

Dear Committee Members:

My name is Adam Lane, and I have worked as an employment adjudicator for the Unemployment Insurance division of the Oregon Employment Department since 2016. I work in the Willamette Valley (Beaverton) Contact Center, which as you may know is an open-office call center environment. Functionally eliminating the risk of transmission of the virus in such an environment is, despite the Department's claims to the contrary, impossible. As you also may be aware, the Department has steadfastly refused to permit telework for front-line employees such as myself who are directly responsible for processing claims and determining eligibility for benefits. As such, at the direction of my physician and the insistence of my family I have been on leave since the pandemic began in earnest.

To get straight to the point: the Department's refusal to permit telework has been disastrous. Besides merely betraying a casual contempt for the people performing essential work, it is an explicit violation of EO 20-12 §13, which mandates executive agencies to "...facilitate telework and work-at-home by employees, **to the maximum extent possible.**" (emphasis added). To my knowledge, no subsequent order or legislation has amended or repealed this mandate. The work that my colleagues and I do **can absolutely be done from home**, and the Department has essentially conceded as such—but they still refuse to allow it. All of the Department's representations as to why telework/WFH is not possible have been misleading or factually inaccurate.

Although upper management's blatantly illegal and immoral actions obviously affect the health and morale of the agency's workforce, this problem extends well beyond concerns of workplace safety. I am far from the only employee who has been absent for a long stretch of time during the stay-at-home order. Many of my colleagues have been similarly absent either for concern of contracting the virus; having been sick with the virus (as have many in the UI contact centers); needing to stay home because of childcare issues; or similar. All of us who have stayed home could have been working on processing claims, determining eligibility, and fielding inquiries from the public had the Department simply followed the law and reasonable, common-sense managerial practices. Instead, it has for no discernible reason sacrificed countless person-hours, leading to the current crisis and scandal. I have personally heard from many friends and family members in Oregon—your constituents—who have been waiting two months for benefits and have had no luck in getting answers from the Department. I am continually astounded at and ashamed of the leadership of my own agency during what is surely the biggest period of social and economic upheaval any of us have ever faced.

When David Gerstenfeld testifies on Wednesday afternoon, I implore you to ask him the difficult questions that the Department has so far continued to evade or answer untruthfully. Further, I ask you to demand that he back up his assertions of fact with objective evidence, rather than unverifiable vagaries. What are the actual technical or legal limitations that have made UI workers' roles unsuitable

for telework, and how might they be overcome? How have the same or functionally similar positions been performed remotely before, and what has changed since then? How many workers have been out on leave who otherwise could have been working from home 40 – 60 hours each week to clear the backlog and make sure that your constituents get paid their benefits timely? And what does the Department intend to do about these concerns when—as most public health officials predict—the state is hit with a second wave of infections?

Thank you for your service to the people of Oregon, and for considering this very important matter. I trust you will do the right thing by compelling the Department to comply with the law, protect its workers, and ensure that claims are processed in a timely manner.

Sincerely,

Adam Lane