



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

Testimony of the Washington Lawyers' Committee for Civil Rights and Urban Affairs

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

Public Oversight Hearing on the Department of Employment Services

March 3, 2021

The COVID-19 pandemic created an extraordinary economic crisis for the District. Over 176,707 D.C. workers – mostly low-wage workers who are disproportionately people of color and women – lost their jobs and applied for unemployment compensation since the beginning of the public health emergency.¹ Unemployment payments are a critical lifeline to sustain individuals and families. However, the Department of Employment Services (DOES) is failing to provide this lifeline; there are significant barriers at DOES to receiving benefits, especially for limited English proficient or non-English proficient (LEP/NEP) workers, and those without access to technology.

Our testimony today, which is informed by our experiences through our Workers' Rights Clinic assisting District workers with problems accessing unemployment insurance,² focuses on specific barriers that prevent District residents who are most at-risk of facing serious financial hardship during the COVID-19 pandemic from obtaining unemployment insurance. Specifically, we address: (1) how barriers to unemployment disproportionately impact Black workers, Latinx workers, and working women because the pandemic disproportionately pushed these groups out of the workforce; (2) DOES's failures to provide language access for LEP/ NEP District workers; (3) lack of access to the DOES unemployment system for District workers with limited access to technology; and (4) the need to ensure that the additional \$11 million in funding for the unemployment system addresses these inequities.

The District's Unemployed Black Workers, Latinx Workers, and Working Women Are Disproportionately Prejudiced by Wrongful Denials and Delays of Unemployment Compensation.

The District's Black workers, Latinx workers, and working women suffer disproportionately high job loss because of the COVID-19 pandemic. DOES's documented

¹ Department of Employment Services, *Unemployment Compensation Claims Data*, last visited Feb 28, 2021, available at <https://does.dc.gov/publication/unemployment-compensation-claims-data>.

² The Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC) is a non-profit civil rights organization that defends the rights of working people and addresses the interconnected issues of poverty, racism, and other forms of discrimination. To most effectively combat discrimination, including discriminatory treatment in the workplace, WLC works with a broad array of community groups, labor unions, faith communities, and law firm across throughout the D.C. region. Among these efforts are our Workers' Rights Clinics, which each month assist approximately 100 low-wage District workers who face wage theft, discrimination on the job, illegal terminations, and employers who otherwise do not comply with legal protections. More information on the organization can be found at <https://www.washlaw.org/>.

failures to promptly issue benefits to eligible claimants and provide claimants with information are more likely to impact these workers because they are most likely to be out of work. Because of pre-pandemic insidious discriminatory barriers to accessing wealth, when DOES fails to meet its obligation to promptly provide unemployment benefits, Black and Latinx workers are more likely to face economic insecurity.³ Some of these documented failures, many of which were highlighted during the September 2020 unemployment compensation hearing, include:

1. DOES failed to meet standards to issue most claimants benefits within three weeks. Department of Labor standards of acceptable performance for state workforce agencies requires at least 87% of unemployment payments to be made within three weeks of application.⁴ Data shows that only 43.2% of District unemployment applicants received benefits within three weeks during the pandemic.⁵
2. DOES failed to promptly adjust Pandemic Unemployment Assistance (PUA) claimants weekly benefit amount above the minimum payment for PUA of \$179 weekly and failed to issue required back-pay to PUA claimants.⁶ Of the 17,115 claimants who received PUA benefits in 2020, 16,790 (98% of claimants) were still awaiting a monetary redetermination as of early February 2021.⁷ DOES also failed to meet their legal obligation to screen denied unemployment claimants for PUA.⁸

³ Nationally, Black and Hispanic households are especially economically vulnerable and “face a combination of low emergency savings and financial volatility that leaves them at regular risk of hardships like food security, eviction.” See Stephen Roll & Michal Grinstein-Weiss, *Did CARES Act benefits reach vulnerable Americans? Evidence from a national survey*, The Brookings Institution (Aug. 25, 2020), <https://www.brookings.edu/research/did-cares-act-benefits-reach-vulnerable-americans-evidence-from-a-national-survey/>.

