

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE LABOR AND INDUSTRY COMMITTEE HEARING

STATE CAPITOL
RYAN OFFICE BUILDING
ROOM 205
HARRISBURG, PENNSYLVANIA

THURSDAY, SEPTEMBER 17, 2020

IN RE: UNEMPLOYMENT COMPENSATION BENEFIT MODERNIZATION

BEFORE:

HONORABLE JIM COX, MAJORITY CHAIRMAN
HONORABLE PATRICK HARKINS, MINORITY CHAIRMAN
HONORABLE CRIS DUSH
HONORABLE TORREN ECKER
HONORABLE BARBARA GLEIM
HONORABLE JAMES GREGORY
HONORABLE DAWN KEEFER
HONORABLE KATE KLUNK
HONORABLE DAVID MALONEY
HONORABLE LORI MIZGORSKI
HONORABLE ERIC NELSON
HONORABLE DAVID ROWE
HONORABLE PAUL SCHEMEL
HONORABLE MARIA DONATUCCI
HONORABLE LEANNE KRUEGER
HONORABLE JEANNE McNEILL
HONORABLE DAN MILLER
HONORABLE GERALD MULLERY
HONORABLE ED NEILSON
HONORABLE ADAM RAVENSTAHL
HONORABLE PAM SNYDER

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COMMITTEE STAFF PRESENT:

**JOHN SCARPATO, EXECUTIVE DIRECTOR, REPUBLICAN CAUCUS
JONAS RICCI, RESEARCH ANALYST, REPUBLICAN CAUCUS
JENNIFER DODGE, LEGISLATIVE ADMINISTRATIVE ASSISTANT II,
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1 P R O C E E D I N G S

2 * * *

3 MAJORITY CHAIRMAN COX: Good morning.

4 I'd like to call this meeting to order. Those
5 who are here, I'd like to have you join me in rising and
6 saying the Pledge of Allegiance.

7
8 (Pledge of Allegiance.)

9 MAJORITY CHAIRMAN COX: I'd like to welcome
10 everyone to this hearing of the House Labor & Industry
11 Committee. I would like to start off by saying this meeting
12 is being recorded, so I would ask that all members and
13 guests please silence their cell phones and their electronic
14 devices.

15 I'm going to ask the members who are here to
16 introduce themselves briefly, very, very briefly.

17 REPRESENTATIVE DUSH: Representative Cris Dush,
18 Jefferson and Indiana Counties.

19 REPRESENTATIVE MIZGORSKI: Representative Lori
20 Mizgorski, Allegheny County, the 30th District.

21 REPRESENTATIVE ROWE: Representative David Rowe,
22 the 85th Legislative District, parts of Union and Snyder
23 Counties.

24 REPRESENTATIVE MALONEY: Good morning.
25 Representative Dave Maloney, Southeast Berks County, the

1 130th.

2 REPRESENTATIVE GLEIM: Hello, Representative Barb
3 Gleim, Cumberland County, the 199th District.

4 MINORITY CHAIRMAN HARKINS: Good morning. Pat
5 Harkins. I represent the 1st District in Erie.

6 REPRESENTATIVE NELSON: Good morning.
7 Representative Eric Nelson, Westmoreland County.

8 REPRESENTATIVE MULLERY: Jerry Mullery, 119,
9 Luzerne County.

10 REPRESENTATIVE SNYDER: Pam Snyder, District 50,
11 Greene, Fayette, and Washington Counties.

12 REPRESENTATIVE KLUNK: Representative Kate Klunk,
13 169th District, York County.

14 MAJORITY CHAIRMAN COX: And we also have some
15 members joining us online. I don't know what the best way
16 to do that is.

17 REPRESENTATIVE NEILSON: Representative Neilson,
18 Philadelphia County.

19 How's that, Chairman?

20 MAJORITY CHAIRMAN COX: Works for me,
21 Mr. Neilson.

22 REPRESENTATIVE KRUEGER: Representative Leanne
23 Krueger is here from Delaware County.

24 REPRESENTATIVE GREGORY: Representative Gregory
25 from Blair County is here.

1 MAJORITY CHAIRMAN COX: All right. That seems to
2 be the extent of those joining us. We do welcome everyone.

3 Just a little background on this hearing. We
4 called this hearing to discuss the critical benefit
5 modernization problem project that's been ongoing for the
6 unemployment compensation system.

7 Throughout the Pandemic and the unprecedented
8 spike in unemployment claims, I and other members of this
9 Committee have expressed concern and questioned whether this
10 project could still be implemented on time in October as
11 originally planned.

12 In fact, we had weekly calls. I and the Minority
13 Chairman and the two Chairmen from the Senate had weekly
14 calls with the Department of Labor & Industry, the
15 Secretary, and some others. We were repeatedly on an almost
16 weekly basis assured that the project was going ahead as
17 planned; that there were no issues; that they were working
18 through things; and that they fully expected things to go
19 live in early October.

20 However, in late August, we learned that the
21 Advisory Committee that had been established to monitor the
22 project actually had voted to recommend a delay. And it was
23 because they believed that there were too many critical
24 tasks that had yet to be completed.

25 After all those reassuring phone calls, it was

1 upsetting to hear that even repeatedly being told we were on
2 time, we're all ready, that now the project was not going to
3 be on track to go live in October.

4 The Advisory Committee was established because
5 this Committee wanted oversight of the project given the
6 troubled history of the project. We greatly appreciated the
7 work of the Advisory Committee. We appreciate the fact that
8 they raised the alarm.

9 We've been getting a different story for the past
10 few months and so now we thought we'd hold a hearing to find
11 out more of what the Advisory Committee had been hearing.
12 The inability to implement a functional modern benefit
13 delivery system for Pennsylvania's UC System is a
14 longstanding problem. It goes back to the Rendell
15 Administration. Everyone wants this project to happen and
16 everyone wants it to work for the people of Pennsylvania.

17 Today we're going to hear from those Committee's
18 appointees to the Benefit Modernization Advisory Committee
19 and then we're going to hear from the Department of Labor &
20 Industry to discuss their plans for moving forward. We're
21 also going to hear from Geographic Solutions, the project
22 vendor, to answer questions more about the technical
23 specifics.

24 Joining us first we have Geoff Moomaw. Geoff is
25 the President of the Interstate Tax Services and he serves

1 as the House appointee for the Benefit Modernization
2 Advisory Committee. We're just going to jump in.

3 Geoff, we're ready to hear your testimony.

4 Thank you for joining us.

5 MR. GEOFF MOOMAW: I won't read my formal
6 testimony. I'll give you the highlights as I go through.

7 Chairman Cox, Chairman Harkins, members, thank
8 you for the opportunity to talk about the Ben Mod Committee
9 and whether we should go live on October 5th.

10 We had our last meeting back on August 25th. At
11 that time, we were given a project update, which is
12 customary whenever we have our meetings. The first part of
13 the project update is we were told that we were in trending
14 red status, given other information as well.

15 When that part of the meeting was over, of
16 course, it's open floor to discuss. My question right away,
17 as has been customary, was a little different. I asked,
18 were we red, were we Amber, or were we glowing red? The
19 answer was glowing red. It's not what I was expecting to
20 hear since we were about six weeks away.

21 Later in the meeting we were advised that
22 training for the staff for the service centers wasn't going
23 to start until September 14th, just this past Monday. That
24 gave them only three weeks of training with the system.

25 Prior to that meeting in August, we, as members,

1 were given an opportunity and we sent questions to those
2 within the Department some things we thought should be
3 brought up. This idea of whether to go live or not was one
4 of the questions brought up.

5 When I went into that meeting, my personal
6 thought was we should go live. We had been working on this.
7 Let's go. That's what we're here for. But I did have an
8 open mind and wanted to hear what was occurring. When we
9 were notified that the project was glowing red, my
10 preference for going live in October started to waver.

11 I asked the Department what it thought its
12 chances were of the project being yellow on October 5th. A
13 fellow Committee member interjected, shouldn't it be green
14 on October 5th? Good point was my thought right away.

15 As the meeting continued, I personally was
16 persuaded that not going live might be a necessary evil.
17 Why am I now in favor of delaying the release of the new
18 system? Consider the following:

19 Was six weeks enough time to take the project
20 from glowing red to green? My personal answer is no.

21 Was the employee and employer community aware of
22 this new system? The answer is no. That's just not my
23 answer. That's a fact. There's been no engagement to the
24 employer community whatsoever. I believe the same for the
25 employee community. I get e-mails from the Department. I

1 haven't received anything about this project.

2 Was the new benefit system going to be tested by
3 claimants and employers outside of the Department? The
4 answer has been no. And that has been an issue that's been
5 raised by us Committee members. The next speaker, Ms.
6 Simon-Mishel, and I have both brought that up, that we
7 thought there should be testing outside the Department.

8 Were the employees of the service centers
9 provided with ample time to train on the new system while
10 handling the current load? I do not believe so.

11 Could the Department, the employees, and the
12 employer community risk engaging a new benefit system that
13 had the potential to be less than perfect? I realize the
14 word perfect is extreme. But you be the claimant trying to
15 file for benefits for a system that's not working. You all
16 know what's going on. I don't believe we're ready for that.

17 Is the Department and the General Assembly
18 prepared to deal with the public and the media if the new
19 system fails to meet expectations? I'll let you determine
20 that.

