

KATE A. KLUNK, MEMBER
169TH LEGISLATIVE DISTRICT

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House of Representatives

Commonwealth of Pennsylvania
Harrisburg

COMMITTEES:

Agriculture and Rural Affairs
Labor and Industry
Health
Judiciary
Rules

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OFFICE HOURS:

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September 15, 2020

Secretary W. Gerard Oleksiak
Pennsylvania Department of Labor and Industry
1700 Labor and Industry Building
Harrisburg, PA 17120

Dear Secretary Oleksiak:

As you know, Pennsylvanians have experienced unprecedented hardships because of Gov. Tom Wolf's unilateral March 19, 2020, economic shutdown order that shuttered all non-life-sustaining businesses.

To date, nearly 4 million Pennsylvanians have filed for first time unemployment benefits because of this unprecedented closure of our economy, an all-time year-to-date high. In addition, Pennsylvania is currently shackled with the third worst unemployment rate in the country at 13.7 percent.

As a result of actions taken by the Wolf administration, Pennsylvanians have uniquely suffered economically from continued disruptions to business flow and supply chain issues created by ongoing government-mandated business limitations.

Many of these Pennsylvanians are the hardworking drivers of our economy that never anticipated needing to rely on the government to support their families.

Sadly, these very Pennsylvanians seeking the help of the Department of Labor and Industry's Office of Unemployment Compensation—often for the first time—have had their hardships met with unanswered calls, inappropriately denied or delayed benefits, and abysmal customer service.

As a member of the House Labor and Industry Committee, I have had the ability to question you and others from your department on how and why Pennsylvania's unemployment compensation system failed to deliver for the people of Pennsylvania.

Having heard from you multiple times, and understanding your support for the March 19, 2020, shutdown order, I continue to question how prepared the department was for a surge in Pennsylvania's unemployment rate and what coordination, if any, existed within the Wolf administration leading up to the issuance of the March 19, 2020, shutdown order to put plans in place to deal with millions of unemployed Pennsylvanians.

I write to you today hoping to continue our positive working relationship and avoid a formal Right-to-Know Law request. That said, please provide a response and supporting documentation to the following questions I have:

- 1) When did you first learn of the Governor's March 19, 2020, shutdown order?
 - a. Please provide any communications your department had with the Governor's Office about the March 19, 2020, shutdown order prior to and following the issuance of the order.
 - b. Please provide any communications your department had with the Department of Community and Economic Development about the March 19, 2020, shutdown order prior to and following the issuance of the order.
- 2) Prior to the COVID-19 pandemic, was the Pennsylvania Department of Labor and Industry involved in any emergency simulations that accounted for large spikes in unemployment? If so, please provide details and results of those exercises.
- 3) Provide, by state House District, the number of those seeking unemployment compensation due to COVID-19 and those that have not yet received a final benefits determination.

Please respond in writing with the requested information within ten business days of the date of this letter. Should you not respond in writing within that time, I will file a formal Right-to-Know request.

I would hope with your administration's self-avowed commitment to government transparency that such a request will not be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate A. Klunk", with a long horizontal flourish extending to the right.

Rep. Kate A. Klunk
169th Legislative District
Pennsylvania House of Representatives



Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: Department of Labor and Industry (Attn: AORO)

Date of Request: September 30, 2020 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Name: Kate Klunk Company (if applicable): PA House of Representative:

Mailing Address: PO Box 202169

City: Harrisburg State: PA Zip: 17120 Email: kklunk@pahousegop.com

Telephone: 717-787-4790 Fax: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

Records of any communications the Secretary, the Executive Deputy Secretary, and/or the Deputy Secretary for Unemployment Compensation had with the Governor's Office, each other, and/or with the Department of Community and Economic Development about the March 19, 2020, shutdown order issued by Gov. Wolf prior to and following the issuance of the order.

DO YOU WANT COPIES? Yes, printed copies (default if none are checked)
 Yes, electronic copies preferred if available
 No, in-person inspection of records preferred (may request copies later)

Do you want **certified copies**? Yes (may be subject to additional costs) No
RTKL requests may require payment or prepayment of fees. See the [Official RTKL Fee Schedule](#) for more details.

Please notify me if fees associated with this request will be more than \$100 (or) \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record.
More information about the RTKL is available at <https://www.openrecords.pa.gov>

Form updated Feb. 3, 2020



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Records of any communications the Secretary, the Executive Deputy Secretary, and/or the Deputy Secretary for Unemployment Compensation had with the Governor's Office, and/or with each other regarding the decision to suspend the benefit modernization program implementation. Records sought include conversations from June 1, 2020 until September 30, 2020.

DO YOU WANT COPIES? Yes, printed copies (*default if none are checked*)
 Yes, electronic copies preferred if available
 No, in-person inspection of records preferred (*may request copies later*)

Do you want **certified copies**? Yes (*may be subject to additional costs*) No
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Records of and results from any emergency table top exercises participated in by the Department of Labor and Industry from January 1, 2019, until present.

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 Yes, electronic copies preferred if available
 No, in-person inspection of records preferred (may request copies later)

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Data from the unemployment compensation system due to COVID-19, the governor ' s disaster declaration and any subsequent order issued by Governor Wolf and Secretary Levine related to the pandemic. The data requested pertains to the aggregate number of individuals seeking compensation through the system, broken down by zip code, whose claims have not been resolved or received a final determination between 3/19/20 to the current day. Please include the number of days these claims have been in the system unresolved with the other requested records.

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