⁴ U.S. Department of Labor- Employment and Training Administration- Office of Unemployment Insurance, *Unemployment Insurance Directors' Guide: Essential Information for Unemployment Insurance (UI) Directors* (Mar. 2020), available at https://oui.doleta.gov/unemploy/docs/ui_directors_Mar2020.pdf.

⁵ Tim Henderson, *Unemployment Payments Weeks Late in Nearly Every State*, The Pew Charitable Trusts (Dec. 2, 2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/12/02/unemployment-payments-weeks-late-in-nearly-every-state/>.

⁶ PUA recipients that applied in 2020 were eligible for compensation retroactive to February 2, 2020, or the date they were determined eligible for PUA, whichever is most recent. See Government of District of Columbia Department of Employment Services, *Pandemic Unemployment Assistance (PUA): Frequently Asked Questions (FAQs)*, last visited Feb. 28, 2021, available at <https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/DC%20DOES%20PUA%20FAQs%5B2%5D%5B2%5D.pdf>.

⁷ Government of District of Columbia Department of Employment Services, *Responses to Fiscal Year 2020 Performance Oversight Questions*, (Feb. 12, 2021), question 33 response, available at <https://dccouncil.us/wp-content/uploads/2021/02/DOES-POH-2021-PreHearing-Question-Narrative-Responses-FINAL.pdf>

⁸ John Pallasch, *Unemployment Insurance Program Letter No. 16-20 Change 1*, U.S. Department of Labor- Employment and Training Administration (Apr. 27, 2020), available at https://wdr.doleta.gov/directives/attach/UIPL/UIPL_16-20_Change_1.pdf. See also Public Oversight Hearing on the District's Unemployment Compensation Program During the COVID-19 Pandemic, Joint Testimony of the Claimant Advocacy Program, First Shift Justice Center, Legal Aid Society of the District of Columbia, Washington Lawyers' Committee for Civil Rights and Urban Affairs, and Whitman-Walker Legal Services (Sep. 16, 2020), available at <https://www.legalaiddc.org/wp-content/uploads/2020/09/Joint-Testimony-of-CAP-First-Shift-Legal-Aid-WLC-WWLS-on-DOES-performance-9.16.2020-1.pdf>.

3. DOES wrongfully denies applications even when claimants are eligible for benefits. Though the facts differ based on each individual claimant, we and other advocates have assisted countless claimants who were wrongfully denied benefits, were forced to appeal DOES's decision/ needed to request a redetermination of benefits, and then suffered a delay because of DOES's error. One claimant was wrongfully denied benefits because she participated in a DOES- approved virtual training program that DOES incorrectly decided should disqualify her from benefits.⁹ Another claimant was denied benefits because she was forced to quit work because of childcare needs during COVID-19 which is in violation of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.¹⁰ A third claimant was denied benefits because his employer failed to report wages; an employer's failure to follow the law should not cause a claimant to be denied benefits.¹¹ We have also seen DOES incorrectly deny benefits because they wrongfully determine that the individual may be eligible for benefits in another state. Based on D.C. and federal unemployment laws, their situations should not have resulted in a denial of benefits in the first determination. As a result of DOES's dysfunction and failures to correctly apply the law, these claimants faced several months of delays in receiving benefits during economic crises.

4. DOES continued to pursue overpayment collection from claimants during the economic recession caused by the pandemic, despite the widespread economic hardship that claimants faced this year, and despite clear statutory authority to waive overpayment collection during such widespread economic hardship. District law states that DOES may waive overpayments when recouping the overpayment would be inequitable or unconscionable.¹² However, DOES, apparently ramped up collections instead. DOES collected over three million dollars from claimants in overpayments during FY 2020, a dramatic increase from the previous two fiscal years in which DOES collected approximately \$600,000 annually.¹³ This included filing 150 cases in D.C. Superior Court against claimants to recover overpayments.¹⁴ WLC and our advocate partners have assisted claimants for whom DOES approved benefits and provided over six months' worth of benefits, only to then be told that they were ineligible for benefits and that they must repay DOES those benefits. Other claimants have told us that DOES deducted a previous overpayment from their weekly benefit amount, and once the claimant paid this penalty in full, DOES then assessed an

⁹ See D.C. Code § 51-110 (d)(2), "compensation shall not be denied to any otherwise eligible individual for any week during which he is attending a training or retraining course with the approval of the Director."

