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**Before the Committee on Executive Administration and Labor
Council of the District of Columbia**

**Budget Oversight Hearing Regarding the
Department of Employment Services' Office of Unemployment Services**

April 5, 2023

Legal Aid of the District of Columbia¹ submits the following testimony about the Department of Employment Services' (DOES) unemployment insurance (UI) program and Fiscal Year 2024 budget. Our review of DOES's proposed budget raises a number of concerns, as the budget appears to reflect cuts and under-funding impacting DOES in crucial areas. To ensure DOES can adequately administer the District's UI system, which provides safety-net benefits to District workers who recently became unemployed through no fault of their own, the District should allocate funding to address the issues outlined below.

As claimants, Legal Aid, and other advocates testified at the oversight hearing in February 2023 and years prior, the failure to adequately fund and administer the

¹ Legal Aid of the District of Columbia was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 91 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org.

District's UI program has the most severe impact on claimants who do not have other resources to turn to when they become unemployed. Legal Aid's clients in these positions have experienced eviction, houselessness, hunger, bankruptcy, and other collateral consequences of job loss. Black and Brown residents in Wards 4, 5, 7, and 8² are disproportionately impacted by cuts to and failures of the UI program. Adequate funding at this crucial juncture of the UI system in the District – as DOES attempts to clear the backlog of claims from the federally funded pandemic programs, while implementing an entirely new claimant portal – could resolve some of the issues that have plagued the UI system for years.

Further, the District should allocate resources to DOES to fund the implementation of the Domestic Worker Employment Rights Amendment Act. Passed by the D.C. Council in 2022, the Act remedies the almost century-old exclusion of domestic workers from DC's Human Rights Act. This exclusion stemmed from a history of racism and sexism that devalues domestic work, which is primarily done by Black and Brown women. The Act is a major step forward, but additional funding will be necessary to make the promises of this important new law a reality.³

The District Should Increase Funding for the Unemployment Insurance Benefits Division

As outlined below, there is a significant need for investment to improve the administration of UI benefits. Numerous DC workers have been waiting years for their benefits – Legal Aid continues to receive intake requests from claimants who are waiting on funds from 2020, 2021, and 2022. At the same time, Legal Aid is receiving requests for assistance from claimants who only recently lost their job but are unable to file applications or to obtain a decision on their claim. Years have passed, but the issues remain the same, showing that DOES has not fixed the systemic technical and other issues that the pandemic surge laid bare. Earlier this year, DOES reported that the agency has a backlog

² *DOES Responses to Committee on Executive Administration and Labor Agency-Specific Questions*, at Q 131 (Feb. 2023), available at: <https://dccouncil.gov/wp-content/uploads/2023/03/Question-Responses-for-Committee-2.24.pdf>.

³ Legal Aid is a member of the Fair Budget Coalition and supports the Fair Budget Coalition's FY24 Budget Platform, which includes this recommendation. For more details, please see the Fair Budget Coalition's FY24 platform, available at: <https://fairbudget.org/2024-budget-platform/>.

of over 45,000 unprocessed claims for FY 2023.⁴ Yet for both FY 2022 and FY 2023, the agency assigned only 8 staff “to assess issues and payment of back pay.”⁵

In the face of this pressing need, the proposed budget slashes funds for the “Benefits” section of the Unemployment Insurance division by \$1,480,000.⁶ As noted in the budget itself, the benefits section is responsible for providing cash payments to eligible workers.⁷ Although understaffing is already demonstrated by claimants waiting months or even years to resolve issues with their claim, the proposed budget reduces the number of FTEs by 5%⁸. This cut will cause extreme hardship for unemployed District workers. The impacts of this cut will be felt widely, given that DOES is still working on tens of thousands of unprocessed cases. The huge influx in claim-filing numbers during 2020 and 2021 will continue to impact the agency in 2024.

i. The District Should Fund the Restoration of Telephone and In-Person Options for Filing Claims

UI claimants previously had three methods available to file a claim for benefits: DOES accepted claims filed over the phone, in person, or on the website. However, in 2022, DOES eliminated all channels for initial claim filing other than the website.⁹ Claimants can no longer file in person or over the phone. For many of the District’s most vulnerable workers, this causes significant hardship. In some cases, it creates a complete bar to accessing benefits. In particular, the decision to stop taking phone and in-person applications impacts claimants who do not have computer access, claimants who are not

⁴ *DOES Responses to Committee on Executive Administration and Labor Agency-Specific Questions*, at Q 132 (Feb. 2023), available at: <https://dccouncil.gov/wp-content/uploads/2023/03/Question-Responses-for-Committee-2.24.pdf>.

