

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services



MURIEL BOWSER
MAYOR

DR. UNIQUE MORRIS-HUGHES
DIRECTOR

September 18, 2020

The Honorable Elissa Silverman
Chairperson, Committee on Labor and Workforce Development
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Suite 408
Washington, DC 20004

Dear Councilmember Silverman,

I am writing in response to your correspondence dated August 7, 2020, regarding the September 16, 2020 public oversight hearing on “the District’s Unemployment Compensation Program During the COVID-19 Pandemic.” Please find DOES’ responses to your pre-hearing questions below.

Applications & Eligibility

1. A. Please provide a table in Excel (See Attachment, Sheet A) showing for each week, beginning with the week of March 15, 2020, through the week of July 26, 2020, the number of *unemployment insurance (UI) applications*, and, of those applications, provide as of Aug. 15, 2020, the number of approved applications, number of denials, number pending, and number paid within 21 days of the claim’s filing date.

B. Please provide a table in Excel (See Attachment, Sheet B) showing for each week, beginning with the week of March 15, 2020, through the week of July 26, 2020, the number of *pandemic unemployment assistance (PUA) applications*, and of those applications, provide as of Aug. 15, 2020, the number of approved applications, number of denials, number pending, and number paid within 21 days of the claim’s filing date.

Please see the attachment labeled, “DOES UI Pre-Hearing Response – Q1.”

2. A. By what methods (online, telephone, hard copy, other) can speakers of each of the following languages apply for unemployment insurance? Amharic, Chinese, French, Korean, Vietnamese, and Spanish.

Amharic, Chinese, French, Korean, Vietnamese, and Spanish speakers may apply for unemployment benefits by telephone at 202-724-7000. All call takers have access to language line translation services for each of these six non-English languages. In addition, Spanish speakers can apply online at [DCNetworks.org](https://dcnetworks.org).

Relatedly, DOES' comprehensive guidance on applying for unemployment benefits, [Accessing Unemployment Benefits: A Quick Guide to Applying](#), is available on the DOES website. As a note, this guidance is also [available](#) in the six commonly spoken non-English languages in the District. In addition, other guidance materials and FAQs related to specific unemployment compensation programs, such as PUA and PEUC, are available on the [DOES website](#).

B. By what methods (online, telephone, hard copy, other) can speakers of each of the following languages apply for PUA? Amharic, Chinese, French, Korean, Vietnamese, and Spanish.

PUA applicants may apply [online](#) in Chinese, French, Korean, Vietnamese, and Spanish. There are also detailed [online filing instructions](#) in Amharic. The online application is not available in Amharic because Salesforce does not support the Amharic language.

In addition, PUA applicants can apply by telephone by contacting the Office of Unemployment Compensation Benefits Department at 202-724-7000. All call takers have access to language line interpretation services for each of the languages identified above. Claimants will speak with a representative to first ensure an initial claim for benefits has been filed. Once completed, the caller will be transferred to a PUA claims filing agent who will complete the application on behalf of the caller with the assistance of an interpreter, if required. The claim will be submitted to the PUA division for processing.

- 3. States are required to review unemployment claims that were denied as of January 27, 2020 forward and identify individuals who are potentially eligible for PUA.¹ States must then notify these individuals of their potential eligibility. How many such claims were reviewed as of Aug. 15, 2020? How many individuals potentially eligible have been identified? Please provide a copy of the written notification DOES provides to these individuals.**

DOES has provided notification to the public through social media, our website, and our online portal for individuals who are not eligible for traditional unemployment about how to seek additional benefits through PUA. As part of our affirmative notification of these additional benefits programs, 5,444 of potentially eligible individuals who signed up for notification received a notification when the PUA application was live with instructions on how to apply. This is an ongoing process.

- 4. What documentation will DOES accept or has DOES accepted establishing that a claimant voluntarily quit with good cause due to “working in unsafe locations or under unsafe conditions” (DCMR 7-311.7)?**

Acceptable documentation is determined on a case-by-case basis. Common examples of acceptable documentation include a physician's certificate or notification from the employer stating the workplace was determined to be unsafe (i.e. a co-worker tested positive for COVID-19).

