
Committee Meeting

of

SENATE LABOR COMMITTEE

*“The Committee will receive testimony from
the Commissioner of Labor and Workforce Development, Robert Asaro-Angelo,
on the current status of New Jersey’s unemployment insurance system
and the misclassification of workers”*

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: March 10, 2022
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Fred H. Madden, Jr, Chair
Senator Joseph A. Lagana, Vice Chair
Senator Andrew Zwickler
Senator Anthony M. Bucco
Senator Michael L. Testa, Jr.



ALSO PARTICIPATING:

Senator M. Teresa Ruiz
Senate Majority Leader

ALSO PRESENT:

Gregory L. Williams
*Office of Legislative Services
Committee Aide*

Joseph Gurrentz, Ph.D.
*Senate Majority Office
Committee Aide*

Alex Solomon
*Senate Republican Office
Committee Aide*

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Fred H. Madden, Jr.
Chair

Joseph A. Lagana
Vice-Chair

Andrew Zwicker
Anthony M. Bucco
Michael L. Testa, Jr.



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NEW JERSEY STATE LEGISLATURE

SENATE LABOR COMMITTEE

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COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE LABOR COMMITTEE
FROM: SENATOR FRED H. MADDEN, JR., CHAIRMAN
SUBJECT: COMMITTEE MEETING - MARCH 10, 2022

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The Senate Labor Committee will meet on Thursday, March 10, 2022 at 1:00 PM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The Committee will receive testimony from the Commissioner of Labor and Workforce Development, Robert Asaro-Angelo, on the current status of New Jersey's unemployment insurance system and the misclassification of workers.

The State House Annex has reopened to the general public. The Committee will meet in-person and there will not be an option to participate by telephone or video.

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SENATOR FRED H. MADDEN, Jr. (Chair): Good afternoon, ladies and gentlemen.

Welcome to today's hearing of the Senate Labor Committee. The time is approximately 1:04 p.m.

I ask those who are standing -- please take a seat, if you can.

Thanks, Sergeant.

May I have a roll call, please?

MR. WILLIAMS (Committee Aide): Senator Testa.

SENATOR TESTA: Present.

MR. WILLIAMS: Senator Bucco.

SENATOR BUCCO: Here.

MR. WILLIAMS: Senator Zwicker.

SENATOR ZWICKER: Here.

MR. WILLIAMS: Senator Lagana.

SENATOR JOSEPH A. LAGANA (Vice Chair): Here.

MR. WILLIAMS: And Chairman Madden.

SENATOR MADDEN: Here.

Ladies and gentlemen and members of the Committee, a couple of ground rules.

Good afternoon, first, everyone.

Today we'll be taking testimony from the Department of Labor and Workforce Development, Commissioner Robert Asaro-Angelo, regarding the status of New Jersey's unemployment system, as well as the issue of employee misclassification.

The Commissioner will provide his testimony, first about employee misclassification, followed by the unemployment network.

Members of the Committee will then have an opportunity to ask questions of the Commissioner on either topic, as well as any follow-up information based on his testimony.

As the Chair of the Committee, I will open the line of questioning; our Senate Majority Leader, Senator Ruiz, is supposed to appear. If she's here, she will follow me. And then we'll have the opportunity to hear from Vice Chair Lagana, followed by Senator Bucco, then Senator Zwicker, and the final testimony or questions today will come from Senator Testa.

We're here today to get answers, simply, addressing concerns in light of the stories coming out of our district offices, and across the board in the State of New Jersey, from individual people and families. We're hearing stories of month-long delays in getting payments; comments and scenarios with hour-long phone calls, just to be told -- just to talk to a human voice and being promised escalations that often don't materialize into a resolution.

We're here to get answers from the Department of Labor for our constituents back at home. We're here to listen and ask questions about what is needed of us, as a legislative body, to help the Department of Labor, to help our communities, and our own constituents.

With that, I want to thank you, Mr. Commissioner, and welcome you to today's Labor Committee hearing. And it's been a while for the invite; I appreciate you clearing your schedule to come here.

And with that, Commissioner, I'd like to offer you the opportunity to also bring up any of your support team you brought with you -- you're welcome to do that now, or at your pleasure.