21 Thus, my opinion became it was time to delay.
22 Please keep in mind my firm, we represent 1,800 employers in
23 every county in Pennsylvania. I myself have been doing this
24 for 34 years, my firm since 1943. What the Department is
25 experiencing is beyond belief. It's nothing that has ever

1 occurred.

2 My opinion about delaying it is not a reflection
3 on the Department or its personnel. It's we have a system
4 that I'm afraid is not going to be ready and we've
5 experienced that since March, that we don't need to make
6 things more complicated for us.

7 So I believe we need to delay so we can ensure
8 that we have what we're here for, a system that will serve
9 the employees and employers of Pennsylvania so the
10 unemployment compensation system works properly and
11 efficiently.

12 I thank you for your time. I'll be here for
13 questions when you deem appropriate.

14 MAJORITY CHAIRMAN COX: Thank you.

15 Next joining us we have Julia Simon-Mishel.
16 She's a supervising attorney with the Philadelphia Legal
17 Assistance. And Julia is joining us remotely.

18 Julia, when you're ready.

19 MS. JULIA SIMON-MISHEL: Good morning, Chairman,
20 and thank you for the opportunity to testify this morning.

21 As you mentioned, I'm the supervising attorney of
22 the Unemployment Unit at Philadelphia Legal Assistance. We
23 have been representing over 1,000 claimants since the
24 COVID-19 Pandemic began . I am also one of the committee
25 members on the UC Benefit Modernization Advisory Committee.

1 While I've looked forward to the benefits of the
2 new system, I strongly urge the Department to delay
3 implementation of the modernization project. However, I
4 must stress that this should not reflect on the Department,
5 as I believe the Department has done everything within its
6 power to deliver this project.

7 COVID-19 has created unforeseen challenges that
8 have severely impacted our ability to go live. My
9 recommendation was based primarily on four reasons.

10 First, introducing the new system at this time in
11 the middle of a Pandemic will cause massive upheaval at a
12 time of extraordinary unemployment when it is already nearly
13 impossible for workers and employers to get through to the
14 Agency on the phones. And Pennsylvania workers are already
15 struggling to pay their rent and bills.

16 I know your offices have felt the effects of the
17 unemployment crisis. If the system were to go live, the
18 amount of questions and issues presented to your office will
19 certainly increase.

20 Furthermore, workers have been experiencing
21 significant confusion between the different unemployment
22 programs currently available. Introducing a new system will
23 only exacerbate those problems.

24 As my counterpart Geoff Moomaw mentioned, the
25 Pandemic has also severely limited any effort by the

1 Department to engage end users, workers and employers, in
2 testing the new system. User testing is vital to
3 understanding how users will navigate the system and what
4 challenges they may face.

5 I spent the past two years leading a national
6 research project on state unemployment modernization
7 projects. And the No. 1 recommendation in their upcoming
8 report is that these projects must place customers at the
9 center of the design and testing of the product.

10 Third, COVID-19 has limited the ability for
11 outreach and community education on the project and has cut
12 off much in-person access to resources like CareerLinks and
13 libraries. It will be vital that workers have access to
14 computers as many will struggle to navigate the new system
15 on their phone.

16 The Department's original plan called for
17 increased support to workers through staffing at CareerLink
18 offices, a plan I very much agreed with. But that will be
19 nearly impossible in the current moment with our social
20 distancing requirement.

21 And finally, unfortunately, I am just not
22 confident at the moment in the ability of our vendor to have
23 this project ready for implementation and, more importantly,
24 their ability to quickly address problems post go live. The
25 experience of my clients with the Pandemic unemployment

1 assisted system, which was designed and hosted by Geographic
2 Solutions has raised significant concerns. Not a single one
3 of my clients has had a smooth experience with that system.
4 Importantly, the operation of the PUA system has been
5 violating the constitutional rights of many workers across
6 the state and GSI's response to these issues has been slow
7 to nonexistent, which makes me very concerned about their
8 ability to handle any problems that arise in the system
9 after it is implemented.

10 For these reasons, I recommend that the project
11 be delayed. I'm happy to take questions about these reasons
12 and any other issues related to the modernization project.

13 Thank you.

14 MAJORITY CHAIRMAN COX: Thank you for your
15 testimony.

16 Next joining us for comments is the Secretary of
17 Labor & Industry, Jerry Oleksiak. Joining him will be Bill
18 Trusky, Deputy Secretary for Unemployment Compensation
19 Systems; Bob O'Brien, Executive Deputy Secretary; and David
20 Naisby, Chief Information Officer.

21 I believe we also have an individual, a gentleman
22 by the name of Paul Toomey. He's the President of
23 Geographic Solutions, the vendor who is handling the new
24 system and creating the new system.

25 So you will be hearing from Secretary Oleksiak,

1 and the other individuals that I mentioned will be providing
2 information as needed. They will be available for questions
3 from the members of the Committee as well is my
4 understanding.

5 At this time, Secretary Oleksiak, are you with
6 us?

7 SECRETARY OLEKSIK: I am here, Mr. Chairman, and
8 I'm ready to proceed if you are.

9 MAJORITY CHAIRMAN COX: All right. Begin when
10 you are ready.

11 SECRETARY OLEKSIK: Thank you.

12 Good morning, Chairman Cox, Chairman Harkins, and
13 members of the Labor & Industry Committee. I appreciate the
14 opportunity to update you on the significant progress that
15 the Department of Labor & Industry has made on moving away
16 from our decades-old reliance on an antiquated mainframe
17 system that's been the technological lynchpin to the
18 administration of the Commonwealth's unemployment
19 compensation system.

20 This new initiative is referred to as the
21 Benefits Modernization Project, or Ben Mod. As you know,
22 L&I's first modernization effort to implement an enterprise
23 UC system was unsuccessful. Because that matter is now in
24 litigation, we cannot comment further on the issue.

25 In 2016, L&I put out a new request for proposals

1 for UC benefits modernization. In 2017, Geographic
2 Solutions, Incorporated, GSI, was selected as the vendor
3 with the best value for the contracts. And work on Ben Mod
4 launched in August of that year, with an initial go-live
5 date of April 2019.

6 In December of 2017, the Benefits Modernization
7 Advisory Committee was created under Act 60 to monitor,
8 assess, and counsel all stakeholders on Ben Mod's
9 implementation. Last year we determined that GSI's initial
10 schedule for April of 2019 was too ambitious. And with the
11 support of the Ben Mod Advisory Committee, we made the
12 decision with GSI to push back the go-live date to October
13 of 2020.

14 Of course, at the time we did not and could not
15 anticipate the global Pandemic and its unprecedented
16 operational and administrative effects on the Commonwealth's
17 UC system. We have kept you updated throughout the Pandemic
18 and we know you are familiar with many of those challenges
19 but they bear repeating.

20 Since March of 2020, L&I has responded to the
21 most significant unemployment crisis since the Great
22 Depression. And today Pennsylvania's unemployment rate
23 remains in double digits. The Pandemic has put tremendous
24 strain on our staff's capacity to process claims. And this
25 has continued even as we have found additional staffing

1 support. In fact, since mid-March we have more than doubled
2 the staffing levels for the UC service centers.

3 This has drastically improved our ability to
4 respond to e-mails, phone calls, and chats. But ultimately
5 it is a math problem. A person can only write so many
6 e-mails or answer so many complex calls in a single day.

7 While we were relocating, increasing, and
8 training staff, we simultaneously implemented complex
9 legislation as part of the Federal CARES Act. This included
10 the Federal Pandemic Unemployment Compensation Program,
11 Pandemic Unemployment Assistance, and the Pandemic Emergency
12 Unemployment Compensation System.

13 While all these legislative pieces have diverted
14 staff time and resources away from Ben Mod, PUA has remained
15 by far the most challenging and labor intensive as we work
16 with GSI, our Ben Mod vendor, to implement a standalone
17 system, deliver system functionality, and as well combat a
18 sophisticated nationwide fraud scheme, one that affected
19 states across the country, as well as Pennsylvania.

20 Most recently we have had to divert staff and
21 vendor resources to implement another entirely new IT system
22 for the President's Lost Wages Assistance Program that
23 provides only six weeks of reduced benefits to qualifying
24 Pennsylvanians. We started making LWA payments to claimants
25 about two weeks ago and just about one month after the

1 program was announced.

2 All this amounts to what industry experts refer
3 to as unplanned scope, putting additional resource
4 constraints on our core Ben Mod staff and the vendor, GSI.
5 Rest assured our UC staff have done their best to continue
6 to move Ben Mod forward while processing a historic number
7 of claims and building from scratch and implementing four
8 completely new Federal programs.

9 So where are we today with Ben Mod? In January
10 of 2020, we initiated User Acceptance Testing, or UAT. UAT
11 is an important milestone in the implementation of any new
12 IT system. Initially, we launched UAT with over 70 testers,
13 but because of that Pandemic, more than half were
14 reallocated to support the dramatic increase in claims
15 volume, which left about 20 testers to continue UAT. Thus
16 far we have successfully executed over 9,600 tests in UAT
17 and 1,300 tests with converted data.

18 Additionally, our monthly data conversions have
19 continued on schedule and our staff has begun training on
20 the new system. We are proud of the achievements we've made
21 so far on Ben Mod during this Pandemic against incredible
22 odds. However, we also know that for the system to be
23 absolutely ready to go live, we must complete our due
24 diligence and take into account the critical tasks yet
25 outstanding, the anticipated impact on claimants and this

1 new historically high unemployment environment.