⁵ *Id.*

⁶ D.C. Proposed FY2024 Budget, Department of Employment Services (CF0), at Table CF0-4 (Mar. 22, 2023), available at: https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/cf_does_chapter_2024m.pdf.

⁷ *Id.*, at “Division Descriptions.”

⁸ *Id.*, at Table CF0-4.

⁹ OES Responses to Committee on Executive Administration and Labor Agency-Specific Questions, at Q 125(c) (Feb. 2023), available at: <https://dccouncil.gov/wp-content/uploads/2023/03/Question-Responses-for-Committee-2.24.pdf>.

proficient in English, claimants with disabilities, and claimants with low literacy. The current restrictions place an unnecessary barrier in the way of receiving benefits, and ultimately put low-income workers at greater risk of foreclosure, houselessness, and other collateral consequences of job loss.

Restricting unemployed District residents to filing for benefits only through the website is particularly problematic given the extensive issues with the claim-filing online portal. First, many pages of the initial application are available only in English, and those that are translated are only translated to Spanish – none of the other languages required by the D.C. Language Access Act, as described in greater detail below. Further, many claimants who do attempt to use the website encounter glitches and error messages that are impossible for them to resolve. Some claimants are unable to file a claim at all due to these issues with the website. Legal Aid assisted one claimant, Ms. B., who came to Legal Aid after more than a year of unsuccessfully trying to file for benefits. Ms. B received an error message when attempting to file online at the end of 2021 and was therefore unable to submit her application. She unsuccessfully raised this issue with DOES at in-person appointments and over the phone for the better part of a year. When she came to Legal Aid for assistance at the end of 2022, she had still been unable to log on to file her initial application.

Accordingly, to ensure claimants can actually access the UI benefits they are entitled to, it is crucial that the District allocate funding for DOES to resume accepting initial applications by phone and in person, as the agency previously did. Moreover, DOES must increase staff at the call center and American Jobs Centers such that claimants can actually access these services. In recent years, claimants have struggled with accessing appointments at American Jobs Centers and hours-long waits on hold after calling for assistance. The examples listed above of problems with initial claim filing are indicative of an urgent need to invest further in unemployment benefits, to ensure claimants have access to the most fundamental step in the UI process: filing an application.

ii. The District Should Fund Additional Staff to Resolve Pending Claims that Remain Perpetually and Indefinitely Unresolved

As referenced above, UI claimants are still following up with DOES regarding issues with claims dating back to 2020 and 2021, when federally-funded pandemic programs including Pandemic Emergency Unemployment Compensation (PEUC), Pandemic Unemployment Assistance (PUA), and Federal Pandemic Unemployment Compensation (FPUC) were in place. Other claimants have encountered new issues with their claims in 2022 and 2023, which they similarly have been unable to resolve. However, DOES currently has no backstop in place to help workers whose claims remain unresolved for months and years – despite the fact that federal standards require prompt

determinations issued within 21 days.¹⁰ In response to a question posed by the Committee on the agency's timeline for processing applications, DOES represented that "it can take up to 21 days to get a claim payment out to an applicant who is qualified and approved to receive Unemployment Compensation."¹¹ However, the UI claims data from FY 2022 shows that of the 42,400 approved claims (claims that were found monetarily eligible), only 6,348 (15%) were paid within 21 days.¹²

In Legal Aid's experience, claimants who do not receive prompt payment on their claim call or make appointments with DOES repeatedly. They meet with low-level agency representatives or contractors who are unable to resolve the technical or administrative issues impacting their claim. As a result, DOES reported earlier this year that there are more than 45,000 unprocessed claims.¹³

To address this urgent need, DOES should receive funding to implement a simple and widely disclosed process by which claimants whose UI claims remain unresolved after an extended period of time may request an escalation on their claim, a prompt review by a claims examiner, and a swift resolution to ongoing delays. Further, DOES staff should be tasked with proactively identifying and resolving claims that have been pending for longer than the 21-day period detailed in applicable federal law.