¹ UIPL 16-20 Change 1, p. I-2

- 5. The DOES call center has been augmented by hiring contracted call center workers. Can these call center contractors tell a claimant the status of their application, tell a claimant the reason their claim has been denied, send claimants documents they request (for example, determination letter), or escalate a complex matter to a supervisor?**

Yes, all call takers should be able to provide claimants with the status of their application; the reason their claim has been denied, if a determination has been made; and provide a copy of the determination letter. In addition, a call taker may escalate complex matters to a supervisor if they are not able to address a claimant's issue.

- 6. Are employers being notified of their former employees' UI claims and provided with an opportunity to contest employees' eligibility? If so, do the notices indicate that the employer's experience rating will not be negatively affected (as per current law)? Please provide a copy of the notice(s) currently used by DOES.**

All employers receive a request for separation information document when their former employee files a UI claim. This form provides the employer with the opportunity to contest the employees' eligibility. Please see the attachment labeled, "DOES UI Pre-Hearing Response – Q6." Additionally, when a decision is made in favor of the claimant, the employer receives an appealable determination letter with instructions on how to file an appeal.

The [FAQ document](#) linked here notifies employers their experience rating will not be negatively affected.

- 7. While applying online for UI, some applicants received an error message saying that they could not finish their application or needed to try again another day. What circumstances generate such a message?**

This error message appears if an applicant enters information that triggers our fraud alerts. Examples of information that could generate this message include:

- Previous fraud associated with a social security number;
- Multiple filings from one mailing address;
- Multiple filings from the same IP address;
- Multiple filings using the same password;
- Multiple filings using the same email address;
- Claim filings from out of state and outside of the DMV area;
- Filings with social security numbers for individuals who are deceased;
- Filings using social security numbers that are associated with previous fraud schemes; and/or
- Filings using passwords that are deemed overly simplistic.

These claims are reviewed and released daily, if eligible. If an individual has received this message more than once, he or she should contact DOES at 202-724-7000.

Clearing Outstanding Issues with UI Applicants

- 8. How many applicants have experienced a delay in benefits due to an issue with filling out the weekly certification correctly? Are applicants notified that there is a problem with their certification (for ex., applicant answered “no” when asked if they have the ability to work)?**

While some responses to the weekly certification form will require an investigation, it is important to note that there is no “correct” answer to the question. Rather, all claimants should answer the weekly certification form questions completely and honestly to the best of their ability.

If a response from an applicant on the weekly certification form triggers an issue or a need for investigation, the claimant will receive a note in their DC Networks portal account and on the next weekly certification form they receive, informing them that there is an issue on their claim. Additionally, a claims examiner may reach out to explain the issue and ask additional questions in an effort to resolve the issue. This process can typically take up to 21 days to adjudicate and determine eligibility for benefits in that given week. However, due to the unprecedented number of claims received, it may take longer.

- 9. If an applicant worked in multiple states, are they told that their application may be delayed due to reporting of wages in other states? How are they informed?**

The claimant will receive a note in their DC Networks portal account informing them that there is an issue on their claim. A claims examiner may reach out to explain the issue and ask additional questions in an effort to resolve the issue. All claimants may contact the Office of Unemployment Compensation at 202-724-7000 or covid19.ui@dc.gov to learn the status of their claim.

- 10. How long, on average, does it take DOES to resolve each specific Issue Code? For example, for Code 55, an issue with severance, what is the average time to address and clear that issue?**

It can typically take up to 21 days to adjudicate an unemployment compensation claim. However, due to the unprecedented number of claims received, it may take longer. For example, Code 55—out-of-state wages—could average more time for resolution as DOES must confirm information with other jurisdictions which are also receiving a similarly record-breaking number of unemployment compensation claims.