¹⁰ See The Coronavirus Aid, Relief, and Economic Security Act, 15 U.S.C. ch.116. § 9021 (2020), a claimant is eligible for PUA if "a child... for which the individual has primary caregiving responsibility is unable to attend school... as a direct result of the COVID-19 public health emergency."

¹¹ See D.C. Code § 51-103 if "an employing unit has failed to file any report... the Director shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to it at the time."

¹² D.C. Code §51-119(d)(1).

¹³ Government of District of Columbia Department of Employment Services, *Responses to Fiscal Year 2020 Performance Oversight Questions*, Question 45 response, *supra* note 6.

¹⁴ *Id.*

additional penalty. DOES could and should exercise its discretion to waive these overpayments in order to alleviate the stressful financial burdens faced by claimants during this unprecedented, pandemic-induced recession.

5. Claimants faced extremely burdensome telephone wait-times and could not reach the agency by other means to seek information or resolve issues with claims. Almost all of the over 100 District workers who reached out to WLC for assistance with their unemployment claims tried to resolve their issue by contacting DOES countless times via phone and email. They were unable to get through on the phone, failed to receive responses to emails or telephone messages, and if they ever were able to connect with a DOES representative, that individual could not resolve issues with their claim or answer their questions.
6. As discussed further below, DOES failed to provide claimants with clear information, which was even more problematic for LEP/ NEP claimants and claimants without access to computers.

The burden of DOES' failures falls disproportionately on Black and Latinx workers because the racial disparities in unemployment are stark. Prior to the pandemic, the District had the highest rate of Black worker unemployment in the nation. Black D.C. residents were seven times as likely as white residents were to be unemployed.¹⁵ The pandemic has significantly widened that gap. From the first quarter of 2020 to the second quarter of 2020, the unemployment rate of white D.C. residents increased by 2%, while the unemployment rate of Black D.C. residents increased by 6.9%.¹⁶ As of October 2020, 55% of District unemployment claimants were Black workers, though they account for 36.2% of the District's workforce.¹⁷ Prior to the pandemic in December 2019, Wards 7 and 8, which have the highest proportion of Black residents, had the highest rates of unemployment in the District (8.6% and 11.4%, respectively). One year later, in December 2020, Wards 7 and 8 have also seen the biggest increases in unemployment rates: 13.4% of Ward 7's workers were unemployed, and 17.5% of Ward 8's workers were unemployed.¹⁸ Conversely, Wards 2 and 3 experienced the smallest increases in unemployment rates.¹⁹ After a year of pandemic-induced economic recession, the unemployment rates in D.C.'s wards with the most white residents remained relatively steady:

¹⁵ Doni Crawford and Kamolika Das, *Black Workers Matter: How the District's History of Exploitation & Discrimination Continues to Harm Black Workers*, DC Fiscal Policy Institute (Jan. 28, 2020), <https://www.dcfpi.org/all/black-workers-matter/>.

¹⁶ Jhacova Williams, *Latest data: Black-white and Hispanic- white gaps persist as states record historic unemployment rates in second quarter*, Table 3, Economic Policy Institute, last updated Aug, 2020, <https://www.epi.org/indicators/state-unemployment-race-ethnicity/>.

¹⁷ The Century Foundation, *Unemployment Insurance Data Dashboard* (Jan 24, 2021), available at <https://tcf.org/content/report/unemployment-insurance-data-dashboard/>.

¹⁸ Department of Employment Services, *District of Columbia Labor Force, Employment, Unemployment, and Unemployment Rate by Ward*, last visited Feb 26, 2021, available at https://does.dc.gov/sites/default/files/dc/sites/does/release_content/attachments/DC%20Ward%20Data_Dec20-Nov20-Dec19.pdf.