2 Well before this House hearing was scheduled for
3 today, our project manager vendor set up what is commonly
4 referred to in the IT industry as the Go/No-Go Meeting.
5 That's actually scheduled for Monday, September 21st. This
6 meeting will convene L&I and OIT, the Office of Information
7 Technology, leadership to decide whether L&I can and will
8 launch the system on October 5th.

9 At this Go/No-Go Meeting we will consider input
10 from our various key stakeholders, including members of the
11 Legislature and the Ben Mod Advisory Committee. We will
12 raise important questions, whether we will have hardware
13 properly configured to account for the increased claims we
14 have absorbed during the Pandemic, the status of interface
15 and load testing, training of UC staff, the quality of
16 converted data to be available for testing, among other
17 critical components.

18 We recognize that after much deliberation the Ben
19 Mod Advisory Committee in early September made the
20 recommendation to postpone the October Ben Mod go-live date.
21 Among their concerns was UC's ability to continue to process
22 and pay out the unprecedented number of new and continuing
23 claims through the transition between old and new systems
24 while we are in this Pandemic.

25 We are doing our best to make sure every eligible

1 claimant receives their benefits during this unemployment
2 crisis. As of September 10th, we have paid or deemed
3 ineligible about 97 percent of all claims received between
4 March 15th and August 10th. But we are also mindful of the
5 very human impact that implementing a new system would have
6 in the midst of one of the worst employment crises in
7 Pennsylvania's history.

8 We are weighing all these considerations as we
9 prepare for the Go/No-Go Meeting. We are working with our
10 system integrator, GSI, and project management team to make
11 sure they give us a realistic and accurate assessment of the
12 project schedule. We are daily consulting with stakeholders
13 and staff to gather their input into our decision-making.

14 Make no mistake, our commitment to Ben Mod is
15 unwavering. For years our staff have been patiently
16 awaiting a move away from a time- and labor-intensive
17 mainframe environment. Our stakeholders have long been
18 ready for change and we owe it to Pennsylvanians to ensure
19 their years-long investment in modernizing the UC system
20 bears fruit at the level of functionality they expect in the
21 21st Century.

22 So thank you, Mr. Chairman, for the opportunity
23 to speak to you today. As you mentioned, I'm here, along
24 with Executive Deputy Secretary Bob O'Brien; our UC Deputy
25 Secretary Bill Trusky; and our Chief Information Officer,

1 Dave Naisby. We will be happy to take questions when you
2 are ready.

3 Thank you.

4 MAJORITY CHAIRMAN COX: Thank you, Mr. Secretary.

5 I would like to add that a few additional members
6 have joined us. We are joined by Representative Torren
7 Ecker, Representative Dawn Keefer, and online,
8 Representative Ravenstahl has joined us.

9 Anyone else that I've missed here in the room?
10 Anyone else joining us online that I've missed?

11 Representative Miller, I don't think we heard
12 that he was online initially as well. So I'd like to
13 welcome all those additional members who have joined us.

14 At this time, I'm going to open it up for
15 questions. I have one of my own, but I wanted to remind all
16 of the members both here and online that it's my
17 understanding that each of the testifiers are still
18 available online for questions.

19 In the past we've done a panel-style discussion
20 and so we will continue that. We do have Mr. Moomaw in the
21 room currently. And my understanding is that everyone else
22 is still online joining us virtually.

23 And in addition to Secretary Oleksiak from the
24 Department, we also have Bill Trusky, Bob O'Brien, and Dave
25 Naisby, as well as Paul Toomey from Geographic Solutions,

1 the vendor.

2 So I appreciate them joining us and being willing
3 to answer questions.

4 So I'd like to start with a question of my own
5 and then we'll move to various members.

6 So with any new system, transferring the old data
7 to the new data, the old system to the new system, obviously
8 that has to meet the requirements of the law. And so my
9 question is, or my initial question is, when the new system
10 goes live, is there going to be access to data for all of
11 the data in the Legacy system?

12 Like, is there anything that's going to be lost
13 to your knowledge or will they have access to every bit of
14 information that is currently in the Legacy system?

15 SECRETARY OLEKSIAK: Mr. Chairman, I'm going to
16 ask Dave Naisby to respond to that.

17 Dave.

18 MR. DAVID NAISBY: Sure.

19 Good morning, Mr. Chairman.

20 Thank you, Secretary.

21 So as we work through the process towards
22 modernization, all of our Legacy data will be converted into
23 our new modernized platform. We will then further retain
24 all of the historical data as required by State and Federal
25 law for reference but also for auditing purposes. So no

1 data throughout this process will be lost. It will be
2 available to our workers within the Department. And most of
3 that data will be made available to our claimants who are
4 filing.

5 I think, if I'm hearing, the root question is,
6 will claimants have to enter duplicate information that the
7 Agency already has on retention? And the answer to that
8 question is no. All data will be made available.

9 MAJORITY CHAIRMAN COX: Okay. And so you've
10 answered the question about existing claimants or claimants
11 who are currently in the system and ongoing claimants, if
12 you will. Does the same hold true for individuals who have
13 been in the system? Let's say they had a claim that was
14 opened in 2007 and it was finally closed somewhere in 2009.
15 Is that type of Legacy data going to be retained and made
16 accessible as needed?

17 MR. DAVID NAISBY: That's correct.

18 Go ahead, Bill.

19 MR. WILLIAM TRUSKY: No. Going back to 2007 to
20 2009, that won't be available. And just to clarify, we're
21 going back three years with data, Mr. Chairman. So unless
22 there's an issue, an overpayment with that claim from 2009,
23 that will transfer over but the claim information from 2007
24 will not transfer over.

25 MAJORITY CHAIRMAN COX: Okay. And just making

1 sure I understand, the generic data, if you will, will go
2 back three years for claims. What is the longest period of
3 time? You mentioned overpayments as something. What is the
4 longest period of time that the data will be kept?

5 MR. WILLIAM TRUSKY: That stays on the books
6 forever.

7 MAJORITY CHAIRMAN COX: And is that overpayment
8 where -- just for the benefit of our viewers and others who
9 might not be familiar with this, that's an overpayment where
10 an individual perhaps received a duplicate check or a
11 duplicate payment to their account, sometimes, you know,
12 their own fault, other times there was a mistake made, but
13 there was an overpayment made.

14 If the Department has information about that,
15 that will be retained so that the Department can seek
16 repayment of the overpayment?

17 MR. WILLIAM TRUSKY: Mr. Chairman, it will only
18 be fault overpayments that will transfer over that go back,
19 you know, indefinitely. Non-fault overpayments are actually
20 removed from a person's account after three years.

21 MAJORITY CHAIRMAN COX: Okay. And so what about
22 the issue -- we've had individuals -- just during this
23 recent Pandemic and all the unemployment and PUA structure,
24 we've had individuals who have begun repayment. I've been
25 made aware of it. In the past there's been some issues

1 where individuals have overpaid, if you will, in those
2 repayments, if that makes sense or, you know, incorrect
3 liens were put on individuals' properties, etc.

4 How will that be addressed? Because that is
5 their property that needs to be returned to them in the form
6 of a financial remedy. Is there going to be a Legacy system
7 that can account for those types of situations?

8 MR. WILLIAM TRUSKY: I'm not exactly sure what
9 you're saying. I mean, we'll only put a lien on someone if
10 it's a fault overpayment. So I haven't been aware or made
11 aware that we have issues with that. I mean, that would --
12 obviously, if it's a fault overpayment, as I said
13 previously, that would transfer over. The lien would
14 remain.

15 So if this is something you want to discuss
16 off-line, I'd be happy to do so because it's the first I've
17 heard of those types of issues.

18 MR. ROBERT O'BRIEN: Chairman, this is Bob
19 O'Brien. I also think we would need to touch base with the
20 UC Tax Office with their computer system to see what UC tax
21 is retaining also.

22 MAJORITY CHAIRMAN COX: Okay. The reason -- one
23 of the reasons I asked this question is, it wasn't too long
24 ago we had a -- I think it was a tax amnesty type of
25 approach that was put out there. And it was basically if

1 you owe back taxes, etc., you can repay those. And what we
2 saw was the Department had records that went back for
3 decades. And they had records of taxes that were due but
4 they did not have records of taxes that were paid attached
5 to those very same things.

6 So I specifically received a notice. I have done
7 one probate in my entire legal career. That one probate I
8 kept records of but it was 15 years ago. And the Department
9 sent me a notice saying that tax needs to be paid. I had
10 records showing that it had been paid, an inheritance tax,
11 on my client's behalf. And the Department had no record of
12 it. I had to prove that.

13 And so if you're not going to keep the Legacy
14 records in those types of scenarios, we're going to have
15 some problems. And it has come to my attention that there's
16 an overpayment issue out there, that there's an overpayment
17 issue where individuals -- and this goes back for a period
18 of time in the early 2000s where an overpayment was made, an
19 individual is being asked to repay it.

20 And it is my understanding that a fair number of
21 claimants were actually asked to pay too much due to
22 miscalculated interest or other things like that. And it
23 numbered in the millions of dollars. Over 10 million is the
24 lowest end and over 30 million is the highest end I've heard
25 on this particular issue.

1 My question is, how are we going to make sure
2 those individuals receive that payment? If we're getting
3 rid of all Legacy information except for three years, these
4 outstanding amounts that are still due to the individuals
5 who overpaid when they repaid, how is that going to be
6 rectified?