The District Should Increase Funding and Oversight of the UI Benefit Payment Control Unit

As detailed in the budget itself, the Benefit Payment Control (BPC) Unit is responsible for the "prevention, detection, investigation, prosecution, and recovery of UI overpayments made to claimants. BPC is also responsible for the investigation and determination of

¹⁰ Dep't of Labor, Attachment to UIPL No. 1145: Procedures for Implementing the Java Decision's Requirements, available at: https://wdr.doleta.gov/directives/attach/UIPL/uipl_pre1975/uipl_1145a.cfm.

¹¹ DOES Responses to Committee on Executive Administration and Labor Agency-Specific Questions, at Q 125 (Feb. 2023), available at: <https://dccouncil.gov/wp-content/uploads/2023/03/Question-Responses-for-Committee-2.24.pdf>.

¹² *Id.*, at Q 132.

¹³ *Id.*

fraudulent and/or erroneous payment cases.”¹⁴ In performing these duties, the BPC Unit currently makes numerous erroneous overpayment assessments, improperly identifies fraud in cases that clearly fail to meet the legal standard, delays payments for claimants whom the agency acknowledges are missing benefits due to third party fraudsters, and fails to take advantage of waiver programs that would dramatically benefit claimants while preserving the District’s resources.

The current proposed funding for the BPC Unit is \$1,692,000 for FY2024, compared to \$3,928,000 actually spent in FY2022.¹⁵ Although UI claim numbers have decreased, the BPC Unit is currently in the process of reviewing thousands of claims from the pandemic programs in 2020-2021, meaning the effects of the influx of UI claims are far from over. Without adequate funding and oversight, the BPC Unit will continue to cut corners and harm claimants who are trying to access safety net benefits.

i. The District Should Fund Improvement and Quality Control of UI Overpayment Assessments and Recovery

The current DOES overpayment assessment and recovery programs are in dire circumstances: overpayments are assessed erroneously and categorized as fraud without any legal basis. Moreover, these errors are often made without DOES ever issuing legally required notice. This means that DC claimants are advised they need to pay back overpayments and fraud penalties they often do not actually owe, without any understanding of what is happening in their case. These problems are addressed below and described in greater detail in Legal Aid’s 2023 Joint Testimony Before the Committee on Executive Administration for the DOES Performance Oversight Hearing. These issues can be resolved by funding system-wide improvements and quality control measures for the BPC Unit.

There is currently an alarming trend of D.C. workers experiencing erroneous overpayments generated on their account due to technical errors within DOES’s system. In reality, these workers owe no money to DOES, but the DOES system erroneously reflects a debt. In these cases, claimants rarely receive notice of the “overpayment.” Instead, they learn of the error in their account when they receive a Notice of Intent to Offset letter providing that DOES intends to offset their state and federal tax refunds. For example, Mr. M received a letter in 2021 indicating that he had an overpayment of

¹⁴ D.C. Proposed FY2024 Budget, Department of Employment Services (CF0), “Division Descriptions,” (Mar. 22, 2023), available at: https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/cf_does_chapter_2024m.pdf.

¹⁵ Id., at Table CF0-4.

over \$20,000 for federal pandemic benefits he received in 2020. DOES acknowledged that the letter was incorrect and issued in error, but it took more than a year of advocacy on the part of Mr. M and Legal Aid to obtain confirmation from DOES that the overpayment was created in error and that he did not owe any of that amount. These erroneous overpayment assessments cause claimants significant stress and in some cases actual financial loss, when the non-existent debt is referred to the Treasury Offset Program for a tax refund intercept. Additional oversight and quality control is necessary to prevent the issuance of these erroneous notices.

Additionally, in cases where a claimant actually was overpaid, DOES improperly applies fraud penalties without satisfying the legal standard required for a finding of fraud. In many cases, clients can be overpaid for an entirely innocent reason – including that DOES made a mistake regarding their case. However, in cases where the overpayment was caused by fraudulent activity on the part of the claimant, DOES is authorized to impose a financial penalty of 15% of the total overpayment, in addition to a disqualification from receiving UI benefits for a year.¹⁶ The D.C. Code stipulates that to apply this fraud penalty, the misrepresentation that lead to the overpayment must have been made *knowingly*.¹⁷ This penalty is not designed to apply to claimants who accidentally made a mistake when filing their claim, nor claimants who were impacted by a mistake on DOES's part. Nonetheless, DOES is quick to assess fraud without any investigation of knowledge and intent in a wide variety of overpayment cases. For example, as described in Legal Aid's 2023 Joint Testimony Before the Committee on Executive Administration for the DOES Performance Oversight Hearing, Legal Aid client Mr. C explained to DOES that his failure to report wages was a mistake attributable to a memory problem. DOES acknowledged in writing in advance of a hearing that Mr. C did not engage in fraud. Nonetheless, DOES proceeded with the allegation of fraud in the hearing itself. Mr. C was represented by Legal Aid and prevailed when the Judge in his case found he had not committed fraud and removed the penalty. However, other claimants may not be represented, or may not even be aware of their right to appeal. Additional resources are crucial for DOES to perform the statutorily mandated investigation into potentially fraudulent overpayments and to end DOES's practice of improperly assessing overpayments as fraudulent without evidence of knowledge and intent.

