

United States Senate
WASHINGTON, DC 20510

March 25th, 2021

The Honorable Ralph Northam
Governor of Virginia
State Capitol Third Floor
Richmond, VA 23219

Dear Governor Northam,

I am writing this letter today to urge you to use every lever at your disposal to speed up the process by which unemployment insurance claimants can receive their benefits. As of this writing, President Biden has signed the *American Rescue Plan* into law. The new law extends the Pandemic Emergency Unemployment Compensation (PEUC) program for the long-term unemployed, the Pandemic Unemployment Assistance (PUA) program for self-employed and gig workers, and the newly created Mixed Earner Unemployment Compensation (MEUC) benefit that I championed for workers with mixed sources of income. The new expiration date for these programs is September 6th, 2021.

Congress created these pandemic unemployment programs to disburse benefits to workers who would normally not be eligible for unemployment assistance for a variety of reasons. According to the U.S. Department of Labor, there were 171,364 continuing PUA claims and 29,425 PEUC claims in Virginia as of the week of February 27th. These workers include employees with insufficient earnings or work history to qualify for the regular state unemployment program, the long-term unemployed who have exhausted state benefits, domestic workers, freelance workers, contractors, and workers with mixed sources of income. Without these new programs and with limited opportunities for employment in this pandemic economy, these workers have no alternative safety net.

It is my understanding that, following earlier passage of congressional legislation to extend these programs in December, constituents in Virginia faced many delays and communication problems with the Virginia Employment Commission (VEC). With the knowledge that these benefit systems were originally set to expire on December 26th, I worked with a bipartisan and bicameral group of lawmakers in the U.S. Congress to pass a relief package shortly before Christmas because it was understood that loss of benefits at this time of the year would be particularly cruel. Now, several months later, I hope you can agree that for constituents still experiencing delays the lack of pandemic unemployment insurance is unconscionable.

I am hearing about this issue from constituents all across the Commonwealth. A constituent in Warrenton let us know that she applied to the PUA program weeks ago. She tried calling the VEC's customer service line every day, all day for weeks. She then received a letter instructing her to provide more information and a phone number to call. When she called, VEC had no record of her application. The situation for this constituent is severe, she is now homeless. Another constituent in Centreville indicated he has not received benefits since December 26th. This constituent has a family with two children and cannot pay rent for February, insurance bills, or phone bills.

From Newport News to Henrico to Alexandria, constituents are contacting my office from every corner of the Commonwealth with desperate requests for relief. Some of them have waited 3 months, others have waited 11 months, and many are struggling to feed their children and keep a roof over their heads.

Now that President Biden has signed the *American Rescue Plan* into law and provided months of additional relief, it is imperative that the VEC work diligently to speed up the process of disbursing benefits to constituents and proactively communicate with claimants. I understand that earlier delays in delivering benefits were partly a result of time-intensive deliberations between the VEC and the U.S. Department of Labor (DOL) that could have been streamlined. In light of these issues, I would like the VEC to report on the following:

- 1) What changes are being administered to ensure seamless disbursement of current PEUC/PUA funds and a seamless transition into this new PEUC/PUA extension into September 6th ?
- 2) What are the current plans to improve the communications between VEC and Virginians?
- 3) What are the current plans to improve communications between VEC and employers to quickly determine worker eligibility for UI benefits and approve claims?

To address these communication issues going forward and provide clarity for the citizens of the Commonwealth, I recommend that the VEC implement the following solutions:

1. Provide detailed status updates on CARES Act related unemployment insurance benefits via vec.virginia.gov and getgov2go.com and through press releases, in order to reassure individuals that they will receive back-pay for the weeks they have certified. Official and concrete communications will allow Virginians to better communicate with landlords, utility companies, and others.
2. Establish a more robust phone system and customer service protocol. VEC should allow individuals who do not connect immediately with a representative to register on a "waitlist" or receive an approximation of when a representative will call them back. In addition, such an automated system would provide information such as the phone number that will call them and what materials should be readily available to ensure a more efficient conversation. The phone system should have two simple options for those who call in regarding claims and benefit questions versus technical, web-based questions

regarding web.getgov2go.com. These measures would also help VEC prioritize phone tasks more efficiently.

3. Provide updates across all VEC websites as well as web.getgov2go.com. Automatically sign up those with getgov2go.com profiles to receive update emails. Create a visible notice specifically on the getgov2go website, reminding individuals to check their email spam settings and their getgov2go messages in order to mitigate constituents missing out on important information.
4. If individuals must file a new claim, allow the new claimant to use the previous PIN in order to prevent a further lag in weekly benefits due to an unreliable USPS. Recommend that VEC establish an online functionality to retrieve one's PIN if lost or forgotten using corroborating information such as a recent utility bill or picture of an identification card before establishing the sole recourse of requesting one's PIN via mail. Prepare the web.getgov2go.com website for the new extension of PUA, PEUC, and MEUC into September 6th, 2021.
5. Work with the Virginia Commission on Unemployment Compensation to collaborate on ways that the Virginia General Assembly can improve benefits delivery to constituents.
6. Partner with a nonprofit, non-partisan entity such as the U.S. Digital Response (USDR) or 18F, an office within the U.S. General Services Administration's Technology Transformation Services (TTS), to address practical, low-cost ways to modernize technology and streamline the payment process. We know other states, such as Wisconsin, have gone this route with immediate success.

I recognize that some of the issues experienced at the state level have been a direct result of the burden inherited from a patchwork unemployment insurance system that has not been updated since its inception. For that reason, I recently co-sponsored the *Unemployment Insurance Technology Modernization Act* to make sure that the U.S. Department of Labor has the resources to develop a robust technology system that states can opt into using. This new system would address many of the issues that have caused delays for claimants and I will continue to work to pass this bill into law. In the meantime, I plan to also ask the DOL to more proactively communicate with state agencies, consider issuing guidance on automatic renewal of claims, evaluate the funding formula to make sure it does not disadvantage large diverse states like the Commonwealth, and address fraud issues that have led to complications in implementation.

Thank you for your timely attention to this request.

Sincerely,



MARK R. WARNER

United States Senate