

Congress of the United States
Washington, DC 20510

June 9, 2020

The Honorable Lawrence J. Hogan, Jr.
Governor of the State of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan:

As members of the Maryland Congressional Delegation, we write to convey the concerns that we have heard from our constituents who are trying to obtain unemployment benefits during this challenging time. The unemployment insurance (UI) program is an extremely important federal-state partnership for the people of Maryland and the nation, which involves the collection of billions of dollars of federal and state unemployment insurance taxes. When the COVID-19 pandemic erupted in the United States, Congress acted quickly to provide unprecedented UI assistance to workers – and to states charged with processing UI claims – given the impact of the pandemic on businesses, employees, and the economy generally.

The UI provisions in the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act include expanded benefit eligibility to workers not otherwise covered by UI, such as the self-employed, independent contractors, and gig economy workers; a 13-week extension of unemployment benefits; and a \$600 increase in weekly unemployment benefits. The UI provisions in the Families First Coronavirus Response Act provide various types of assistance to states, including up to \$1 billion in emergency administrative grant funding, of which Maryland received roughly \$16.8 million. This law also removes through December 2020 the current requirement in UI law for states to have a waiting week for their regular UI programs.

As you know, we have previously weighed in with both the U.S. Department of Labor and your administration to urge you to address a myriad of problems preventing or delaying workers getting their benefits. We continue to hear from many constituents every day who are encountering problems, and that are, apparently, far from resolved. Some of these problems include errors processing weekly certifications, performance of the state's BEACON online system, and inaccurate denials of benefits.

To fix these errors, claimants often must contact the Maryland Department of Labor (MDOL), where they struggle to get an answer. We have heard from constituents who have waited on hold for long periods of time without speaking to an MDOL representative. When our constituents try to contact MDOL by e-mail, they tell us their messages often go unanswered.

Federal law does require that the temporary programs enacted by the CARES Act operate in tandem with the fundamental eligibility requirements of the federal-state UI program. The CARES Act programs have new eligibility requirements that states must apply in order to ensure that only eligible individuals receive benefits, in order to maintain program integrity. Specifically, states must maintain weekly certification processes to ensure continuing eligibility of UI claimants and must complete required checks for interstate wages. However, states have certain flexibility in how to implement these requirements, and each state has implemented these new UI benefits in a different manner.

We are deeply grateful for the hard work of rank-and-file employees at MDOL to process claims and provide assistance. These workers corroborate what we hear from claimants, with their own reports of short-staffing and failing technology that date back to before the pandemic.

We well understand the challenges for the states in standing up new systems to implement the expanded federal-state UI program. It has been difficult for all states. Maryland has had trouble with expansion of UI benefits while maintaining compliance with federal program integrity rules such as weekly certifications. But it has been more than two months since the CARES Act was signed into law on March 27.

At the state level, Maryland Labor Secretary Tiffany Robinson recently made changes to the BEACON One-Stop unemployment insurance portal. Maryland will now allow all regular unemployment insurance claimants to file weekly claim certifications for all prior weeks they have missed in just one computer session, instead of multiple computer sessions. Maryland directed these claimants, who were previously limited to filing one prior week at a time, to check their BEACON portal to see if there are new claim certification weeks available to file. If there are multiple weeks available, claimants can file them all to ensure that their claim filings are up to date. The system will also now allow claimants to reactivate claims that had become inactive.

When constituents' UI inquiries are not satisfactorily addressed by the Maryland Department of Labor, constituents are then left to direct their inquiries to elected officials, often contacting multiple federal delegation members, state delegates, and state senators. We understand that many of these applications require adjudication. However, not providing timely updates leaves our constituents desperately frustrated. We therefore request that the Department of Labor develop a process to provide timely information directly to applicants about the status of their applications.

Our offices have complied with the Department's request to send daily reports to designated points of contact with information for constituents who have contacted us. The Department in turn has not provided clear information on when the constituents will be contacted, and what the average turnaround time is for completion of these inquiries. We are left unable to effectively respond to our constituents because the Department has been deficient in providing this information.

We have received many inquiries from constituents as to the status of their UI applications or benefits, and our staff is working hard to address their concerns. In order to better coordinate the work by the federal and state governments, we ask that Secretary of Labor Robinson immediately assign a staff member to be the liaison to our delegation and task this individual with the responsibility of sending timely responses to, and resolutions of, Congressional casework received by the Maryland Department of Labor.

As we stated in our April 14, 2020 letter to Secretary Robinson, it would be helpful to immediately identify for the federal delegation any continuing problems or concerns at the federal level in terms of administering the UI program, and where additional federal relief or assistance is requested. You have pointed to issues with the federal Department of Labor causing “tremendous difficulties” in delivering benefits. We therefore require specific information on how we can help on a regular basis. The Department should also provide the delegation with: (1) the number of Marylanders who have been initially approved for benefits; (2) the total number of Marylanders who have consistently received their benefits, uninterrupted, on a weekly basis; and (3) the number of pending applications.

As the Maryland Congressional Delegation, we are committed to working with our federal, state, and local partners to delivery urgently needed relief to Marylanders who are unemployed and face economic hardships not seen since the great Depression. We look forward to working closely together to address challenges in the proper administration of the UI system, which again is a joint federal-state partnership with billions of dollars withheld in federal and state UI taxes. We will continue to work in Congress to enact additional urgent measures to provide assistance to state and local governments, businesses, individuals, and non-profit organizations during this pandemic.

Sincerely,

/s/ Benjamin L. Cardin
United States Senator

/s/ Chris Van Hollen
United States Senator

/s/ Steny H. Hoyer
Member of Congress

/s/ C.A. Dutch Ruppersberger
Member of Congress

/s/ John P. Sarbanes
Member of Congress

/s/ Andy Harris, M.D.
Member of Congress

/s/ Anthony G. Brown
Member of Congress

/s/ Jamie Raskin
Member of Congress

/s/ David Trone
Member of Congress

/s/ Kweisi Mfume
Member of Congress