7 MR. WILLIAM TRUSKY: We're not getting rid of
8 those overpayments, Mr. Chairman. We will have that
9 information. Again, we'll retain fault overpayments and the
10 lien information that go -- or the lien that goes along with
11 that. We will have access in read-only mode of those liens
12 in the Legacy system. So that is not going away.

13 MAJORITY CHAIRMAN COX: Okay. So you're pretty
14 confident that if mistakes come to light from ten years ago
15 on an overpayment issue, if someone says, hey, wait a
16 minute. I paid, I repaid too much, you're pretty confident
17 that your records will be able to adequately reflect that
18 and you'll be able to research those without too much
19 headache?

20 MR. WILLIAM TRUSKY: That's the intention, Mr.
21 Chairman.

22 MAJORITY CHAIRMAN COX: Okay. I'm concerned
23 about the accessibility. I know anytime -- I mean, even
24 when we have system upgrades here in the House of
25 Representatives, we have system upgrades and there's

1 information lost. And my concern is that we just -- we have
2 to have access to that and it has to be something that's not
3 just stored somewhere. It has to be accessible when needed.
4 That would be my concern.

5 I'll move on to other questions.

6 MR. WILLIAM TRUSKY: Mr. Chairman, we're on the
7 same page there.

8 MAJORITY CHAIRMAN COX: Okay. Thank you.

9 Chairman Harkins, do you have a question or two?

10 MINORITY CHAIRMAN HARKINS: Thank you, Chairman
11 Cox.

12 I want to thank all of today's panelists for
13 taking the time to be here. I know that you all have a lot
14 on your plates dealing with the tremendous number of
15 employment claims related to the COVID-19 Pandemic.

16 I understand that nobody wants to further delay
17 the implementation of the employment benefit modernization
18 system. However, at the end of the day, it's our job to
19 ensure that the Department does what's best for our
20 constituents and everyone utilizing the UC system.

21 I echo the Ben Mod Advisory Committee's concerns
22 about implementing these changes at a time of high
23 unemployment.

24 With that said, Geoff, I appreciate your
25 testimony. Do you believe that the Ben Mod project is in

1 the red because of the Department's failure or could you
2 expound a little bit on where you were going with that?

3 MR. GEOFF MOOMAW: I don't believe it's the
4 Department's failure. I don't believe it's the Department
5 personnel. What was dropped in their lap because of the
6 Pandemic, as you heard the Secretary describe, they had to
7 take people out of testing. I believe his number was over
8 half of the number of people that were testing the system
9 were taken out in order to process claims. That had to be
10 done. We had to process claims.

11 MINORITY CHAIRMAN HARKINS: Right.

12 MR. GEOFF MOOMAW: The rules and the programs
13 from Washington and the U.S. Department of Labor changed
14 constantly. And suddenly what the Department had dropped in
15 their lap, create PUA, Pandemic Unemployment Assistance, for
16 people that aren't even in the system, it was for
17 self-employed individuals, gig workers.

18 Those people have no wage history in the
19 Department's database. So suddenly now the Department has
20 to figure out a way to implement a new program. And as they
21 said, it took away.

22 So I truly believe -- and I'm speaking for myself
23 now -- why I think there has to be a delay. It's all
24 Pandemic related in how the Department has been pulled in 18
25 different directions to satisfy the requirements from

1 Washington and the changing rules and programs we have.

2 MINORITY CHAIRMAN HARKINS: I appreciate that.

3 And I vividly remember that Saturday morning when
4 we had the rollout of the PUA and the 9 o'clock calls that
5 we received. My house became a sub-satellite of the
6 Department of Labor. And I think it still is.

7 Just yesterday, some of the calls that we're
8 dealing with, it's -- I worked for UPS for 25 years. I was
9 a driver. I said this would be like implementing a new
10 software system at the height of the Christmas delivery
11 season. We're all talking about the postal service and UPS
12 and everything.

13 In my mind it's just incomprehensible we would
14 even attempt something like this at this point. And with
15 that said, you mentioned the project trending yellow or red
16 in your testimony.

17 Can you give a little more detail about what you
18 mean by those terms and what benchmarks would constitute the
19 project being in a yellow or green phase?

20 MR. GEOFF MOOMAW: I don't think I can address
21 the benchmarks. I, as a committee member, have relied on
22 the Department and the benchmarks there with GSI. I rely on
23 them giving us the project update. Red, yellow, green, I
24 just think of a traffic light. The red says it all to me.

25 When that phrase goaling red came out, that set

1 off my personal signals and gave me doubt. Yellow, again,
2 it's a traffic light, folks. Okay. Proceed with caution.
3 Try to get through that intersection without getting caught.
4 That can be a little dangerous analogy. Again, if you're
5 the claimant, the employee trying to use a new system, is it
6 working or not? Green to me simply means we've met all the
7 benchmarks. We've met all the testing. The Department and
8 GSI are confident. It's a go.

9 Will there probably still be hiccups? I can't
10 imagine that there wouldn't. What new program is
11 implemented without headaches? I used that word perfect in
12 my testimony and I emphasized, you know, that's a hard word
13 or hard expectation to meet. There will be hiccups.

14 But until the folks that are dealing with it know
15 they've met all the benchmarks, have done all the testing,
16 and they are confident to say green, I personally think we
17 have to pause. I don't know how long the pause would be.
18 Again, as a committee member, I would have to rely on the
19 updates we got.

20 MINORITY CHAIRMAN HARKINS: I appreciate your
21 intake and your insight on that.

22 MR. GEOFF MOOMAW: Sure.

23 MINORITY CHAIRMAN HARKINS: I think that's a
24 cumbersome task.

25 MR. GEOFF MOOMAW: Yes.

1 MINORITY CHAIRMAN HARKINS: And I hope going
2 forward with the implementation, whenever we do it, that we
3 have the flexibility to change this system, too, when it's
4 up and running so that if we see an employer X, Y, Z when
5 they have layoffs, massive layoffs, if they would occur,
6 when they would occur, that we can realign or redo some
7 things with this quickly so we're not in these kinds of
8 positions.

9 Julia, if you wanted to respond to that question
10 also.

11 MS. JULIA SIMON-MISHEL: Certainly. So what
12 Mr. Moomaw testified to was status, what is provided to us
13 by the Department. But most recently when it was reported,
14 it was told to us there were still some outstanding
15 development issues, some interface issues, we were still
16 working on data conversion. You know, obviously there's
17 just an unbelievable amount of data that needs to be
18 converted, especially current data.

19 And, you know, they were working on progress with
20 single sign-on across the state. And there were still
21 questions about key functionality, especially testing, in
22 what we call a non-monetary, which is pretty much the vast
23 majority of claim issues that people have.

24 As the Secretary said, they had to deploy people
25 away from testing temporarily.

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MINORITY CHAIRMAN HARKINS: Right.

MS. JULIA SIMON-MISHEL: So there have been issues somewhat throughout the project when it comes to meeting benchmarks. And as you all know, the Department has had to hold back on certain payment dates to the vendor because deliverables had not been met. But the vast majority of issues leading to the current status are based on COVID-19 and the effects of the Pandemic.

MINORITY CHAIRMAN HARKINS: Thank you.

MAJORITY CHAIRMAN COX: Next we have a question from Representative Klunk.

REPRESENTATIVE KLUNK: Thank you, Mr. Chairman.

And thank you to the panelists for joining us here today. My question goes to the interplay with the U.S. Department of Labor and their oversight and input on this particular project.

So the U.S. Department of Labor actually requires a report to be filed with their Department, from the State L&I Department, six months prior to the rollout of a new benefit system.

So my question is, was that report submitted? When was it submitted? Were there any changes to that report to the U.S. Department of Labor in light of everything that's going on with the Pandemic and the changes that are taking place right now? And has the U.S.

1 Department of Labor provided any feedback to us here in
2 Pennsylvania about the rollout of Ben Mod and what they
3 would like to see, you know, moving forward, whether they
4 recommended that we hold, that we do the pause right now,
5 or, you know, maybe proceed with caution, with yellow? What
6 have we heard back from them? I know that they also have,
7 you know, some checklists to determine readiness of a new
8 system when it's rolled out, when it deals with
9 functionality and, you know, testing, customer service, and
10 all of those things.

11 My question goes to the Department. What's the
12 status of that report to the U.S. Department of Labor? Have
13 we updated it? What's the feedback that we're getting from
14 them?

15 MR. WILLIAM TRUSKY: Representative Klunk, I can
16 answer that. We submitted that report June 2nd. It was
17 timely. We have not heard back from the Department of
18 Labor. We don't have any feedback, recent feedback, from
19 them. We're in regular contact. You know, if the regional
20 office asks us for something, we readily give it to them.
21 However, since June 2nd, we have not been contacted by the
22 Department of Labor regarding the modernization project.

23 REPRESENTATIVE KLUNK: Thank you.

24 Have you done any follow-ups with them? I know
25 that they're clearly probably just as busy as you guys are

1 when it comes to what's going on in the world. But have you
2 pushed them to get any feedback? I do think that it would
3 be important to get their feedback. They see these all
4 across the United States and have implemented -- assisted
5 states in implementing all across the United States. I
6 think it would be important to have their input as well.

7 MR. WILLIAM TRUSKY: I respectfully disagree.
8 That's generally not their role. We do talk to the national
9 organization we belong to, NUI, on a regular basis about our
10 project. We are in regular contact with them with regards
11 to other states' projects and their status. The Department
12 of Labor is generally in a gathering information role with
13 regards to these projects.