COMMISSIONER ROBERT ASARO-ANGELO: I'll wait.

SENATOR MADDEN: Okay.

So members of the Committee and to the audience -- welcome, Commissioner Asaro.

COMMISSIONER ASARO-ANGELO: Good afternoon, Chair Madden, Vice Chair Lagana, and members of the Committee.

Thank you for inviting me here today to talk about two things: misclassification and unemployment insurance.

I'm going to start with misclassification, which the Legislature has put a bullseye on, and used its authority and jurisdiction with great success. I'll then discuss unemployment, a Federal program which limits the State's ability to make changes, even though that would directly benefit workers in need.

This entire time, throughout the pandemic and UI issues, our resolve to achieve our core mission has never wavered: to ensure our workforce is among the strongest and healthiest in the country, to see our businesses flourish, and do our part to achieve a stronger and fair economy.

You, our legislators, this Committee in particular, have worked hard to make New Jersey a great place to work and do business. We want all our workers to reap the benefits of your policies. That's why we're putting your laws to good work, especially the new packages of bills aimed at combating misclassification, which is falsely classifying employees as independent contractors and paying workers in cash off the books, which deprives them of their rights to minimum wage, overtime, earned sick days,

workers' comp, family leave, unemployment, and most work-related benefits you can think of.

New Jersey has taken a very strong bipartisan stance against misclassification. And our best-in-the-nation ABC test has been upheld in State and Federal courts time and time again. Misclassification costs New Jersey billions of dollars in critical income tax and benefit contributions. And we've clearly seen during the pandemic how vital these benefits are. One very helpful tool you gave us is the power to issue stop-work orders for violations of State wage, benefit, and tax law. We've used this power about four dozen times on construction contractors, restaurants, medical offices, an Internet radio station -- a wide variety of businesses -- most of which paid their workers at the mere sight of the stop-work notice.

In September, we implemented a misclassification penalty, paid from the employer to a misclassified worker, and equal to 5 percent of the worker's gross earnings for the prior 12 months. In the past six months, more than a half-million dollars was paid to 641 misclassified workers from 39 different businesses. We are the only state to have this innovative tool for misclassified workers.

The misclass laws made it easier for us to work with our sister agencies to take down bad actors and pursue criminal charges. Our staff meets regularly to collaborate with stakeholders and our partners at Treasury, DOBI, and the AG's Office. Our success on this issue in New Jersey is making waves. I quote directly from the recently released Pennsylvania Misclassification Task Force report, which says, "Many experts in the field, along with members of this Joint Task Force, consider New Jersey the gold standard for addressing worker misclassification." You made our policy

strong and have given us the tools to protect our workers and keep our employers accountable.

I know you all want to know why you're still hearing about unemployment insurance, though, or UI. This is a tougher issue to remedy as a State. I understand everyone's concern. I know you and your staff get distressing calls to your offices from UI claimants, and you want to know what we're doing about it.

When the pandemic hit, workers reached out to elected leaders for help navigating an unfamiliar and complex system that excludes far too many. My thanks and appreciation to you and your staff cannot be overstated. And I'm extremely proud of the DOL staff, and the work they've done, working day and night to help the millions of claimants seeking their hard-earned benefits. They've been handling the same calls and e-mails as your offices, hearing of the dire situations of our residents every day, crying with your constituents over the phone, as they do whatever they can to help.

In 2019, each agent -- each agent -- provided about \$23 million in benefits, on average, to 4,500 claimants. In 2020, that individual productivity skyrocketed to almost \$140 million per individual agent, paid to 9,600 claimants. So no one can say they haven't been doing their job. In fact, I doubt any group of State workers has been as effective and productive as our UI agents these past two years. They're doing the best job they can, day in and day out, and for that, I am grateful and inspired every day.

It may not seem like it on your end, but I assure you that circumstances are very different now than last year at this time, when we were dealing with record numbers of claims and implementing multiple enhanced Federal benefits programs. With the aid of these programs, we've gotten over

\$37 billion in benefits out the door into the hands of 1.6 million New Jerseyans, including over 200,000 self-employed workers with small businesses who received over \$7 billion. Thirty-seven billion dollars to more than 1.6 million claimants is incredible, and no State program has delivered that much money to so many people in such a short time ever, let alone during a pandemic.