Determinations & Payments

- 11. Have any PUA applicants received an adjustment in their weekly benefit amount? In what order does the agency proceed in making these adjustments?**

Yes, DOES is reviewing all PUA claims in the order they were received. Due to limited resources, DOES has prioritized the processing of applications for claimants who have not received any PUA benefits as opposed to the redetermination of active claims.

12. How many PUA claimants received only the minimum weekly benefits amount (\$179/week)? How long does a PUA claimant have to submit supplemental documentation in order to increase their weekly benefit amount? What has been the average amount of time to determine the adjusted benefit amount?

In an effort to provide all eligible applicants with unemployment benefits, DOES provided all approved PUA claimants who have been certifying their claim weekly with the \$179 per week minimum weekly benefit plus the \$600 Federal Pandemic Unemployment Compensation payments for the weeks that program was active.

When DOES contacts a PUA claimant for supplemental documentation to support an adjusted weekly benefit amount, our team asks the claimant to respond within 5 days. It can generally take 15 days to determine the adjusted benefit amount once all supplemental documentation has been submitted to DOES.

13. PUA applicants are entitled to written notices providing them with updates on their applications or explanations of any delay or denial of benefits.² How are these being provided to claimants (for ex., email, postal mail, other)? Please provide a sample of the determination, a copy of the template that DOES uses, and a copy of any written instructions or guidance provided to claimants regarding how to file weekly claim cards or appeal rights.

Since PUA applicants must first apply for regular unemployment insurance, they may receive a number of determinations. All claimants who are eligible for regular unemployment insurance receive two determinations: a monetary determination and a determination of eligibility, each document reflecting one of the two stages of eligibility.

The **Notice of Monetary Determination** indicates a claimant's weekly benefit amount, maximum benefit amount, the date the claimant's benefit year ends, the base period of the claim, the base period employer, and the wages used to calculate the claim. If a claimant is not eligible, the notice will indicate the monetary requirement that the claimant did not meet. Claimants who are found monetarily ineligible do *not* receive a determination of eligibility. Notably, in order to be eligible for Pandemic Unemployment Assistance, a claimant must be found monetarily *ineligible* for traditional unemployment.

The **Determination of Eligibility** is the second document that provides claimants notice regarding their eligibility based on the terms of their separation from their employer. This document is sometimes referred to by call takers and other staff as "a determination letter."

If a claimant has not received either of these documents or if they have received a notice of monetary determination deeming them monetarily eligible, but has not received a determination of eligibility, then the claimant's application is still under review.

² UIPL 16-20, p. I-11

All applicants, including PUA applicants, who have been approved can see their benefit amount in their DC Networks profile. Attached is a copy of the initial PUA Notice of Monetary Determination letter labeled, “DOES UI Pre-Hearing Response – Q13”, [which is also on our website here](#). We are in the process of sending to PUA claimants monetary redetermination notices.

Additionally, DOES provides the following guidance on the [District of Columbia Unemployment Insurance Portal](#) for PUA applicants: “If you are eligible for PUA, then you MUST file your weekly continued claim forms through [Claimant Services](#) for all weeks you are requesting benefits.”

14. By what method(s) (for ex., email, phone, other) are denials of unemployment or PUA benefits provided to an applicant? Under what circumstances will a claimant’s denial be mailed to their address, rather than emailed or sent by another method?

As noted in the response to question 13, all claimants who are eligible for unemployment insurance receive two determinations: a monetary determination and a determination of eligibility, each document reflecting one of the two stages of eligibility. As a note, if an applicant is notified that he or she is monetary ineligible, then he or she will not also receive a separate determination of eligibility. These documents are mailed to the address on file with the claimant’s unemployment application. In addition, due to the current public health emergency, DOES has started emailing determination letters to the email address on file. Finally, an applicant can contact the Office of Unemployment Compensation at 202-724-7000 or covid19.ui@dc.gov to learn the status of their claim.

15. Please list all of the reasons provided to claimants for why they are ineligible for UI or PUA benefits (for ex., “no earnings in DC”).