14 Again, when they do ask us for information, we do
15 respond appropriately. And again, as I stated before, after
16 sending that report June 2nd, we have not heard back.

17 REPRESENTATIVE KLUNK: Thank you.

18 MAJORITY CHAIRMAN COX: Thank you, Representative
19 Klunk.

20 Thank you, Mr. Trusky.

21 Next we have a question from Representative
22 Gleim.

23 REPRESENTATIVE GLEIM: Thank you for everybody
24 being here today.

25 After hearing all the testimony and reading some

1 of the studies and everything, I believe that L&I needs to
2 have a plan with GSI to complete the necessary tasks and
3 implement the project no matter whether you go live on the
4 date or not. I would just like to remind everybody that the
5 money that's been spent so far and that we're going to be
6 spending from here on out comes from the taxpayers and we
7 need to use those funds with fidelity. I don't recommend a
8 pause but a new go-live date with a plan.

9 I feel that time is of the essence. Seasonal
10 workers are going to be laying -- you know, getting laid off
11 here pretty soon, probably starting in November. And they
12 are going to be filing for unemployment.

13 And so we're going to have a new whole set of
14 people coming onboard. I believe that the CareerLinks can
15 handle training up to 25 people at a time. So if there's a
16 plan to roll out the training that we could possibly do it.

17 So my question really is, what is L&I's plan to
18 get the final steps completed to go live with the new
19 system? And what is the new project timeline? And also I
20 would like to request a copy of the contract between L&I and
21 GSI if the Committee could obtain that. I would love to
22 read it.

23 Thank you.

24 SECRETARY OLEKSIAK: I'll begin and then I'll
25 defer to our tech people.

1 There is a plan. We have had a plan throughout
2 this whole process. We meet regularly internally. We meet
3 regularly virtually with the vendor, with our project
4 managers. We have used a plan that we have as our guide.
5 We have adjusted it when we needed to, primarily based on
6 new systems that we had to create through the Pandemic and,
7 you know, other issues that would come up as they would in
8 any development. But we do have a plan.

9 And one of the things that we have really focused
10 on more and more in the past few months is, with a
11 laser-like focus, what do we need to do? What part in the
12 plan do we need to adjust? What do we need to change? What
13 do we need to put on hold?

14 So we are doing that constantly internally and
15 with the vendor. I'm going to defer to Dave and Bill. And
16 Paul Toomey from GSI wants to add to that.

17 Dave.

18 MR. DAVID NAISBY: Sure. Thank you, Secretary.

19 For the Committee, I know that Julia, Geoff's
20 secretary, has hit on a couple of the obstacles that were
21 presented to us, curve balls, if you will, throughout the
22 Pandemic. And while they're not excuses, they are, in fact,
23 just that. They are obstacles.

24 When we take a look at the staffing reallocations
25 that had to take place, the buildups in order to support

1 remote workers -- and I'm not just talking about laptops and
2 PCs, but the technical connectivity, more importantly secure
3 connectivity into our back-end systems, building for
4 videoconferences. So there's a tremendous build-out. And I
5 think probably all areas of industry were affected by
6 things, such as supply chain orders. Oftentimes we are
7 waiting weeks if not months for new hardware.

8 When we take a look at those impacts, all right,
9 at a user level and then we try and tie them into the
10 construction of a system, we're in a position where we are
11 seeing unemployment going up at a dramatic rate, higher than
12 the 2008 Recession, some have argued, and greater than that
13 of the Great Depression.

14 That being said, we had to shift resources, as
15 the Secretary indicated, but more importantly we had to
16 allocate new technical resources, hardware, to support
17 Legacy systems. Well, of course -- and we could not have
18 forecasted in 2017 when we published a request for proposals
19 the amount of load and the amount of users that this system
20 would require.

21 So to answer the question in terms of how do we
22 get there, well, we had to close all these gaps. We had to
23 position people to be successful. We had to ensure we had
24 adequate hardware. We had to ensure that our networks were
25 hardened to be able to support these loads. And more

1 importantly, probably the most important thing that the
2 Secretary drives home daily, is the security integrity of
3 these systems, ensuring that our data is secure and ensuring
4 that our users information is, in fact, protected, that we
5 have that all together.

6 Here's the great news. We have been able to get
7 caught up on those technical needs. The infrastructure has
8 been built out. And now we're in a position where we have
9 to now continue the integration.

10 And as I mentioned before, when we talked about
11 the CARES Act, we talked about PUA, we talked about Lost
12 Wage Assistance, these are now new programs that, again,
13 were not part of the original project schedule that Jerry
14 talked about.

15 Now we have to account for that new data, data
16 that was not historically part of our data set, those that
17 were previously ineligible for unemployment. Now we have to
18 complete the additional data conversion. We have additional
19 interfaces and obviously all those take time.

20 So when we talk about the project schedule, yes,
21 the Secretary is absolutely correct. We have done a very
22 good job of doing our best to stick to that schedule,
23 yielding to the obstacles and accounting for those new
24 obstacles.

25 Going forward -- and let me go back to the heart

1 of the question, what was that time frame? Well, that time
2 frame needs to be determined based on where we're at and
3 what existing obstacles still remain and some of those new
4 integration components, the interfaces, this new data that
5 needs to be converted, the new hardware that has been
6 received and has been built and needs to be configured.

7 So that's why we're working both internally with
8 the Office of Administration, the Agency, and ultimately not
9 just GSI as our partner, but over 70 interfaces that we have
10 with other State and Federal agencies. So collectively
11 we're working hard to determine what that new date will be
12 as a team.

13 REPRESENTATIVE GLEIM: Okay. Thank you.

14 I would be really interested to know what the new
15 date is. If it's not going to be October 5th, is it going
16 to be December 5th? Like, I understand all the things that
17 you just said. It sounds like a lot.

18 All I'm asking is, what is the plan? What is the
19 new go-live date if it's not October 5th? And what is the
20 plan between October 5th and the new date? And then I also
21 wanted to know if we could get a copy of the contract.

22 SECRETARY OLEKSIAK: The current contract, that's
23 public record so certainly we could provide that. And as
24 far as a new go-live date, if we're not doing October,
25 that's the purpose of our meeting next week, to gather all

1 that information, see where we are, see what's left based on
2 the plan that we have now and what do we need to do. What
3 can we do given all the plates that we are spinning to
4 continue to provide the service we need to provide to our
5 claimants and knowing that we're going to be hopefully --
6 well, not hopefully. We will have improved service to
7 claimants, but we have to balance all the obstacles that
8 Dave mentioned along the way.

9 One of the things that has been forefront in my
10 mind, as Dave mentioned, is not just the security and
11 stability of the system, but what's in the best interest of
12 the claimants. They are the people that -- I testified
13 before and I said it at every opportunity, we are very aware
14 that there are real people at the end of the process. These
15 are people in great need who are struggling. We need to do
16 all we can to help them meet those needs given the
17 constraints that we have from all the things we've just
18 talked about.

19 So that's always driving us. What's going to be
20 in the best interest of the claimants? And how can we get
21 there given what we are confronting? So we will be spending
22 some serious time reviewing all this when we decide on if
23 and when what date we are going to choose if it's not
24 October 5th.

25 We will certainly alert the stakeholders, the

1 Advisory Committee, the Labor & Industry Committee. It will
2 be part of our conversation with our Chairs, the Labor
3 Committee Chairs, all next week.

4 This has been right up there with the Pandemic.
5 This has been an issue that we have been addressing daily
6 and will continue to address.

7 MS. JULIA SIMON-MISHEL: And, Representative, the
8 Committee has recommended that it be involved in any
9 determination of metrics that will -- if that will inform
10 the decision about a new go-live date, both internal metrics
11 in terms of where the project is at but also external
12 metrics in terms of what is happening with the Pandemic and
13 these unprecedented levels of unemployment and, of course,
14 as I mentioned previously, some of the restrictions on
15 movement that we're still experiencing because of the
16 Pandemic.

17 So the Committee has appointments, both the
18 Senate and the House Labor & Industry Committees. And we
19 believe that that would be the appropriate place to have
20 that discussion as well.

21 I'd just like to point out you mentioned the
22 funding for the project. And the Committee has submitted
23 three annual reports to the Legislature on the project, most
24 recently on June 30th of this year. And in every report,
25 we've been incredibly supportive of the Department's use and

1 handling of the funding for this project. They remained on
2 budget. These challenges have held again the vendor to the
3 deliverables required under the contract. And that is
4 actually incredibly impressive given that the vast majority
5 of these projects across the country have significant issues
6 with the budget for the project.

7 So that is one thing the Committee would like to
8 express. And we have expressed that. We believe that has
9 been handled very well by the Department.

10 MAJORITY CHAIRMAN COX: I would like to add an
11 addendum to the request for the contract. Is it safe to
12 assume that any change orders, Mr. Secretary, will be
13 included in the copy of the contract that our Committee
14 receives?

15 SECRETARY OLEKSIAK: We will do that, Mr.
16 Chairman, absolutely.

17 MAJORITY CHAIRMAN COX: Okay. Thank you.

18 At this time we have a question from
19 Representative Nelson.

20 REPRESENTATIVE NELSON: Thank you, Mr. Chairman.

21 Extremely disappointing, you know, the failure
22 for the go-live date. I think, you know, emotionally the
23 hundreds of thousands of people that were really staking
24 hopes on October, you know, I think everyone shares in that
25 disappointment. It's good to have the bad news that we

1 won't be able to roll this out. But I think what the
2 citizens really need, which, I think, Mr. Secretary, you are
3 saying that the meeting next week will help to identify, you
4 know, a forecasted -- because we bumped it back about six
5 months once already. I do appreciate the information shared
6 that the project is running on budget.

