May 7, 2020

Secretary Julie A. Su
California Labor & Workforce Development Agency
800 Capitol Mall, Suite 5000 (MIC-55)
Sacramento, California 95814

RE: Unemployment Insurance

Dear Secretary Su,

Thank you for your continued commitment to Californians and their livelihoods during this extremely difficult time. We know you and your staff are working around the clock to meet our state’s tremendous needs during this pandemic.

We are reaching out to express concerns we are hearing from our constituents regarding unemployment insurance. As you are well aware, over 4 million Californians have applied for Unemployment Insurance (UI), and Pandemic Unemployment Assistance (PUA) was recently made available for those who are self-employed, independent contractors, and gig workers. While billions of dollars in benefits have been issued to Californians throughout these weeks, many of our constituents are experiencing systemic issues with this system and the application process that raise serious concerns.

For individuals who were already receiving unemployment prior to COVID-19 and have since exhausted their benefits, they should be eligible for PUA. However, with the UI and PUA integrated systems on the Department’s website, any such applicant does not have an opportunity to apply for PUA, and instead are told that their benefits have been exhausted. We request that the Department immediately work with IT staff and the technology and innovation communities throughout the state to correct this software issue so that UI recipients who exhausted their benefits prior to COVID-19 are able to apply for PUA.

Individuals who have open UI applications and need to provide additional Identity Verification Documents must do so by providing requested materials through snail mail, which delays the processing of their application for weeks. For families in our districts, weeks’ worth of delays are causing serious financial strain. We request that the Department look into alternative mediums for safely and securely receiving necessary documentation for a decision on benefit eligibility to be made quickly.
As you know, individuals who largely received their income through self-employment, independent contracts, or gig work but also received a W-2 form in the 2019 tax filing period – no matter how de minimis the amount to their net income – are ineligible for PUA. This means a gig worker who was employed for one week at a company and subsequently received a W-2 form would not qualify to receive any benefits through PUA. This results in many of our constituents without recourse for obtaining essential benefits. As this program and its parameters are set by the federal CARES Act, we hope that your Department can work with your federal counterparts to come up with a solution quickly.

For individuals seeking status updates for their UI or PUA application, they often spend hours attempting to reach an EDD staffer through the publicly available phone lines – particularly, first time applicants not yet set-up with an online account. The angst and uncertainty compounded by the inability to get a hold of EDD staff should be mitigated. While we understand that department staff are working diligently to process the amount of applications submitted, we request that the department work with appropriate industries to improve existing systems or create a new web portal where all applicants can go to for quick updates and information.

For individuals contacting our offices for constituent services, the response times from legislative liaison staff are continuing to increase from days to weeks. The increasing delays in responding to our staff are intensifying concerns by our constituents, as they are coming to us to address their needs. We ask that you consult with the leadership of other agencies to potentially add personnel to the department’s legislative liaison staff and to streamline communication to legislative staff on departmental updates via a designated EDD surrogate.

Finally, workers and employers who do not speak English proficiently experience additional barriers to accessing information and receiving updates about benefits, programs and workers rights. The applications for programs offered by EDD are also not available in enough languages. As a result, community-based organizations have become their primary source of information and are inundated with requests for information and assistance. We request that EDD work with other agencies – such as the Department of Motor Vehicles – to leverage existing language resources and prioritize significantly increased language accessibility and outreach to monolingual communities.

While we appreciate the Administration and Department’s efforts to shift resources and personnel to account for the overwhelming volume of Californians experiencing employment hardship during the crisis caused by COVID-19, this crisis continues to spotlight gaps in our system, and we ask that the Department of Labor and Economic Development Department work swiftly to rectify them. Thank you for your consideration of our requests. If you have any questions, please reach out to us or our district directors – Tom.Paulino@asm.ca.gov (Chiu); Mark.Chekal@asm.ca.gov (Ting); Jeff.Sparks@sen.ca.gov (Wiener).

Sincerely,

David Chiu
Assemblymember, District 17

Philip Y. Ting
Assemblymember, District 19

Scott Wiener
Senator, District 11