoff of 268 affected employees. WIOA regulations (20 CFR Part 682) require that D.C. – together with the Workforce Investment Council, elected officials, and other interested parties– provide a “Rapid Response” when an employer announces a mass layoff or permanent closure. Rapid Response entails the strategies and activities necessary to deliver services to enable dislocated workers to transition to new employment as quickly as possible.
- **Unemployment Insurance** Unemployment insurance (UI) is a critical economic support when workers lose their jobs, helping laid-off workers to meet necessary expenses like rent and food, while giving them the peace of mind necessary to find new work. We must ensure that all Providence Hospital employees who are eligible for unemployment insurance benefits are able to collect them as efficiently as possible.

- **Final Paychecks** D.C. law mandates that employees in the District of Columbia are entitled to receive their earned wages no later than the working day following their discharge, with certain exceptions. Employers who fail to comply with their obligations are liable for liquidated damages or other payments.

In our common interest to help these D.C. workers, I respectfully request the following information by Tuesday, January 15, 2019.

Point of Contact

- Please provide the name and direct telephone number for a person who can serve as the D.C. government's key point of contact for separated Providence Hospital workers.

Rapid Response

- Please provide the written Rapid Response plan for Providence Hospital, including how the District is providing information and access to programs, services, and resources to support reemployment efforts, such as job search assistance and job training.
- What date was the Rapid Response plan deployed, or if it has not yet launched, what is the date it will go into effect?

Unemployment Insurance

- Please describe what steps the District is taking to inform Providence Hospital employees of their eligibility for unemployment insurance and how to sign up for UI. Has the District arranged for a group meeting to explain the process? If not, will it do so?
- Has DOES assigned a single UI point of contact to these workers?
- Has Providence Hospital exercised its option, as a nonprofit institution, to reimburse the UI Trust Fund annually for unemployment benefits actually paid to former employees, rather than paying the applicable tax rate? If so, will the hospital's closure impact qualifying employees' ability to collect these benefits?

Final Paycheck

- Has the District received any complaints from Providence Hospital employees or reports or other communications from their union(s) alleging failure to provide a final paycheck? How many employees? Which unions? Please detail the status of any investigations and the agency's responses.
- Has the agency affirmatively reached out to the hospital or to Providence Hospital employees or their union(s) to ensure that the hospital is adhering to this requirement? Please provide a summary and a copy of any written correspondence to this effect.

Employee Rights

DOES plays a crucial role in identifying and recovering payments that are due to workers under the District's sick leave, minimum wage, and other laws. Too often, back pay and penalties owed by companies that go out of businesses are not fully recovered.

- Has DOES received any complaints from employees of Providence Hospital in 2018 related to their wage or other employment rights? How many?
- Please detail these complaints and their resolution, if closed. If ongoing, please state the stage of the investigation.

Thank you for your attention to this matter. I look forward to your response. Any questions or concerns may be directed to Committee Director Liz Weiss, (202) 724-4902.

Best wishes for a happy holidays.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Elissa Silverman". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

cc: Brenda Donald, Deputy Mayor for Greater Economic Opportunity
Unique Morris-Hughes, Director, Department of Employment Services
Ahna Smith, Executive Director, Workforce Investment Council