7 Because of the supplementals and the change
8 orders associated with the Pandemic and additional programs
9 related, has the Department been able to use any of those
10 CARES dollars to help? I'm imagine the change orders in the
11 project are considerable and the discussions about security
12 and implementations and fraud that we've learned through
13 this process. Have you been able to receive additional
14 financial resources from, you know, some of those CARES Act
15 dollars? Because it does seem to be changes related to the
16 Pandemic that are impacting the citizens.

17 MR. WILLIAM TRUSKY: I can address that.

18 SECRETARY OLEKSIAK: Bill.

19 MR. WILLIAM TRUSKY: Thanks, Secretary.

20 Representative Nelson, yes, we've been able to
21 draw down CARES Act dollars for all of the Federal programs,
22 PUA, you know, extended Federal benefits, etc. Right now,
23 earlier this week, we submitted a grant application to
24 receive money to fight fraud. So, yes, the Department of
25 Labor has been very generous with providing us funds for the

1 Federal programs that they've asked us to implement.

2 REPRESENTATIVE NELSON: Great. And when you were
3 talking about the security and the PUA situations with, you
4 know, unemployment, prisoners getting unemployment, some of
5 the, you know, things that were embarrassing for everybody
6 -- but criminals are out there and they're looking to take
7 advantage of those vulnerabilities.

8 Mr. Toomey, can you touch on, will all of the
9 current crossmatches be utilized in this new system or will
10 the changeover create potential new windows for
11 manipulation, you know, by that criminal element once again?

12 MR. PAUL TOOMEY: All of the fraud detection
13 measures that have been put in place will also be available
14 when Ben Mod goes live. So all of those capabilities that
15 were added to the PUA system will transfer over to the new
16 Ben Mod system as well.

17 REPRESENTATIVE NELSON: Okay. And the last
18 portion of -- it was great to hear, you know, the citizens
19 of Pennsylvania are, you know, being kept in the forefront
20 of the mind. The employees within Labor & Industry that
21 have to be working within the system, it appeared like that
22 training hasn't started yet but a response to an earlier
23 answer said, hey, the system for the most part is done.

24 When will our employees begin to start to train
25 on the system if it is somewhat complete and we're rolling

1 through these data shifts and obstacles along those lines?
2 When are the employees going to begin to receive training on
3 this new system?

4 SECRETARY OLEKSIAK: Again, I'm going to defer to
5 Bill. But the training has begun. But I'll defer to Bill
6 for more specifics.

7 MR. WILLIAM TRUSKY: Yeah. Training,
8 Representative Nelson, began this week. We will continue to
9 train. You know, if we decide to delay implementation, we
10 have a plan to do refresher training for our employees.

11 We also have a plan for stakeholder outreach
12 which would include your staff as well and familiarize them
13 with the system. So we do have a plan regardless if we
14 delay implementation or not.

15 REPRESENTATIVE NELSON: Thank you.

16 And just to clarify, Mr. Secretary, the meeting
17 next week, part of the goal of that meeting is to establish
18 this new rollout date or a new target date. Did I
19 understand that correctly?

20 SECRETARY OLEKSIAK: We may have one, we may not.
21 We're going to review where we stand. First of all, can we?
22 Is it at all possible to do the October date? Secondly, if
23 it turns out that it's not, what do we need to do? What
24 time frame can we reasonably assume?

25 But then we're going to -- we'll be working in

1 more detail with the vendor, you know, with the Committee to
2 establish that date. So I'm not going to guarantee that
3 we'll meet on Monday or Tuesday and then have a date for
4 you. But we will. As soon as we have a date, as soon as we
5 have a decision about October 5th, and then as soon as we
6 have a date, we will let the Committee know for sure.

7 We're as disappointed as anyone that, you know,
8 we may not make the October 5th date. But as Mr. Naisby has
9 detailed pretty thoroughly, there are reasons that we aren't
10 going to get there.

11 Again, as many of you know, I was a classroom
12 teacher for many years. I used to talk to my students all
13 the time. There's a difference between a reason and an
14 excuse. These are reasons that we are not able to do this,
15 reasons that frankly are beyond our control or the control
16 of any of us on this call.

17 We want to get this. Our staff wants to have it
18 done. They are anxious to get away from the old system. So
19 we want to do it. But again, we want to do it right and we
20 want to do it in the best interest of the claimants.

21 REPRESENTATIVE NELSON: Thank you.

22 Thank you, Mr. Chairman.

23 MAJORITY CHAIRMAN COX: Thank you.

24 Next we have a question from Representative
25 Keefer.

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REPRESENTATIVE KEEFER: Thank you, Mr. Chairman.

Mr. Secretary, kind of on the same line as Representative Nelson but more on the education side. So given that there hasn't been a decision to delay the implementation, the October 5th date, I assume that L&I has been moving forward as if it were going to go live.

But my concern is that I haven't seen any public education, like any public awareness kind of campaign that's been going out. So even if everything goes perfectly with this and we don't have any glitches, you're still going to have that learning curve, right?

I think of just getting a new version of the same phone, the learning curve we have. What have you done as far as the education piece to date? Like, have you reached out to claimants just informing them that there's a new system and maybe possible templates? Do you have resources for that? Has there been any -- I would assume that that's part of the plan already but I haven't seen anything. Can you go into any of that?

SECRETARY OLEKSIK: Sure. I'm going to ask Deputy Secretary Trusky to speak to that, please.

MR. WILLIAM TRUSKY: Sure.

Representative Keefer, we do have a plan. We have a stakeholder outreach group. Is it something we're a little behind in right now? Yes. I mean, as everybody is

1 aware, we have quite a bit going on. But we will have desk
2 guides, videos, etc. And, you know, if we do delay
3 implementation, it does give us more time to do that
4 external outreach. So there is a plan in place.

5 We've had many internal meetings regarding it.
6 Again, it's on the list of things to do. Again, if we do
7 delay, it will give us more time to educate the public in a
8 much better manner.

9 REPRESENTATIVE KEEFER: Okay. And that was my
10 concern. I'm just assuming that there will be a delay
11 because I just don't feel like -- I mean, this is a beast.
12 This piece of it all by itself, this education piece, I'm
13 just even thinking my staff alone, educating them on it so
14 that they can communicate with the constituents as they call
15 in about how it works and where they need to go, where to
16 find things, that part of it as well.

17 I would just think that if that October 5th is
18 our date, we would have already been engaged in this part of
19 it just because it would -- I think it would swamp you, it
20 would crush you guys and all of your staff who are going to
21 try navigating all this in the midst of a Pandemic and all
22 of the unprecedented number of claims that you have.

23 MR. WILLIAM TRUSKY: Yeah, we appreciate that.
24 Thank you.

25 REPRESENTATIVE KEEFER: So when you get that

1 timeline -- I mean, when you meet on Monday, might there be
2 a possibility of a timeline as far as that public education
3 awareness? There is some apprehension on that level as far
4 as it coming out and then not having any understanding of
5 how to use it or how to tell people how to use the system.

6 SECRETARY OLEKSIAK: It is obviously something we
7 will be discussing that is already in place. We will modify
8 it as necessary. But again, I'm not going to guarantee that
9 Monday afternoon or Tuesday morning we're going to have a
10 detailed plan for you. But know that as Deputy Trusky said,
11 it's something that we are very aware of and we have in
12 place and we will let folks know as we move forward,
13 particularly the Committee.

14 And Julia is a very strong advocate for the folks
15 who are in the system. And we will make sure that everybody
16 is aware of the training opportunities that we will have.

17 REPRESENTATIVE KEEFER: Okay. And just an
18 advanced timeline on it. I'm just, you know, thinking we
19 would need at least two or three weeks of that just to kind
20 of get everybody hearing about it so that they know it's
21 even coming.

22 SECRETARY OLEKSIAK: Sure.

23 REPRESENTATIVE KEEFER: Thank you.

24 Thank you, Mr. Chairman.

25 SECRETARY OLEKSIAK: Thank you.

1
2 MS. JULIA SIMON-MISHEL: And, Representative, if
3 I could just add, the Committee has seen and has spoken with
4 the Department many times over the last year about their
5 community outreach and education plan. It's something that
6 we feel very strongly about.

7 And there has been a plan in place but, of
8 course, it has been impacted by COVID-19. We strongly agree
9 that significant training outreach and materials is going to
10 be incredibly important to the successful implementation of
11 this project.

12 As your offices have seen, people trying to
13 navigate the systems now are struggling, especially in the
14 new PUA system, which has the same core functionality and
15 the same look in many ways as the new benefit modernization
16 system.

17 So I've personally spoken with hundreds of
18 clients who have struggled to kind of figure out how to
19 navigate that technology. So the ability for legal
20 services, labor to train, and do community outreach on this
21 project with the Department and, of course, with your
22 offices, it's going to be incredibly important.

23 The same with Mr. Moomaw and the employer side.
24 That is going to be a concern of his as well that employers
25 are notified and provided with that training.

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REPRESENTATIVE KEEFER: Sure.

MS. JULIA SIMON-MISHEL: We will definitely be keeping our eyes on and working with the Department on that plan.