¹⁹ *Id.*

Ward 2 had 3.2% and Ward 3 had 3.3% unemployment in December 2019; and 3.6% unemployment and 3.5% unemployment, respectively, in December 2020.²⁰

We see similar disparities between Latinx and white workers. Nationally, Latinx workers are the most likely to have lost their job during the COVID-19 recession, and the largest job losses were among Latinx women workers.²¹ In the District, just in the first month of the pandemic between March and April 2020, the number of Latinx unemployment claimants increased 13 times, and Latinx workers went from representing 10% of claimants to 17%.²²

Black and Latinx workers in D.C. are less likely to financially survive a delay or wrongful denial in unemployment benefits because historic and systemic discrimination results in present wage and wealth gaps. White households in D.C. have a net worth 81 times greater than Black households.²³ The median income for District Black households was \$45,200, while median income was \$142,400 for District white households.²⁴ Compared to white D.C. residents, Latinx D.C. residents have lower wages and less accumulated wealth.²⁵ These extreme racial disparities mean that each week that DOES delays benefits or wrongfully denies benefits; many Black and Latinx claimants face desperate financial situations that threaten their health, food security, and housing security.

There are glaring gender disparities in job loss as well. Due to the pandemic-induced recession, working women are leaving the workforce at record rates nationally: women have suffered 54% of the total lost jobs since the start of the crisis and Black women and Latinas face particularly high levels of long-term unemployment.²⁶ Bureau of Labor Statistics data shows that in 2019, women had a lower unemployment rate than men in D.C.; but women now have a higher unemployment rate than men.²⁷ Women workers who have sought consultation through the Workers' Rights Clinic express many of the same challenges seen in national trends: they

²⁰ *Id.* See also Question 35 response that of the 88,883 District residents that filed for unemployment, 5,720 were Ward 2 residents, 5,139 were Ward 3 residents, 13,645 were Ward 7 residents, and 14,887 were Ward 8 residents, Government of District of Columbia Department of Employment Services, *Responses to Fiscal Year 2020 Performance Oversight Questions*, *supra* note 6.

²¹ Elise Gould, Daniel Perez, & Valerie Wilson, *Latinx workers—particularly women—face devastating job losses in the COVID-19 recession*, Economic Policy Institute (Aug. 20, 2020), <https://www.epi.org/publication/latinx-workers-covid/>.

²² Yesim Sayin Taylor, *Pandemic-induced unemployment has hit the District's Hispanic, Latino, and younger workers more intensely*, D.C. Policy Center (May 26, 2020), <https://www.dcpolicycenter.org/publications/hispanic-latino-pandemic-unemployment/>.

²³ Kijakazi et al., *The Color of Wealth in the Nation's Capital*, Joint Publication of the Urban Institute, Duke University, The New School, and the Insight Center for Community Economic Development (Nov. 2016), <https://www.urban.org/sites/default/files/publication/85341/2000986-the-color-of-wealth-in-the-nations-capital.pdf>.

²⁴ Crawford and Das, *supra* note 15.

²⁵ Kijakazi et al., *supra* note 23.

²⁶ Claire Ewing-Nelson, *Another 275,000 Women Left the Labor Force in January*, National Women's Law Center (Feb. 2021), available at <https://nwlc.org/resources/2020-jobs-day-reports/>.

²⁷ Comparison shows that in 2019, D.C. women had an unemployment rate of 5.5% vs. 5.9% for men. In 2020, D.C. women had an unemployment rate of 8.6% vs 7.1% for men. See U.S. Bureau of Labor Statistics, *Local Area Unemployment Statistics*, available at <https://www.bls.gov/lau/ptable14full2020.htm> (last updated Jan. 29, 2021), and <https://www.bls.gov/lau/table14full19.htm> (last updated Aug. 13, 2020).

were forced to leave work because of childcare and caregiving reasons, and they are overrepresented in industries impacted by the recession, such as retail, hospitality, and childcare.²⁸

DOES's failures to accurately and timely provide unemployment benefits harm all of D.C.'s unemployed workers, they exacerbate racial and gender inequities within the District, and they threaten many of these workers and their families with poverty. DOES must ensure easy, prompt, and accurate facilitation of unemployment compensation.

DOES Must Meet Requirements to Provide Language Access to all D.C. Workers.