There are a wide variety of reasons that an applicant may be ineligible for UI or PUA. These include, but are not limited to:

- Applicant is still employed and his or her earnings exceed the weekly benefit amount;
- Applicant filed claim in wrong jurisdiction (e.g., filed a regular UI claim where they reside as opposed to where he or she worked and needs to file a claim in the state where the work was performed);
- Applicant is monetarily ineligible;
- Applicant is not able and available for work (subject to flexibility given the current circumstances of the COVID-19 public health emergency);
- Applicant failed to accept suitable work without good cause;
- Applicant failed to meet reporting requirements including weekly required certifications;
- Applicant was discharged for gross misconduct or misconduct other than gross;
- Applicant voluntarily quit without good cause;
- Applicant is not legally authorized to work;
- Applicant is receiving a severance or pension amount greater than their weekly benefit amount;

- Applicant has been flagged as filing a fraudulent claim or is under a fraud penalty period;
- PUA applicant fails to identify a COVID-19 connection to unemployment or the COVID-19 connection ends;
- Applicant's identification is unable to be verified through information provided;
- Applicant becomes employed and no longer meets basic requirements;
- Statutory benefit period has run out, including any state and Federal extension programs, and benefits have exhausted for benefit year; or
- For any other legal reason.

Back Pay

16. What is the process for assessing back pay? Does a UI or PUA recipient need to request back pay?

For regular unemployment claims, claimants must request and affirmatively demonstrate an issue or emergency that prevented them from filing an initial claim at the time they became eligible and completing weekly certifications in order to review for back pay.

Alternatively, PUA applicants do not need to affirmatively request back pay. All PUA claims will be reviewed by a claims examiner to determine if sufficient documentation is present to process payment of back weeks. Back week certifications:

- Will be based on the date the claimant indicated they were first impacted by COVID-19 on their PUA application.
- If back weekly certification forms are present, they will be processed.
- If back weekly certification forms are not present, we will provide them to the claimant at the email address on file. DOES and OCTO ensure all emails between DOES examiners and claimants are secure.
- Claimants will be asked to return their back weekly certifications within 5 days. If their back weekly certifications are not returned, then they will not be considered until they are returned.

17. How many UI applicants have received back pay out of all current UI recipients? How many PUA applicants?

These numbers are not available. The UI system does not have a reporting code for claims that have had their effective date of their claim changed. Currently our IT team is concentrating on programming updates for Lost Wage Assistance.

18. If a claimant requests back pay, does that request suspend ongoing UI or PUA payments?

The process is a little different for back pay requests, depending on whether the claim is traditional unemployment or PUA. To request back weeks for *regular unemployment claims*, claimants must request back pay and affirmatively demonstrate an issue or emergency that prevented them from filing an initial claim at the time they became eligible and completing weekly certifications in order to review for back pay. The claimant must also provide the weekly certification forms for the weeks that they are requesting. These weekly certification forms may be provided by email. Once received, an examiner will investigate and make a determination whether the claimant is eligible or not. If the

claimant is denied, the claimant will receive a disqualification letter. If deemed eligible, we will forward the claim to be back dated. This process can take five to seven days once approved. During the time that the claim is withdrawn to complete the back date process, payments cannot be issued. As soon as the claim is back up, the claimant's benefits will be released based on the paper claim forms filed in the interim.

To request back weeks for *PUA claims*, applicants do not need to affirmatively request back pay. All PUA claims will be reviewed by a claims examiner to determine if sufficient documentation is present to process payment of back weeks, including any missing weekly certification forms for each week. However, claimants do not need to provide the reason for their claimed back weeks, so long as each of the weeks is shown to be after the claimant's impact date. If all of the back weeks for the claimant are for after the effective date of the claim, then the claim will not need to be taken down and re-filed. If the back weeks are before the effective date of the claim, then the claim will need to be re-filed, so that the effective date of the claim is the Sunday beginning the week in which the impact occurred. In these instances, the DOES team will instruct the claimant to provide a weekly certification form for the week in which our team re-files the claim to ensure that there is no impact on the applicant's benefits while the claim is being re-filed.