REPRESENTATIVE KEEFER: So that's great, Julia. So can you tell me, the plan that you have in place now, what do you see as a timeline? I'm not asking for dates. But the period of time that it will take you that you foresee that you're going to need for that, you know, public awareness campaign/education campaign? Is it two weeks? three weeks? Like, what are you looking at for the plan that you currently have in place?

MS. JULIA SIMON-MISHEL: I think I have to look back with the Department and the programmatic staff on what they had planned. There's a balance that always has to be kept between giving people advanced notice but not creating unnecessary anxiety too early on about any sort of switchover.

You know, I think personally we would want probably at least six weeks to start getting information out there, develop our own training materials in addition to what the Department has, and work with the community partners, getting information out there, especially to the most vulnerable populations. Here in Pennsylvania people in rural areas, people without a lot of access to technology is

1 going to take some time. We just want to make sure that we
2 are sufficiently prepared for that.

3 REPRESENTATIVE KEEFER: And none of that has
4 started yet, correct?

5 MS. JULIA SIMON-MISHEL: It has not.

6 REPRESENTATIVE KEEFER: Okay. Thank you.

7 MS. JULIA SIMON-MISHEL: At least not from what
8 the Committee has been aware of.

9 REPRESENTATIVE KEEFER: Okay. Thank you.

10 MS. JULIA SIMON-MISHEL: Sure.

11 MAJORITY CHAIRMAN COX: Thank you.

12 Representative Krueger is joining us virtually
13 and has a question.

14 And I would like to remind members that we are
15 closing in on the last 15 minutes of the hearing. We do
16 have a number of people still wanting to ask questions, so
17 if you would be mindful of that.

18 Thank you.

19 REPRESENTATIVE KRUEGER: Thank you, Mr. Chairman.

20 My question is for Mr. Toomey and GSI.

21 Like so many members of the Legislature, my
22 office has spent time helping hundreds of constituents
23 navigate issues with the PUA system that you built. I have
24 to say now that most of the folks who received their UC
25 benefits have been served. The people who call my office

1 who are most frustrated and angry are people who are having
2 issues with the PUA system. And it's taking you weeks, if
3 not months, to draft some of the programming issues that the
4 Department has identified that cause significant delays with
5 the payment of benefits.

6 For example, it took weeks for GSI to fix the
7 back-week issues. We had a lot of folks calling our offices
8 in the meantime. So can you explain first what caused that
9 delay? And are we expecting similar service levels for this
10 new system that you're building?

11 MR. PAUL TOOMEY: Yes. On the back-week issue,
12 originally there was -- we had to make a change to support
13 Pennsylvania's implementation of backdating of weeks, which
14 was contrary to the system. So it's a pretty intricate and
15 complicated action to take. So it took a little time for us
16 to put that in place. I believe that is now in place and is
17 fully functioning with the system. So that would have
18 affected people, to have that backdating issue, that wanted
19 to go back further than the system was permitting.

20 Obviously with backdating, that's an issue that
21 we have to be careful of. It's very subject obviously to
22 potential fraud where somebody is going to look to get
23 backdated several weeks. So we had to put a lot of things
24 in the system to try and make sure that wasn't the subject
25 of fraud.

1 So some of these things, you know, do take time
2 to put in to modify the system.

3 REPRESENTATIVE KRUEGER: And what kind of
4 assurances can you give us that your next project won't have
5 the same kind of issues that are causing a bad consumer
6 experience?

7 MR. PAUL TOOMEY: Well, as you are probably aware
8 with the PUA system, that was a system essentially that went
9 from zero to an implemented system. And I think it was two
10 to three weeks we were taking PUA claims. Whereas,
11 obviously with the Ben Mod project, we will have a lot more
12 time, a lot more testing.

13 PUA's big emphasis obviously was to get people to
14 be able to apply as soon as possible and to get them paid as
15 quickly as possible. So on that, that's probably a year and
16 a half worth of work that we did in three weeks. So
17 inevitably there's going to be issues.

18 Obviously, with Ben Mod we have had much more
19 time. It's been, you know, a lot more time for testing,
20 etc.

21 REPRESENTATIVE KRUEGER: Okay.

22 Thank you, Mr. Chairman.

23 MAJORITY CHAIRMAN COX: Thank you.

24 Next we have a question from Representative Dave
25 Maloney.

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REPRESENTATIVE MALONEY: Thank you, Mr. Chairman.

A lot of good stuff here. A lot of questions were asked that I think many of us wanted to know. But I just want to go to a couple things quickly from listening to testimony.

Julia, I guess my first question would be to you.

MS. JULIA SIMON-MISHEL: Okay.

REPRESENTATIVE MALONEY: You triggered an interest of mine when you said that there was constitutional rights as sort of a hurdle to get over. Can you speak to that?

MS. JULIA SIMON-MISHEL: Sure, Representative.

For that I'm referring to the issues that we've experienced with the PUA system, which I do agree was built rather quickly. But for example, there are thousands of people cut off from benefits in the PUA system without any notice about why they're cut off or what they can do to get back on benefits.

I'm sure your offices have heard and received plenty of phone calls about those issues. Those are due process issues with a notice and opportunity to be heard.

The Department has made entries to GSI about fixing that, about getting determinations out, especially considering that they have already been built in many ways for the benefit modernization project. But that has not yet

1 happened. So people have left without any ideas as to why
2 their benefits are cut off.

3 And so that's an example of some of the concerns
4 we have about, you know, again, the ability of the vendor to
5 address any issues like that that could possibly happen
6 after go live for the project. And we are in communication
7 with the Department trying to address a lot of those issues
8 now.

9 REPRESENTATIVE MALONEY: So you're referring to
10 the fact that they are not getting their benefits as the
11 constitutional issue?

12 MS. JULIA SIMON-MISHEL: No. The constitutional
13 issue is they're not provided with any notice about why
14 their benefits have been stopped or any predetermination,
15 investigation, prior to stopping those benefits and no
16 opportunity to be heard because there is no determination
17 ever issued that tells them why their benefits have been
18 turned off and would give them appeal rights. So that's a
19 due process issue.

20 REPRESENTATIVE MALONEY: Okay. That's very
21 important to emphasize and to explain a little bit better.
22 I appreciate that.

23 MS. JULIA SIMON-MISHEL: Sure.

24 REPRESENTATIVE MALONEY: So, Mr. Secretary, I was
25 wondering if you could give us a quick update on what we

1 know as the total investment, going back to monies lost,
2 including up to date with what has been invested, as was
3 mentioned earlier, with the taxpayers' money?

4 SECRETARY OLEKSIAK: Well, I can tell you that on
5 the Ben Mod system, we are on budget. The way the contract
6 is designed, there's only payment upon deliverables, when we
7 are satisfied with the quality of those deliverables. So
8 with the Ben Mod system, we are right where we need to be as
9 far as the budget goes.

10 REPRESENTATIVE MALONEY: And what is that total?

11 SECRETARY OLEKSIAK: I don't have that offhand.
12 I don't know if Dave or Bill would have that. When we
13 provide you copies of the contract, we will have that.

14 MR. DAVID NAISBY: Yes.

15 Secretary and Chairman, to date we have paid for
16 deliverables just over \$8.6 million and we have outstanding
17 receivables totaling \$8.9 million. And those will not be
18 paid until the system is delivered and accepted by the
19 Agency.

20 REPRESENTATIVE MALONEY: So you're saying that
21 there was a total contract of say 17-plus million dollars?

22 MR. DAVID NAISBY: Seventeen million five hundred
23 sixty-four thousand for the base contract. That is for the
24 system. That does not include the out years for annual
25 maintenance. But, yes, the answer is 17.56 million total.

1 We have paid 8.6, outstanding 8.9.

2 REPRESENTATIVE MALONEY: Okay. So I guess the
3 total that we'll be getting at some point will be what the
4 contract total usage is plus all the extras, if we will, for
5 I think the question that was already asked earlier so what
6 that will -- whatever those numbers would be would be added
7 to that, correct?

8 SECRETARY OLEKSIAK: With the change orders
9 you're referring to, yes.

10 REPRESENTATIVE MALONEY: Okay. And then we can
11 add -- what was the investment that was lost prior to that?

12 SECRETARY OLEKSIAK: That's something that is
13 part of the litigation that we referenced earlier and we
14 really are not able to discuss that.

15 REPRESENTATIVE MALONEY: We knew it was north of
16 163 or something, correct?

17 SECRETARY OLEKSIAK: I'm not going to comment on
18 the litigation, Representative. I understand your concerns.
19 But I'm not -- we just are not at liberty to talk about
20 that.

21 REPRESENTATIVE MALONEY: Well, I realize the
22 litigation part, but the number I think was public record.

23 I appreciate you referring to a math problem as I
24 did earlier in a different hearing. So I guess my last
25 question would really be, what is the figure that we're

1 using or you're holding on to now as who is left to be
2 satisfied with claims?

3 SECRETARY OLEKSIAK: I don't know if we can point
4 to one particular figure. We do have the 97 percent figure
5 of claims that have been resolved between March 15th and --
6 what did I say? -- August, early August, mid August. And
7 that August date, we keep adding to that. So the longer we
8 work on these claims, the closer we'll get to where we are
9 now.

10 Last I saw that number, that was about 50,000
11 claims. Again, that's in the traditional UC system. The
12 reason those claims are held up is varied reasons. It could
13 be, you know, mistakes that have been made on the
14 application. It could be waiting for information from out
15 of state. It could be the disputes between the employer and
16 employee. It could be we're getting something about
17 reasonable assurance, whether or not people who work in the
18 school systems have reasonable assurance that they will go
19 back to work.