To ensure that all District residents have the opportunity to receive unemployment compensation, language access needs to be a programmatic priority, not an afterthought. DOES must provide services in all necessary languages to support communities hardest hit by pandemic job loss. This pandemic-induced recession has hurt the restaurant, hospitality, domestic work, and ridesharing industries, disproportionately impacting limited English proficient (LEP)/non-English proficient (NEP) immigrants who are over-represented in employment in these industries. DOES' failure to provide meaningful language access for these claimants is troubling.

DOES has affirmative obligations to provide language access to its services under Title VI of the Civil Rights Act of 1964²⁹ and the D.C. Language Access Act (LAA).³⁰ The United States Department of Justice has promulgated regulations interpreting Title VI's prohibition on racial and national origin discrimination in programs that receive federal funds, such as DOES. These regulations mandate that such programs provide translated materials in languages other than English as appropriate for the needs of the population.³¹ The United States Department of Labor, which administers the federal funding to DOES, requires that agencies administering unemployment compensation programs "take reasonable steps to ensure meaningful access to each [LEP/NEP] individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity."³² The Department of Labor reminded DOES and its state counterparts that its requirements for language access included the "timely" translation of "vital documents," which include "applications for benefits, notices of rights and responsibilities, and communications requiring a response from the beneficiary or applicant."³³

The D.C. Language Access Act also obligates DOES to provide language access through interpretation and translation of vital documents. The LAA is one of the strongest of its kind across the country, and prescribes even more specific language access requirements for D.C. agencies, including DOES. It requires DOES to "provide oral language services to a person with

²⁸ Ewing-Nelson, *supra* note 26.

²⁹ 42 U.S.C. § 2000d *et seq.*

³⁰ D.C. Code §2-1931 *et seq.*

³¹ *See* 28 C.F.R. § 42.405(d)(1).

³² *See* 29 C.F.R. § 38.9(b).

³³ *See* U.S. Department of Labor Unemployment Insurance Program Letter No. 02-16 (May 11, 2020), available at https://wdr.doleta.gov/directives/attach/UIPL/UIPL_02-16_Change-1.pdf.

[LEP/NEP] who seeks to access or participate in the services, programs, or activities.”³⁴ The LAA also requires “translations of vital documents into any non-English language spoken by a [LEP/NEP] proficient population that constitutes 3% or 500 individuals, whichever is less[.]”³⁵ While neither the Office of Human Rights nor DOES has released recent statistics that would demonstrate which languages meet the LAA’s thresholds for written translations, it is indisputable that at a minimum, under the LAA, DOES is required to provide immediate oral interpretation for all workers who seek services regardless of what language they speak and is required to translate vital documents to the most common languages, which likely include Spanish and Amharic.

Despite these obligations, DOES has a history of denying language access to its consumers. DOES’s own records demonstrate that approximately one in five customers require language services.³⁶ Yet, in 2019, DOES only provided interpretation for 46% of interpretation requests.³⁷ DOES’s failure to provide language access continues throughout the pandemic: LEP and NEP claimants do not have meaningful access to DOES programs, including unemployment compensation.

Meaningful access is frustrated by DOES’s failure to facilitate applications in languages other than English. Workers who have sought consultation through the Workers’ Rights Clinic continue to receive English-only DOES vital documents, including claim determinations and notices regarding appeal rights, and even after the claimant told DOES that they are non-English proficient. For example, an Amharic speaking D.C. worker was originally denied unemployment benefits because when she first spoke with a DOES representative, the conversation was not interpreted, and there was miscommunication about the reason why she quit her job, which led to DOES denying her benefits. Because she quit because her children’s school had closed due to COVID-19, she was eligible for benefits. All of the notices, including the determination of benefits that she received from DOES, were in English. While she was eventually able to rectify the situation with consultation from the Washington Lawyers’ Committee, DOES issued her payments months late because of the miscommunication caused by their failure to provide an interpreter or translated documents in accordance with the law.

DOES does not provide meaningful language access to its regular unemployment or Pandemic Unemployment Assistance (PUA) applications. PUA applications, providing needed emergency relief, were only available in English for the first four months of the crisis, despite advocates alerting District leaders regarding DOES’s deficiencies. The current online application for traditional unemployment benefits can only accommodate English and Spanish speakers. PUA and regular unemployment applications are not available in Amharic, which is spoken by

³⁴ D.C. Code § 2-1932(a).