Finally, an issue which affects the full spectrum of cases involving overpayments and overpayment recoupment is lack of notice. Many claimants never receive notice that DOES has assessed an overpayment in their case. Instead, these claimants only learn of

¹⁶ D.C. Code § 51-119(e).

¹⁷ D.C. Code § 51-119(e)(1).

the existence of the overpayment when they receive a notice that the Treasury Offset Program intends to seize their tax refund. Clear notices on overpayments, appeal rights, waiver rights (as described below), and the recoupment of payments are crucial for the fair and effective administration of the UI system. The District should allocate additional resources to ensure these notices are produced and timely issued.

ii. DOES Should Preserve Funds by Taking Advantage of Federal Benefit Overpayment Waivers, While Improving the Administration of the Waiver Program on the Whole

District law gives DOES the ability to waive overpayments.¹⁸ However, very few claimants know about this option: the waiver form is difficult to find on the DOES website, the agency does not individually notify claimants about their eligibility to request a waiver, and overpayment notices do not include information about the procedure for applying for a waiver. This failure to inform claimants of the availability of waivers creates unnecessary hardship for claimants, who committed no error in applying for or receiving these benefits, and yet are expected to pay back thousands of dollars – sometimes years later, long after the money has been spent. The lack of awareness of the possibility of seeking a waiver is evidenced by the fact that despite assessing and recouping thousands of overpayments every year, DOES reports that less than ten individuals asked DOES to waive their overpayment debt in Fiscal Year 2021.¹⁹ DOES did not approve any of these waiver requests,²⁰ and has not provided any explanation of how the agency decides whether to grant a waiver request.

Improving the waiver process will require up-front investment to make the waiver process more accessible and transparent, but it will also ensure that DOES resources are well spent. Without a robust waiver process to eliminate no-fault overpayment debts where a claimant cannot afford to pay back the debt, DOES's Benefit Payment Control Unit will be overwhelmed with overpayment recoupment efforts – including repeatedly seeking benefits from claimants who will never be able to repay them.

¹⁸ D.C. Code § 51-119(d)(1) (“Any person who has received any sum as benefits under this subchapter to which he is not entitled . . . may have such sum waived in the discretion of the Director.”).

¹⁹ FY 2021 is the most recent year for which we have waiver information reported by DOES. See DOES-FY22-POH-Performance-Questions-Responses, available at: <https://dccouncil.gov/wp-content/uploads/2022/02/DOES-FY22-POH-Performance-Questions-Responses-only.pdf>.

²⁰ *Id.*

In addition to waiving overpayments of funds coming out of the District UI trust, DOES should take advantage of the opportunity to waive no-fault, non-fraud CARES Act overpayments of federal funds. On February 7, 2022, the U.S. Department of Labor (DOL) issued guidance to state UI offices strongly urging states to waive no-fault overpayments of federal CARES Act benefits. However, in contrast to many states throughout the country, the District has yet to adopt any policies to waive these federal overpayments.²¹ Waiving no-fault CARES Act overpayments would save the District funding overall, as all efforts by DOES to recoup these overpayments will not replenish the District Trust Fund. Instead, recovered overpayments will be returned to the U.S. Treasury.

