

Committee members, public officials, and Oregonians,

My name is Scott Erwin, and I worked for the Oregon Employment Department from 2008 - 2018. Most of my employment was spent working as an adjudicator, but I also worked as a claims specialist, an adjudicator lead worker, an adjudication manager, and as an administrative law judge. I had a great career at the Employment Department, and I am very thankful for the support I received from peers and managers, and for my many good years of employment as a public servant.

Why I chose to leave employment with OED is a complex answer, but one reason was that I did not agree with leadership's decisions regarding the handling of claims from 2015-2018 where claims were often taking several weeks longer than the 3-week federal deadline for payment determinations. I worked with managers and frontline workers to do everything possible to improve Oregon's quality and timeliness of service. Oregon has had ongoing issues with timeliness and quality, and it has been on action plans with DOL for years. This is nothing new. Here is the DOL link for you to inspect for yourself: <https://oui.doleta.gov/unemploy/btq.asp>

I spent several years attempting to improve the performance of the UI Division and the employment experience of my peers. I was worried because the adjudication unit had no plan for how to respond to an emergency. The claims unit had a plan: get all the adjudicators who can to take claims calls. That made it so claims were still getting processed at an acceptable rate. But this plan was only good for brief, small surges in claims because the adjudicators aren't doing their adjudication work. This, in turn, created an adjudication backlog. Adjudication backlogs of 6 to 10 weeks were regular, even though the federal requirement is for adjudication to be complete within 3 weeks.

As far as a national emergency plan, there was no plan. 10 years after the Great Recession, OED still doesn't have a viable plan for earthquakes, fires, or any other serious threat to public service or major shifts in the economy. OED has been through four directors in recent history, and I believe Kay Erickson was doing good work. Unfortunately, she did not take the extreme level of action required to respond to the extreme threat COVID-19 is to the economic stability of Oregon. ORS 657.610 is the statute establishing the powers of the Director. Based on my knowledge of the Oregon UI system, I believe the Director has legal authority to accelerate the adjudication process that has not been exercised because it is too risky.

David Gerstenfeld is the expected person to appoint as the Interim Director of OED. I agree with Governor Brown's decision. I have had many meetings and conversations with him over the years, and I respect his abilities as a public administrator. But, he is a career public administrator. He will not lay his 20+ years of public service on the chopping block to execute process changes that have never been undertaken. What will be the ramifications? No one knows. And no skilled decision maker is going to jump at the chance to do something unusual when he has no idea what will happen. Kay wasn't willing to do that, and I don't think David would either.

I encourage David to seriously consider partial telework where parts of claims and adjudication work can be done without remote systems access. The employees can drive to the office for in-person thumb drive data transfers. This would be incredibly secure. Or, OED can be more proactive in getting

employees home internet secure so OED's services will be consistent for this and any future emergency. This may sound like a waste of resources/time, but if it gets employees working again who are out on leave because they're home with children or who are immunocompromised and don't want to be in the office, then it's a gain for Oregonians.

I know it has been a struggle for the Employment Department to get the funding it needs to operate well since 2013. There have been some gains, but OED is far from where it needed to be yesterday. I believe it will take a concerted effort by the legislature, OED, and the governor to make the necessary decisions. As clearly stated by Kay Erickson in Saturday's hearing, OED's trust fund is very secure. Fraud is a concern, but is it such a concern that the 90 percent of non-fraudulent claimants have to wait up to 10 weeks for their benefits? I believe it would be beneficial for someone to rerun the cost-benefit-analysis on it.

Let me run some basic numbers by you. When fully staffed, OED has about 90 adjudicators. If skilled, an adjudicator can review approximately 35 claim files a week. That's 3,150 claims reviewed a week. There is a backlog of 38,000 claims. That means it will take OED 12 weeks to get through the backlog. 12 weeks!

I have faith in the frontline managers and workers to come up with some micro-processes to shave a few weeks off, but they can't take the sweeping action that the Director can. I implore you, all of you, to take action and get everyone paid by the end of this week. It can be done, even with Oregon's outdated technology.

Be well,  
Scott Erwin