³⁵ D.C. Code § 2-1933(a).

³⁶ District of Columbia Department of Employment Services, *Customer Service Report 2017: Analysis & Implementation*, last visited Feb. 26, 2021, available at <https://does.dc.gov/page/does-customer-service-reports>.

³⁷ District of Columbia Office of Human Rights, *FY 19 Language Access Annual Compliance Review*, last visited Feb. 26, 2021, available at <https://ohr.dc.gov/page/languageaccess/2019report/>.

approximately 43,000 people in the D.C. area.³⁸ DOES's explanation for failing to provide the PUA application in Amharic is inexcusable – they admitted during the September unemployment compensation oversight hearing that the contractor they selected to update systems could not accommodate Amharic. This means that Amharic speakers are unable to secure meaningful access to unemployment benefits.

DOES also does not provide public-facing documents and information in languages other than English. When we reviewed DOES's website on February 22, 2021, it lacked important information for all non-English languages. For example, DOES only provided the most recent information regarding the Continued Assistance for Unemployed Workers Act (CAA), which temporarily extended the pandemic-related federal unemployment programs through March 14, 2021, in English. DOES' automated telephone system, which is often claimants' main point of contact with DOES, similarly denies LEP and NEP claimants meaningful access to DOES' services. The automated telephone system continues to present language access problems, as advocates have raised to DOES since Spring of 2020. For example, when we recently called the DOES mainline, an auto-attendant presented a long prompt regarding the technological difficulties with implementing the CAA and that they were experiencing higher than normal call volumes. This message was only in English and did not allow speakers of other languages to request interpretation. This violates D.C. Language Access Act requirements to request and receive interpretation services.³⁹

DOES must ensure equitable access to its programs and services for District workers with limited or no English proficiency. This includes providing translated vital documents, interpretation services, and updates to websites and application materials in all relevant languages. There can be no racial equity in our recovery if DOES continues its English first approach.

DOES Must Alleviate Barriers Caused by the Digital Divide that Limit Access to Unemployment.

The District's digital divide creates barriers to accessing unemployment benefits for residents without regular access to technology. The DOES unemployment claims system, which Mayor Bowser has correctly labeled as “unacceptable,” works best for claimants with home computers and secure internet access. The system remains incompatible with mobile devices. Low-income Black and Latinx residents are less likely to have computers at home and are more likely to rely on mobile devices.⁴⁰ Those without any technology access find it nearly impossible

³⁸ The U.S. Census Bureau, *Census Bureau Reports at Least 350 Languages Spoken in U.S. Homes*, Nov. 03, 2015, available at <https://www.census.gov/newsroom/press-releases/2015/cb15-185.html>.

³⁹ D.C. Code § 2–1932 et seq.

⁴⁰ Nationally 80% or more of white adults have a desktop or laptop, and fewer than 60% of Black/ Latinx adults do. See Simon-Mishel et al., *Centering Workers—How to Modernize Unemployment Insurance Technology*, Joint Publication of The Century Foundation, the National Employment Law Project, and Philadelphia Legal Assistance (Oct, 5, 2020), <https://tcf.org/content/report/centering-workers-how-to-modernize-unemployment-insurance-technology/?agreed=1>. See also Pew Research Center, *Mobile Fact Sheet*, last updated Jun. 12, 2019, available at <https://www.pewresearch.org/internet/fact-sheet/mobile/>.

to apply for benefits, resolve any issues with their claims, or file weekly claims, especially when DOES facilities are closed to the public because of the public health crisis. Paired with the lengthy wait times to reach DOES via phone, the lack of access to DOES services for those without reliable online access proves especially problematic.