But I know none of that matters to the small percentage who have been waiting for benefits for some reason; or to you and your staff who have been patiently fielding calls. Of course, we care deeply about all claimants; every individual one. But that small percentage is not representative of the whole picture. But I know for them, and for your offices, it's the world. We've done everything in our power to serve as many unemployed workers as quickly as possible and ensure the most workers possible are eligible. Every determination is made to the letter of the law that we are bound to implement and enforce. Luckily, here in New Jersey, for almost 90 years, governors, legislators, and voters have supported one of the most generous UI programs in the country; one of only three in which workers contribute.

As Senator Madden pointed out last Thursday in the Senate Chambers, we're processing complete applications in two to three weeks, the same as before the pandemic. If a claim requires agent intervention, it may add another few weeks, depending on the issues and responsiveness of the claimant and their employer.

Unemployment is confusing, especially when you've never had to navigate it before. We've done our best to ease the process through automation and by providing information on our website -- including three

dozen new web pages, about 25 documents in several different languages, instructional videos explaining everything from eligibility, how to submit a claim, and how to resolve common issues. We continue to add efficiencies week in and week out. Recently, we launched a tool for employers to report UI information online instead of going through the mail, helping to speed up claimants' claims that involve their employer.

But as easy as we try to make it, we know some claims require more time and attention than others due to the many nuances of Federal unemployment policies. Claims with multiple wage sources; student workers, who are typically ineligible for unemployment; deductions for pension and retirement benefits; or making a simple mistake on an application or a weekly certification all require the attention of a specialist.

Unfortunately, the reality is, not everyone is eligible for unemployment benefits under Federal law. Generally, 20 percent of claims are ineligible. They may not have had enough earnings, they may have exhausted their benefits, or they might be self-employed. This has equated to over 400,000 New Jerseyans -- 400,000 New Jerseyans since COVID hit.

Those who are ineligible or exhaust benefits aren't left in the lurch. We share important resources and programs that can assist with food, childcare, health, rent, housing, utilities, as well as specialized services for older adults, individuals with disabilities, and survivors of domestic or sexual abuse. And of course, we provide information on our career services to get them back on the job.

People call your offices and ours in dire financial situations, often telling their stories about their serious medical condition, having to take care of a relative who is sick from, or highly at risk of, COVID, they're retired on

a fixed income, they have a serious injury preventing them from working and can't support their family, and they can't get their unemployment. These stories are heartbreaking. But more heartbreaking is the fact that they're most likely not eligible for unemployment insurance.

During the pandemic, enhanced UI benefits, particularly here in New Jersey, were so generous that it became the first stop for almost every financial issue. I wish we could give benefits to absolutely everybody who needs them, as much as they need for as long as they need. But UI is not an entitlement to anyone out of work, and the benefits eventually do run out. We try harder than any other state to get to a "yes" on eligibility, which is why we consistently lead the country in the percentage of unemployed workers who receive benefits. But we also have the responsibility of due diligence on each claim; otherwise, we would further deplete the Trust Fund and possibly force that claimant's employer to pay thousands of additional dollars in taxes the next year.

As mentioned earlier, New Jersey law pushes as far as we can to offer eligibility to as many workers as possible. But if we push the boundaries too far, the United States Department of Labor reminds us we are risking our ability to pay any benefits at all, and the ability for more than 250,000 employers in our state to receive their Federal payroll tax deduction.

You may remember, back in May of 2020, we had over 40,000 workers a week tripping up on the weekly certification process. We were proud; our IT staff programmed a process to clear them automatically each week so they could continue to collect benefits. Unfortunately, the U.S. DOL made us stop this automated process late last year, which contributed to increases in calls to us and to you, even though overall claimant numbers are

declining. It happened. We're forced to go through a gauntlet of Federal requirements before paying out claims. Many Federal and State government programs were rolled out in response to the economic strain caused to individuals and businesses by COVID-19.

