



1108 City Park Avenue, Suite 200
Columbus, OH 43206
614.827.0549
ohiopovertylawcenter.org

Interested Party Testimony on SB 282
Megan O'Dell, Attorney
Ohio Poverty Law Center
Senate Insurance and Financial Institutions Committee
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Chair Hackett, Vice Chair Hottinger, Ranking Member Craig, and members of the Senate Insurance and Financial Institutions Committee, my name is Megan O'Dell, and I am an attorney at the Ohio Poverty Law Center. The Ohio Poverty Law Center advocates for evidence-based policies that protect and expand the rights of low-income Ohioans. We are a non-profit law firm working closely with Ohio's legal aid community, serving Ohioans who are living, working, and raising their families in poverty. Thank you for the opportunity to provide interested party testimony on Senate Bill 282, to establish a process for employers to make complaints regarding unemployment compensation benefits.

The sudden and extensive loss of employment caused by the global pandemic has stressed our unemployment compensation system making it difficult for our most vulnerable Ohioans to navigate the system and receive unemployment compensation. COVID-19, and the growing number of unemployed Ohioans, exposed many areas for necessary reform. Although establishing a process in the revised code for employers to submit complaints regarding unemployment compensation benefits may be important, it certainly should not be the only priority. While looking at improvements to the system, we ask that you consider:

1) Expand access to the unemployment compensation application to individuals without reliable internet or mobile phone service.

Significant areas of the state lack reliable internet or mobile phone services, particularly in our rural communities. The current application process is challenging for those without reliable internet, or those with limited-minute phones, without computer skills, and those who are illiterate or speak other languages. Even for individuals with phone or internet access, the application process is not intuitive and can be difficult to complete without the help of an attorney or ODJFS worker. Individuals should be able to apply for benefits in person to receive step by step guidance. Some Ohio Means Jobs offices have had limited availability, and some have closed their physical locations completely, making it difficult to speak to someone in person about unemployment compensation application issues. Years ago, this service existed when unemployment offices were open all over the state. Individuals without internet or phone services and those without computer skills must have access to unemployment compensation benefits.

2) Caretakers without adequate childcare or in-person schooling must be granted a good cause exemption for not returning to work, allowing them to continue to receive unemployment compensation.

Under current law, an individual receiving unemployment compensation benefits cannot refuse suitable work and still receive benefits unless there is good cause. To determine good cause, the state must “consider the degree of risk to the claimant’s health, safety, and morals...” ORC 4141.29(F). There are specific COVID-related good cause exemptions for Ohioans who refuse to return to work, but this does not include caretakers of children who do not have access to childcare or in-person schooling. Many low-income families are forced to choose between leaving their children at home unsupervised or quitting their jobs to stay home. Neither are ideal options and will ultimately harm children in low-income families. Unlike the COVID-19 policies of 34 other states, Ohio does not yet recognize lack of affordable or available childcare or in-person schooling as a good cause exemption to leave a job or refuse suitable employment and receive traditional unemployment benefits. This must be a good cause exemption.

3) Automate Personal Identification Number (PIN) Resets.

Passwords and PINs are a common feature in this digital age and almost all systems have easy and safe ways to change or update passwords and PINs. In the current traditional unemployment compensation system, there is no automatic way to reset a PIN other than receiving it by mail at the last known address or by calling ODJFS and talking to a staff member. Many applicants are unable to complete their applications because they are locked out of accounts created years ago from a previous claim. Many wait weeks for their temporary PIN number to be mailed to them, while others resort to the phone lines, continuing to overburden the ODJFS phone system. Automated PIN resets are available for Pandemic Unemployment Assistance but not for traditional unemployment compensation. Automating PIN resets will free up phone lines and allow individuals access to their benefits quickly.

4) Increase and improve access for Limited English Proficient (LEP) individuals.

Although ODJFS has made improvements to the phone tree system for Limited English Proficient individuals, there is still very limited access to the unemployment compensation system for those who do not speak English as their first language. There are only two ways to apply for unemployment compensation benefits: (1) over the phone or (2) through the Ohio Department of Jobs and Family Services (ODJFS) website. When applying over the phone for traditional unemployment compensation, there are now options for nine different languages, an upgrade from the two previous language options. However, the online portal is only available in English, with some limited access to documents in Spanish. Since the online portal is only available in English, Ohioans who speak other languages are forced to complete the application over the phone, further burdening an overwhelmed telephone system. The Pandemic Unemployment Assistance program still does not have access for Limited English Proficient individuals.

This crisis demonstrates that individuals who have a limited ability to read, write, and speak English are unable to effectively participate in the unemployment compensation program. To ensure the rights of these Ohioans, as protected by Title VI of the Civil Rights Act of 1964, the unemployment compensation system should be reformed so that the online application portal is available in multiple languages. The text should be translated by a professional translator, not a machine translator prone to errors. Improving access to the online system will reduce the burden on the ODJFS phone system. Additionally, interpreters should be made readily available if an applicant indicates they need assistance in another language. ODJFS staff should be trained on how to use an interpreter, and a portion of the phone lines should be dedicated to LEP individuals.

The importance of unemployment compensation cannot be understated. For many, these benefits help Ohioans keep the lights on, a roof over their head, and food on their table. Thank you for considering these reforms.

Sincerely,
Megan O'Dell