Without access to the internet, workers are forced to rely on inefficient services by phone. Workers have told us that they have faced economic crises, including food and housing insecurity, yet they were forced to use limited funds to purchase minutes on their cell phones to call DOES to attempt to access benefits. When calling DOES, they often face hours of wait-time, or once they are finally able to speak with a DOES representative, that particular representative cannot answer their questions or solve their problem. Though also challenging, claimants who can apply online, file weekly claims online, or resolve issues via email often face significantly less impediments to receiving benefits. These barriers matter: national analysis shows that for every ten people who apply successfully for benefits, two chose not to apply because the process was too difficult.⁴¹

Despite knowledge of the issue and a significant investment of funds to address it, DOES remains technologically outdated and inaccessible to the District's residents who need it most. We are a year into this pandemic and six months past the last oversight hearing on unemployment compensation where these exact problems were brought to the Council's attention. We and other advocates testified during the September 2020 unemployment compensation oversight hearing about the impact of the digital divide on accessing unemployment, and how the problem has persisted despite the \$29 million DOES spent to modernize its website. DOES's failure to remedy the problem is unacceptable. Though DOES has partially complied with its obligations from provisions in the Fiscal Year 2021 Budget Support Act of 2020 to provide a locked drop-box for initial claims and supporting documents at DOES headquarters on Minnesota Avenue, this has not solved the problem.⁴² DOES must make sure that claimants are aware that they can use this drop-box at headquarters, and make available all relevant forms to file at the drop-box. At the drop-box, DOES should readily supply the materials for claimants to file initial claims, file for PUA, PEUC, EB, file for weekly claims, and file determination appeals in all relevant languages. Additionally, DOES should create similar drop-boxes at locations throughout the district, such as D.C. libraries, so that residents who are unable to travel to the Minnesota Avenue headquarters can apply for benefits in their own neighborhoods. These drop-boxes must also be accessible for people with disabilities.

Critically, DOES must also invest in long-term solutions to ensure that claimants without regular access to technology can more readily access DOES services. DOES must immediately update its platforms to be accessible on mobile devices. Additionally, claimants could access DOES services via telephone and text message, for example, if DOES provides a separate phone

⁴¹ Ben Zipperer & Elise Gould, *Unemployment filing failures*, Economic Policy Institute (Apr. 28, 2020), <https://www.epi.org/blog/unemployment-filing-failures-new-survey-confirms-that-millions-of-jobless-were-unable-to-file-an-unemployment-insurance-claim/>.

⁴² D.C. Code § 32-181.02.

extension for applicants without computers. These system upgrades will allow all of D.C.'s workers to equally access DOES services.

DOES Must Use the Recent \$11 Million Investment in its Unemployment Insurance Program to Further a Just Recovery.

With the recent announcement that D.C. plans to invest an additional \$11 million into the District's unemployment insurance program, DOES revealed these funds will create a new chat function for claimants to speak with DOES representatives more quickly, and will create a texting and robocall function to inform claimants about new benefit programs and provide agency updates.⁴³ We welcome these improvements to increase DOES's ability to communicate regularly with claimants. We encourage DOES to expand upon these capacities so claimants can send text messages to submit weekly claims, upload relevant documents, and resolve issues with a DOES claims examiner via mobile devices.

To fully provide equitable access, however, DOES must address the access issues on the front end of developing new technology. DOES must immediately update its platforms to be accessible on mobile devices. The new features must account for applicants who speak languages other than English, who have unequal access to technology, and who have disabilities that may impact their ability to access written language. To that end, DOES must build a system, and choose contractors with the capabilities to build a system, that provides services in the target languages spoken by a significant proportion of its consumers, including Spanish and Amharic; that is accessible to blind and low-vision individuals; and that is compatible with a wide-range of technology, including mobile devices. These requirements mirror the unemployment insurance modernization requirements from the Fiscal Year 2021 Budget Support Act.⁴⁴

To provide a truly just recovery, D.C. must prevent delays and wrongful denials of unemployment benefits that disproportionately impact Black, Latinx, and low-income communities, and ensure that residents who are speakers of languages other than English, or have limited access to technology, can equally access DOES services. We ask that the Council hold DOES accountable to these standards. We thank the Committee for the opportunity to submit this testimony.

⁴³ Department of Employment Services, *Mayor Bowser Announces \$11 Million Investment to Improve District's Unemployment Insurance System and Deliver Additional Benefits*, Feb. 8, 2020, available at <https://does.dc.gov/release/mayor-bowser-announces-11-million-investment-improve-district-unemployment-insurance>.

⁴⁴ D.C. Code § 32-181.01.