A fair waiver policy will resolve no-fault overpayments while minimizing DOES's overpayment recoupment expenditure. Moreover, it will ensure that claimants who were overpaid through no fault of their own are not penalized with overpayment assessments of thousands of dollars. As described in Legal Aid's 2023 Joint Testimony Before the Committee on Executive Administration for the DOES Performance Oversight Hearing, one current Legal Aid client, Ms. S, received PUA in 2020 after applying and being found ineligible for regular UI. Her PUA payments stopped without warning in January 2021. She repeatedly followed up with DOES throughout 2021 and 2022, but received no explanation or additional payments until she received a "Notice of Intent to Offset" in January 2023 stating that she owed DOES over \$14,000. After Legal Aid contacted DOES on her behalf earlier this month, she was told that DOES is reevaluating her entire claim. Although Ms. S reported all of her information correctly to DOES, the agency was missing some other wage information in their system.

iii. The District Should Allocate Funds to Ensure Fraudulent Claims Are Identified and Resolved to Minimize Their Impact on Legitimate Claimants Who Cannot Access Their Benefits

Multiple District workers have been impacted by a third-party fraudster using their account to obtain benefits. These workers may experience barriers to accessing their own benefits as a result of the fraudulent claim, or may have their tax refunds seized due to an "overpayment" of money they never actually received.

Legal Aid works with multiple clients in this position. In many cases, these clients have to wait years to get the overpayment issue resolved. For example, as detailed in Legal Aid's 2023 Joint Testimony Before the Committee on Executive Administration for the DOES Performance Oversight Hearing, Mr. A tried to file for benefits in 2020 and found out his

²¹ There is no deadline for States that wish to propose additional scenarios within the context of the CARES Act UC programs to be considered for blanket waivers.

application was being blocked because of alleged fraud. He continually followed up with DOES and complied with all advice he received on how to rectify the situation. Despite these efforts, DOES seized \$5,000 from Mr. A in 2022 as a result of the claim someone else had filed on his account, and it was not until later that year that Mr. A was able to resolve the fraud issue and file his backdated claim from 2020.

DOES's current efforts to address fraudulent claims result in legitimate unemployment claimants having their benefits indefinitely delayed, and other District workers who did not file a UI claim having their tax refunds seized by DOES to repay their "debt." These cases take years to resolve, and sometimes will only be resolved once the claimant involves a lawyer in their case. Additional resources are necessary to ensure that DOES can resolve fraud issues raised by the legitimate accountholder immediately. This will ensure that UI claimants will receive their benefits when they are due, and District workers will not have to "repay" money they never actually received.

The District Should Increase Funding for Communications and Information Technology

As DOES makes a push to modernize the District's UI system, the need for adequate funding for Communications and Information Technology is greater than ever. This funding will help ensure that the modernization process is implemented in a way that helps rather than harms the claimants the system is intended to serve.

However, the proposed budget for Communications in 2023 is \$575,000, when the actual spending in FY2022 was \$717,000. As previously noted, DOES has not yet cleared the backlog of claims from 2020 and 2021, and many claimants have no information on the current status of their claim. Communications from the agency fail to meet language access needs and similarly fail to comply with best practices regarding plain language. The federal Department of Labor is currently making a push towards increasing the use of plain language in UI systems throughout the country and sharing resources to help facilitate that.²² DOES requires funding to be able to take advantage of these resources and address other communications issues within the UI system.

Further, while the budget for Information Technology has increased, this increase is not sufficient to account for the significant investment that is required in the time immediately before and after the implementation of an entirely new claimant portal.

²² Dep't of Labor, *The UI Lexicon Project: Defining Commonly Used UI terms in Plain Language*, available at: <https://www.dol.gov/agencies/eta/ui-modernization/ui-lexicon>.

i. The District Should Allocate Funds to Ensure DOES Can Meet its Legal Obligation Under the Language Access Act

DOES fails to provide adequate service and access to Limited or Non-English Proficient unemployed workers. As described above, many components of the claimant portal (the sole means of filing an application for UI) are accessible exclusively to English-speakers. In addition, DOES frequently sends Amharic- or Spanish-speaking claimants crucial notices on their claim only in English. These notices include important and time-sensitive information, such as the decision on an initial application, appeal rights, an assessment of an overpayment, an intent to intercept tax refunds, and more. DOES's practices in this area deprive non-English speaking claimants of benefits they are due while violating the DC Language Access Act.²³

Accordingly, it is crucial that the District allocates funds to ensure that DOES can translate all applications, web pages, notices, instructions, and any other written material into the languages required by the DC Language Access Act. The District must also make sure that claimants can speak with someone either in their language or through a competent interpreter when claimants seek services via the call center or in-person at American Job Centers.

ii. The District Should Allocate Funds to Address Longstanding Website Issues Take Advantage of the Transition to a New Online Claimant Portal

The current claimant portal creates significant barriers that prevent workers from accessing their benefits and understanding the status of their claim. As described above, the portal prevents many eligible claimants from even filing an initial application. Additionally, the current system "kicks out" users at seemingly random times, sometimes repeatedly. This has made it difficult for claimants to access important information, including which claim they are currently being paid under and how much money is left on that claim.