Here are the rules and regs (indicates) to apply and receive assistance from the NJEDA Sustain and Serve program, which is very successful; 77 pages. On the Federal side, the United States Treasury Department, not known for being clear and concise, issued rules to receive assistance from one of their coronavirus state and local fiscal recovery programs (indicates); 437 pages -- almost a couple rings.

For New Jerseyans who found themselves out of work after COVID hit, these are all the unemployment regulations they had to wade through; over 7,000 pages, handed down to us by the Federal government. It's a massive program that takes time and expertise to administer. Federal rules and regulations have changed about 30 times, just in the past two years, far exceeding any other program, like Paycheck Protection.

With this massive set of rules for our agents to navigate, we contracted a call center to help with our unprecedented call volume. Last year, the call center answered up to 12,500 calls per day; last month, they averaged a three-minute wait. Ninety percent of calls got resolved on the spot, and 10 percent needed additional support from a specialist. As claims and call volume have decreased, we've been able to shift more DOL UI agents to the phones and get more claims resolved on the spot. And recently, we were able to remove the dreaded message claimants often heard, "Due to high call volume, you may not be served."

Long before the pandemic and long before my tenure as Commissioner, UI was moved from in-person to online and by telephone, because it's faster and more efficient. Agents can process more claims online and over the phone than meeting in person. There haven't been unemployment offices in two decades.

Limited UI services remained at about a dozen One-Stop Career Centers, which we paused during the pandemic for our customers' and workers' safety, and because we needed all hands on deck to help as many claimants as efficiently as possible. By the end of this month, as you know, we'll resume in-person assistance at the One-Stop locations across the state, where they were available pre-pandemic.

We're committed to getting all claims resolved, every single eligible one on your desks, and we understand sometimes a worker needs to speak to someone face-to-face to fully feel comfortable with the process.

With the complexities involved with unemployment, the services at the One-Stops will be like going to the hospital. You go to the ER, the nurse might wrap a bandage or fit a wrist splint for you, and the ER doc may give you a prescription. But you also might need to follow up with a cardiologist or an orthopedist to get the underlying issue straightened out. If you come for an appointment at the One-Stop, our agent may be able to do some basic things with your claim, but you may still have to follow up with that specialist who can help you with your unique case. And we'll do everything we can to expedite that on the spot.

The Murphy Administration, and my colleagues, and other departments have had great success in bringing our services directly to the communities that need them the most. I look forward to working with all of

you to bring the full service of the Department of Labor: job placement, family leave insurance, wage and hour, résumé and interview assistance, vocational rehabilitation services, training placement, and, of course, UI help to areas of your district you might feel need additional touches.

To make UI benefits more accessible, we recently applied for U.S. DOL grants to help fund eight UI equity-improving projects, totaling \$6.8 million. We hope to complete these initiatives within the next two years. These projects will aim to make UI easier for everyone to use and understand, and to strengthen our communication with claimants. We seek to increase our ability to analyze our equity-measuring data, with a focus on outreach and better communication with under-resourced communities.

As I showed you, we were held up by the laundry list of regulatory hurdles, per Federal law, before paying claims. Delays haven't been unique to New Jersey. No state has been spared, even those that spend hundreds of millions of dollars to modernize their computer systems. I've watched many of my counterparts testify, in sometimes raucous hearings, in just the past few weeks. As Chair of the National Association of State Workforce Agencies, or NASWA, I've seen how we perform versus the other 52 states and jurisdictions, as well as the many issues we prevented.

(aside to staff member)

Still, after two years, the headlines keep coming, every day, from around the country. To quote KNBC in Kansas City, "People still navigating Kansas Labor Department to get pandemic unemployment payments." Channel 8 News in Richmond, Virginia, "Issues with unemployment upgrades unacceptable," says Virginia Employment Commissioner. When asked about their newly modernized system, their new Commissioner said,

“We have not been able to run it for 30 days without major defects. The first part of this was launched when I was previously in the governor’s office two administrations ago. And to see where we are today -- it just doesn’t really make a lot of sense.” In Harrisburg last week, at a hearing just like this one, the Pennsylvania Department of Labor’s unemployment efforts were called, “A stain on the Commonwealth.”