20 So there's a multitude of reasons why some of
21 those claims aren't able to go cleanly through the system .

22 REPRESENTATIVE MALONEY: I understand that. I
23 appreciate that.

24 SECRETARY OLEKSIAK: As far as claims, I don't
25 have a number available. I don't know if Dave or Bill has

1 that.

2 REPRESENTATIVE MALONEY: But the number that you
3 are using is 3 percent left over?

4 SECRETARY OLEKSIAK: From the traditional
5 unemployment claims in that window of time, yes.

6 REPRESENTATIVE MALONEY: And that includes even
7 those that receive or doesn't include even those that may
8 have received one check or two checks and then now are still
9 waiting?

10 SECRETARY OLEKSIAK: One of the issues that we
11 have had is that, you know, there are people who have not
12 replied. So I'm not sure if that's in that system or in
13 that number or not.

14 REPRESENTATIVE MALONEY: All right.

15 Thank you, Mr. Chairman.

16 I will refrain from any more. Thank you.

17 MAJORITY CHAIRMAN COX: And for a very quick
18 question and then we'll have concluding comments from
19 Representative Harkins and myself.

20 Representative Dush.

21 REPRESENTATIVE DUSH: Yes. Paul, you said you
22 got 18 months' worth of work done in three weeks on the PUA
23 system. Why was not the same amount of effort done to
24 making sure that we were on time for the first deadline
25 before extending to the October of this year and also

1 getting us to this point where we could be operational on
2 the October 5th?

3 MR. PAUL TOOMEY: So you're referring to --
4 you're talking about with Ben Mod obviously. That involves
5 -- obviously, it's a lot more complicated. So for example,
6 there are 74 Legacy interfaces. That obviously had to
7 increase now with the Pandemic and the different programs
8 being introduced.

9 We have been putting in a lot of effort obviously
10 into both systems. I think we've done well over 1,000
11 different changes from the system to the Pennsylvania
12 system. So we have been putting full effort into the Ben
13 Mod system as we did in the PUA system. Ben Mod, there's
14 just a lot more to it in terms of different programs that it
15 handles.

16 There's a full data conversion that has been
17 entered which is from multiple different systems of Legacy
18 data that is in different kinds of shape and repair. So
19 that that alone is a big difference between the PUA system
20 where essentially there was no major data conversion. So
21 Ben Mod is a lot bigger project, a lot more complicated, a
22 lot more involved.

23 REPRESENTATIVE DUSH: Thank you.

24 MAJORITY CHAIRMAN COX: Chairman Harkins.

25 MINORITY CHAIRMAN HARKINS: Thank you, Chairman

1 Cox.

2 I wasn't going to speak again but with all this
3 talk about PUA, again I go back to that Saturday morning
4 when the rollout came and I can't get those images out of my
5 mind as hard as I try.

6 It's been a nightmare. I know I speak for many
7 members on both sides of the aisle because many of them have
8 called me. Many of them have seen me and reiterated this
9 point to me. This piece of the puzzle is, was, and still is
10 a complete nightmare.

11 We received little to no help or guidance or
12 assistance with any of that. And we still can't get
13 questions answered. With it being a Federal issue, I have
14 contacted Congress people, I have contacted U.S. Senate
15 offices. I've even contacted people outside of
16 Pennsylvania. No one seems to have the answers that we need
17 to help our constituents and the consumers.

18 I would hope that going forward this would change
19 and very quickly with the money being spent. The Federal
20 Government dropped the ball with PUA and we are all stuck
21 because of that. And it is the consumer in the end who will
22 suffer. Changes need to be made.

23 I intend to keep hammering away at my Federal
24 counterparts. I've even had contact from CNN and some of
25 the other major news networks about some of the things where

1 we overlap with other states.

2 I'm 20 minutes from the New York State line and
3 20 minutes from the Ohio State line. I have major employers
4 in my district who have people who live in Ripley, New York,
5 and work in my district in Erie, Pennsylvania, who can't get
6 answers. They are caught in a bubble. They are caught in a
7 situation where you just feel hopeless with them. It's
8 something that needs to change and it's very frustrating.

9 I want people to know that we are working on it
10 bipartisan. We are all frustrated with it and we all want
11 to see a change and we're going to make sure that we get a
12 change.

13 Thank you.

14 MAJORITY CHAIRMAN COX: Thank you, Representative
15 Harkins.

16 I think it's fair to state that everyone wants
17 this project to go forward. But we also would agree that it
18 needs to be right. It needs to be complete when it goes
19 live. I have a number of concerns, a number of problems. I
20 addressed one at the beginning.

21 The lack of transparency here, the trending
22 yellow comment that was made in some of the testimony for
23 most of the past year. And then suddenly in June the
24 trending red and then the glowing red, as Mr. Moomaw pointed
25 out, that didn't happen overnight.

1 There was a transparency issue here. I and the
2 other Chairmen from the House and Senate, we were on calls.
3 We were repeatedly told this project is on time. It was
4 not. And it was clearly not something that they just
5 discovered within the last few weeks. Nobody here wants a
6 disaster. We don't want to see the same headache that we've
7 seen with the PUA system and with the overload of the UC
8 system.

9 My rhetorical question is, if L&I goes against
10 the recommendation of the Advisory Committee, we're going to
11 have serious delays, confusion, technical issues that are
12 going to be unable to be addressed. And the people of
13 Pennsylvania who rely on this working, they are going to be
14 the ones that suffer. And that's who this Committee speaks
15 for. They are the ones who are already trying to get back
16 pay, trying to get what was owed to them back in earlier
17 months under the existing system. So things are already a
18 mess.

19 Our district offices have basically become -- one
20 of the individuals talked about it being a satellite office.
21 We all have satellite offices. Every single district office
22 that's open to the public and taking calls has become a
23 satellite office and they probably have one semi-expert on
24 UC in their office. Our offices have been open throughout
25 the State.

1 Mr. Secretary, I would ask that you push the
2 Governor and that you make things happen where your
3 employees get back into their offices. I notice that you
4 and the IT gentleman were both in your homes and that the
5 other two individuals who testified were seemingly in their
6 State government offices.

7 I would suggest that all employees who are able
8 to physically come back to work that you make it happen.
9 They get back to work. We've been back at work. We've been
10 working hard for the people of Pennsylvania. It's time to
11 bring the employees of the Department of Labor back in so
12 they can function at the highest level. There's no reason
13 at this point why that can't happen. It needs to happen.

14 I'll wrap up my comments quickly. I'll further
15 state that I don't understand how the next four days is
16 going to make a difference. We've heard recommendations.
17 We've heard input. I don't see what the next four days are
18 going to change and why a decision can't be made. Maybe
19 it's a technical voting issue. I don't know.

20 To me, your response today should have been, we
21 are not going to be able to go live on October 5th.

22 Representative Keefer pointed out a little bit of
23 a deadline or a timeline as far as the educational side of
24 the rollout. You need six weeks for an effective rollout.
25 That hasn't even begun. We are three weeks away. That

1 should have been started on some level.

2 I'm not sure why we would want to even subject
3 other families to this if it's not ready. Families rely on
4 this. Families who go back to work only to find out now
5 that their restaurant is forced to operate under the
6 Governor's restrictions and has to shut down or has to lay
7 them off.

8 Layoffs are still happening. Hours are still
9 being cut. Businesses are finding that they just can't stay
10 open. We can't wait to make this decision. In my mind, and
11 I believe in the minds of several others on this Committee,
12 the decision should have already been made and steps should
13 already be taken.

14 This is a big responsibility. The Department
15 needs to do everything in its power, absolutely everything
16 in its power, to push GSI to get this job done.

17 Representative Gleim asked for a new timeline.
18 I'm going to repeat that request. We need a new timeline.
19 The Advisory Committee needs to be heavily involved in this.
20 If new metrics are needed, if existing metrics need to be
21 modified, we need that to happen.

22 Government is elected by the people to serve
23 them. A lot of what we are able to do was able to be
24 performed from your living room tables, dining room tables,
25 wherever we were working from. But the vast majority of the

1 workforce has now been able to go back to work and function
2 at its fullest level.

3 It's time for government workers, Labor &
4 Industry employees in particular, to get back in the office
5 so that they can function at the highest level so that we
6 can remove those who are waiting.

7 We've heard 3 percent. I call that -- I have
8 questions about that. We still have people that received
9 one week and they never received anything after that. I'm
10 continuing to get calls in my office and I know other
11 members are as well. We have got to get those employees
12 back in. The Department needs to bring them back in.

13 If I could go so far as to demand that, I would.
14 I'm going to look into how that might be able to be done but
15 it needs to happen. Perhaps we need legislation to nudge
16 things along. But they need to be back in their offices so
17 that they can help the people of Pennsylvania who have paid
18 into the system and who deserve to be able to put food on
19 their table and pay their rent and their mortgages.

20 At this time, I'm going to conclude this. I
21 appreciate all the testifiers joining us. I appreciate the
22 input, the information provided, and we certainly will have
23 more questions. We will likely follow up with some written
24 questions to the Department and potentially others if that's
25 okay.

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So again, thank you for joining us. And with that, this meeting is adjourned.

(Whereupon, the hearing concluded.)

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I hereby certify that the proceedings and
evidence are contained fully and accurately in the notes
taken by me on the within proceedings and that this is a
correct transcript of the same.

Jean M. Davis
Notary Public