In addition to these glitches, the design of the portal itself fails to account for UI claimants' needs. The website is mostly in English, which creates insurmountable barriers to access for workers who are not fluent in English, as described above. The current claimant portal is difficult to use on a mobile phone, which results in many issues with accessibility. Further, the portal lacks crucial information: it does not include any copies of determinations DOES has made on a claimant's case, it does not include any information on the status of overpayments, and it does not include any way for a claimant to contact DOES.

²³ D.C. Code §§ 2-1901 - 2-1937.

DOES is currently in the process of implementing a new claimant portal; a project that it has stated will be completed in the third quarter of 2023.²⁴ The District has the opportunity to remedy many of the problems with the current portal by leveraging this transition – but only if it allocates resources during this key juncture.

Creating an accessible, efficient, user-friendly portal is possible, but it will require significant input from stakeholders like claimants and their advocates. It is crucial for DOES to have resources to engage in these kinds of consultations, as well as resources to implement the resulting changes. The involvement of claimants and their advocates will also help to ensure allocated resources are put to effective use. Multiple states, including Pennsylvania²⁵ and Michigan,²⁶ have created UI benefit modernization advisory committees. The District should allocate resources to do the same. DOES has indicated that the total anticipated cost of the UI Benefits Claimant Portal will be \$4,258,899.²⁷ To date, DOES has not made any public representations about any of these or other funds being used to create opportunities for advocates and claimants to be involved in the overhaul of the claimant portal.

Further, the District should allocate resources to ensure there is extensive beta testing and input by claimants and their advocates before the system goes live, and continued feedback once the new system is in place. DOES should focus outreach and testing on claimants who are underserved by the current website, including: Limited or Non-English Proficient workers, workers who do not have a computer in their home, and workers with disabilities. DOES must also consult with individuals with low to no technological literacy, to ensure alternative access channels remain open to them and to prevent the

²⁴ Dep't of Employment Services, Quarterly Community and Business Stakeholder Engagement Meeting (Dec. 8, 2022), available at: <https://does.brandlive.com/DOES-Quarterly-Community-and-Business-Stakeholder-Engagement-Meeting-December-2022/en>.

²⁵ Pennsylvania Act of Dec. 20, 2017, P.L. 1191, No. 60.

²⁶ Michigan Dep't of Labor and Economic Opportunity, *UIA Modernization Workgroup identifies goals that benefit workers, employers* (Feb. 3, 2023), available at: <https://www.michigan.gov/leo/news/2023/02/03/uia-modernization-workgroup-identifies-goals-that-benefit-workers-employers>.

²⁷ Attachments to DOES Responses to Committee on Executive Administration and Labor Agency-Specific Questions, at Q 46 DOES POH 2023_Technology (Feb. 2023), available at: <https://dccouncil.gov/wp-content/uploads/2023/03/DOESPOHATT.pdf>.

modernization process from worsening the digital divide. Running these kinds of tests and consultations are crucial and will require additional funding.

In addition to this critical funding to facilitate consultation throughout the District's transition to a new portal, the District must allocate funds to address necessary changes to make the portal more accessible and effective. For example, DOES will require resources to translate all pages on the portal to languages covered by the Language Access Act, to make the portal accessible for claimants with disabilities, and to upload determinations and other important documents for claimants to access online. These are all key features of an effective claimant portal that DOES is not currently implementing, and will therefore require additional funding.

The District Should Fund the Implementation of the Domestic Worker Employment Rights Amendment Act

In December 2022, the DC Council passed the Domestic Worker Employment Rights Amendment Act, which will include domestic workers in laws they have long been excluded from and create new rights and benefits for domestic workers. Now that the law has passed, it is crucial that the District allocate the funds necessary to implement it. This includes funding additional staff at the Department of Employment Services to develop and implement the new requirements of this law. Legal Aid strongly urges the council to allocate \$612,000 to DOES for FY2024, to make the recently passed Domestic Worker Employment Rights Amendment Act a reality.

Conclusion

We thank the Committee for its efforts to work with the Mayor to implement a budget that benefits District workers. We offer our assistance to improve the DOES budget as well as the overall systemic issues at DOES as identified in our testimony.