

September 3, 2020

To the Senate Interim Committee on Labor and Business:

As I listened to a few testimonies from fellow Oregonians during this morning's Live Stream committee meeting regarding the Oregon Employment Department (9-3-2020), I fought back my own tears and frustrations as I heard myself and my story in the voices of those who spoke. While it helps in some way to know I am not alone, that my unemployment story is Oregon's story, that knowledge does not help me pay my outstanding bills, feel secure in my housing or food, ease my daily depression and anxiety, and does not prevent the mid- and long-term fallout from this prolonged stress and instability. What would help me, and everyone else as well, is quick, clear, and ACCURATE information and proactive follow-through from the Oregon Employment Department, as well as the funds we were promised by the CARES Act.

Please add my story to the committee's testimony.

On March 23, 2020, when Governor Brown issued her "Stay Home, Save Lives" order, I stopped driving for Lyft (a job I had worked at successfully for over 4 years with a 5/5 rating) as I fundamentally could not meet the Governor's cleaning and distancing regulations in my car, and additionally, I already had had roughly 2 weeks of up to 50% less passenger demand and income, despite driving more hours that increased my business expenses, due to Covid fears. I was thrilled when Congress signed the CARES Act into law on March 31, 2020, because it guaranteed, so I thought, independent contractors like myself had access to UI benefits during this world health crisis. I applied for unemployment the same day, because Oregon's unemployment website, and in fact local news articles, recommended applying early, and that the State would process those applications in order received, and process any self-employment income under the new PUA procedures as the State formalized them. Thus, in my initial claim, I highlighted my Independent Contractor work and income as a Lyft driver, which I was not doing and not collecting any income from and which represented the bulk of my income loss, AND my W-2 work as a tutor, which I was still employed with and still collecting income from, albeit at ¼ time, my usual workload for that job; and it is here I believe the State's information, and antiquated computer processing systems, began the first steps toward misleading and poorly informing me: it never mentioned, at any point, that the OED could only accept and would only award benefits for 1 claim with 1 income type. And, it did not say, anywhere, that people with multiple jobs or different income types should wait until the State announces additional information or other applications.

I waited for over a month, after initially applying in March, and continually faced busy phone lines and unanswered emails when I tried to contact the UI Department about my claim's status. Soon as the State posted a new PDF Application for the PUA online in late April, along with information that said to complete the application even if you applied earlier, I did submit a PUA specific application on April 28, 2020, while also recording the tutoring income I was still receiving and had received since late March, as well as my Lyft 1099 "paystubs" from 2019, which showed gross income 4x higher than what I had made

as a tutor. I followed directions and submitted TWO weekly claims recording the same information each week: 1 via the traditional system and 1 to the PUA portal itself.

On May 15, 2020, well over a month after I first applied, I received notice I was awarded a modest weekly benefit from the State based upon my tutoring job alone, even though I was never actually unemployed from it and WAS still working and collecting its usual wages; I submitted weekly traditional-claim AND PUA-claim reports regularly because I had lost Lyft income, not because I had lost tutoring income. In fact, from April 5 to May 16, 2020 (6 weeks), I received no UI benefit at all because my tutoring income lead to “excess earnings reported,” but again based only on my tutoring income itself, not my total income picture or loss. I assumed I did not get any benefits related to Lyft, because my PUA application was still being processed. Of course, calling in to confirm that assumption was fruitless due to persistent busy signals, call disconnects, and no PUA number to call.

I started to face more problems in late May when I DID start to claim fewer tutoring hours and less income as my tutoring client finished school and my company admitted it had to suspend operations indefinitely due to Covid-19, and thus couldn't assign me summer clients (which I had always had in the last 3 years working with them). After getting weeks of unemployment forms threatening to not pay me benefits because the online system now perceived my loss of tutoring earnings as related to a different job, and weeks of unanswered emails, faxes, and calls, I finally got connected to the unemployment department twice in June (well over a 5-hour wait on the phone each time before I could talk to someone), and BOTH TIMES the friendly people who helped me reinstate my claim told me that Oregon considers Lyft income as valid and countable toward my weekly benefit amount and that high-priority notices had been forwarded to superior, more experienced personnel who would change my weekly benefit amount and/or contact me for additional information. However, I received NO WORD—no call, no message, no text, no email, no letter, nothing—related to my June calls or about the weekly reports I continued to send both to the UI and PUA programs, and I heard nothing about that twice-promised change to my benefit amount.

After contacting my House representative, Andrea Salinas, on August 13th and explaining that I “felt lost and like this whole PUA process has been a lost cause,” her office provided me with a link to a new online OED contact form, which I had not heard about even though I was signed up for OED email alerts. I used the form and got back a blunt, 1-sentence response that my PUA claim was denied, because I already had a regular claim; it contained no other information (and to this day, I have NOT received a formal decline letter or explanation). In subsequent replies, because I emailed back asking why I was misled and wasted time with wrong information, I was told that my June information was wrong, that Lyft IS PUA and not regular-claim income, but that I could try and get the Tax Department to review my claim and adjust the weekly amount.

I pursued that Tax Department path, and I sent in the same paystubs, even as far back as 2018, and was assured—again, so I thought—that my total income picture would be reflected in my weekly benefit amount and that any backpay would be paid to me within a week or so, but that was over 3 weeks ago now, and despite repeat emails, no one replies to

me, and despite repeat calls, I cannot get connected to a person. I even asked this last person I spoke with, who called me to confirm I sent in the necessary paperwork submissions for the Tax Department, what the likelihood was of being denied or waiting longer than a week or two for those adjusted benefits, and she said no likelihood of denial was zero, as other Lyft drivers with dual incomes also had their benefits changed, and hopefully I would get a deposit within 1 week. That too seems to have been wrong information.

I was hopeful, but then I heard testimony this morning mentioning someone was wrongly led to the Tax Department, so now I worry again: was the information I got right? What more do I have to do? How long do I have to wait? How long can I keep going, keeping the bill collectors at bay, while not knowing if those benefits are coming? How long before my electricity is cut and I cannot even continue reporting OED claims, apply or interview for jobs, or resuming distance-based tutoring through virtual sessions?

Counting April thru August only, when compared to my 2019 Lyft gross, I have lost over \$19,000.00 in income and received no benefits related to my Lyft income loss, at all. I did not think this was possible under the CARES Act and that people like me would be supported during this unprecedented time; it feels like not everyone who contributes to society through labor or helping others are truly valued in our society, that some workers, regardless of their longevity or track record, can be ignored and disenfranchised from federally approved benefits. It feels like a punch in the gut.

And the additional punch in the gut: now, I cannot afford to safely go back to working as a Lyft driver, because I do not have the capital to pay for the higher business expenses required by Lyft (and the State, incidentally), such as PPE (e.g. masks for each driving shift or gloves) and sanitation cleaners and supplies (enough to be used between passengers or by passengers).

It is appalling and insulting to be put into this punishing situation, instigated by my own State government, where my work situation is questioned and ignored and my ability to return to it safely and legally impossible, especially when it could have all been avoided by clear information on day 1, even if that information would have been: "we do not yet know which application you should use, please, wait."

I know the OED has been working hard, that many of those employees are unable to change the internal systems and I do thank those that have been empathetic, but I feel less than human and cannot even trust I can return to work or find new work successfully because there are so few financial, and now psychological and physical, resources at hand...ultimately, all due to OED's failures.

It was easier when I could just blame Covid alone for this stagnation, instability, and fear.

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