



Commonwealth of Virginia

General Assembly

RICHMOND

July 2020

Ellen Marie Hess
Commissioner
Virginia Employment Commission
6606 West Broad Street
Richmond, VA 23230

Dear Commissioner Hess,

Thank you for your hard work, long hours, and dedication to serving the people of Virginia during this unprecedented time. There is no question that, through your leadership, great strides have been taken to handle the influx of unemployment insurance benefit claims over the past few months. While we acknowledge that understaffing and a budget based on federal funding left the Virginia Employment Commission (VEC) at a difficult starting point, we write this letter to express our concerns regarding the VEC's ability to adequately address the ongoing high volume of benefits claims precipitated by the COVID-19 crisis. Our goal is to work with you and your staff to identify the overarching issues facing the VEC and subsequently collaborate on how best to move forward.

As members of the Virginia General Assembly, our top priority is constituent service and representing our constituents to the best of our ability. In regular times, our offices can work with state agency liaisons fairly seamlessly to provide a resolution for a constituent issue. However, this pandemic, coupled with the astronomical number of new benefit claims, has highlighted some problems that, in turn, have made it harder for our offices to fulfill our duties to our constituents. Specifically, these problems include inaccessibility of the VEC via phone or online, a lack of initial or follow up communication with claimants, the use of a complicated and outdated online system, and an overall lack of transparency with claimants throughout the process. To this last point, most of the constituents that we hear from begin their stories by simply asking what the status of their claim is as they have been unable to determine this on their own.

In 2017, a study resolution directed the Joint Legislative Audit and Review Commission (JLARC) to review the VEC's operations and performance; however, a report of the findings and recommendations remains unavailable due to other pressing studies and the ongoing pandemic. We encourage JLARC members to prioritize the study as soon as possible. In the meantime, we would like to work together on policy proposals to introduce legislation at either an upcoming special session or during the regular 2021 Session. If there are already plans to update the current procedures and technologies, we would appreciate insight and information on their implementation. Updating and streamlining the current process is the clear first step toward improvement.

Additionally, we ask that the agency continue to make the establishment of an online portal their top priority. It is imperative that employers provide separation information in a timely and efficient manner, ensuring that employees do not experience a significant lag in receiving their benefits due to bureaucratic red tape or failure of the employer to provide said information expeditiously. We believe that a delay on the part of the employer providing the agency with separation information should not further delay employees receiving UI benefits that are essential for maintaining their financial and physical health and safety. We ask that VEC establish a deadline for employers to provide this separation information, after which point the claim will be resolved in favor of the employee.

In the current health crisis, employees are forced to make impossible choices between their physical health and safety and their financial health and safety. In many cases, as employers call employees back to work, employees fear a lack of health and safety precautions to protect them from exposure to

COVID-19. We request that the VEC work with the U.S. Department of Labor to ensure that the criteria by which VEC is adjudicating claims by employees are in line with regulations developed by the Virginia Occupational Safety and Health program (VOSH).

The purpose of VEC is first and foremost to help employees who have lost their job, their income, their financial security, and are trying to navigate a bureaucratic nightmare in filing for unemployment. Our current unemployment system cannot be sustained in this rapidly changing climate with historic levels of unemployment. The system penalizes workers for being out of a job through no fault of their own. We must do more to help Virginians navigate these uncertain times.

These issues transcend our districts, affecting individuals and families across the Commonwealth. For VEC to best serve Virginians, it needs to have the proper tools and resources to do so. We want to make sure that happens in whatever form it needs to - through legislation, additional funding and staffing, or a complete procedural review.

Thank you for taking the time to review this letter. We look forward to working with you on this.

Sincerely,

Delegate Chris L. Hurst
12th House District

Delegate Betsy B. Carr
69th House District

Delegate Kelly Convirs-Fowler
21st House District

Delegate Suhas Subramanyam
87th House District

Delegate Kathleen J. Murphy
34th House District

Delegate David Reid
32nd House District

Delegate Kenneth R. Plum
36th House District

Delegate Schuyler Van Valkenburg
72nd House District

Delegate Daniel Helmer
40th House District

Delegate Alfonso Lopez
49th House District

Delegate Kaye Kory
38th House District

Delegate Elizabeth Guzman
31st House District

Delegate Lee Carter
50th House district

Delegate Michael P. Mullin
93rd House District

Delegate Jennifer Carrol-Foy
2nd House District

Delegate Dawn M. Adams
68th House District

Delegate Ibraheem Samirah
86th House District

Delegate Danica Roem
13th House District

Delegate Rodney Willett
73rd House District

Delegate Shelly Simonds
94th House District

Delegate Wendy Gooditis
10th House District

Delegate Rosalyn Tyler
75th House District

Delegate Alex Askew
85th House District

Delegate Mark Levine
45th House District

Delegate Vivian Watts
39th House District

Delegate Don Scott
80th House District

Delegate Karrie Delaney
67th House District

Delegate Lashrecse Aird
63rd House District

Delegate Martha Mugler
91st House District

Delegate Patrick Hope
47th House District

Delegate Jeff Bourne
71st House District

Delegate Jay Jones
89th House District

Delegate Mark Keam
35th House District



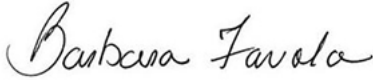
Delegate Nancy Guy
83rd House District



Senator Louise Lucas
President Pro Tempore
18th Senate District



Senator Creigh Deeds
25th Senate District



Senator Barbara Favola
31st Senate District



Senator John Bell
13th Senate District



Senator Adam Ebbin
30th Senate District



Senator Jennifer McClellan
9th Senate District



Senator Jeremy McPike
29th Senate District



Senator Jennifer Boysko
33rd Senate District



Senator Ghazala Hashmi
10th Senate District

CC:

Dr. Ralph S. Northam, Governor

Dr. Megan Healy, Chief Workforce Development Advisor

Ms. Valerie Braxton-Williams, Confidential Assistant for Policy and Legislation

Mr. Hal E. Greer, Executive Director, Joint Legislative Audit and Review Commission