All these headlines are from the last few weeks, and that was just a small sampling. And two of these states launched new modernized systems in the past year. The problems lie in Federal policies, not legacy computer systems, not virtual services. Everything we and our colleagues in other states are trying to do to ease this process for our workers is just putting duct tape and Band-Aids on outdated Federal policy seemingly designed for applicants to fail. And none of these policies are new. They’ve been largely unchanged since the 1930s; but never before have tens of millions of people tried to access their benefits at the same time.

I’ve been very vocal about how antiquated our Federal UI system is, and how ill-equipped it is to be the main source of emergency funding. I, and my counterparts, have been advocating almost two years on the need for change at the Federal level. Unfortunately, there has been almost no progress. In September of 2020, I wrote to a Congressional delegation outlining key issues: outdated eligibility restrictions, procedural issues surrounding the weekly certification process, and the verification of interstate wages. There’s no flexibility to modify these requirements, even in times of crisis.

Last March, I wrote a delegation again, urging their support for the Unemployment Insurance Technology Modernization Act of 2021. I am

proud that New Jersey provided the most co-sponsors of any state. And thanks to Congressman Smith, the only sponsor from the other side of the aisle. Unfortunately, it did not get a vote, but many of the important provisions made it to the American Rescue Plan, including funding for the U.S. Department of Labor to partner with the U.S. Digital Service in a pilot program to modernize the application process. I'm thrilled New Jersey was chosen as a pilot state, because we've been at the forefront of system improvements throughout the pandemic, creating innovative solutions to paying benefits during a time of unprecedented demand, and providing some of the most generous benefits in the country. Our counterparts in other states often called *us* for advice.

The purpose of this pilot is to design an application system with equitable and timely access to benefits for eligible workers, while rooting out fraudulent claims that bog us down. This is an effort, not only to upgrade our systems, but make New Jersey a national model for equity, fairness, and true customer service.

Through this pilot, we seek to address the major communication issues claimants face, like eliminating the jargon on application forms, and weekly certifications -- which can only happen with U.S. DOL approval -- the major problem I spoke of earlier in providing real-time claim statuses.

This week, our pilot partners from U.S. DOL and U.S.D.S. were here in Trenton on-site for three days for meetings and user testing. That's why I was not available to be with you on Monday. Today I'm excited to announce that we're on track to roll out our first round of user-friendly changes by the end of April. This first set of improvements, and the ones to follow, will help solve many of the problems claimants run into just answering

the questions honestly. Later this year, we'll have a whole new system for our agents to work with, which will give them easier access to information about the claim and allow us to fix claimants' issues faster.

This week, on the two-year mark of the pandemic, I sent another letter to our delegation reiterating the biggest issues and presenting solutions -- one being to eliminate the weekly certification process altogether. During the pandemic, eligible claimants answered a question adversely on the weekly certification -- eligible claimants -- over two million times; two million times. And per U.S. Department of Labor, each can only be cleared for payment after the personal attention of an agent. Even now, two years later, 5,000 claimants per week get caught in this trap, causing financial harm and taking valuable time from our agents who could be resolving other claims. Despite our repeated correspondence, there has been no action in Congress, not even in the multi-trillion-dollar Omnibus package passed last night. But I won't give up hope. We need solutions at the Federal level that will clear up the most common issues we've been seeing holding up claims; changes that will make more workers eligible for benefits and make staying eligible easier.

I thank you very much for your support and the support of your staff during these difficult times.

Thank you for having me here today, and I'm happy to answer any questions.

SENATOR MADDEN: Thank you, Commissioner.

Commissioner, for the benefit of the Committee -- a claimant files for unemployment. And let's focus on the Federal government for a minute -- with specifics by example, if you could. How does that stop, or how does that cause a problem or stop one of our workers from receiving their

unemployment? Like, what's a real scenario, on your end, that happens? You would tell a New Jersey worker-- They pay into the unemployment system every single week that they get a check.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: And they do this 10, 20, 30 years, 40 years. They need help, and they're falling into the abyss.

So let's just state for a minute, if I can, what chokepoints the Federal government is causing for that particular person who is trying to receive their money or compensation?

COMMISSIONER ASARO-ANGELO: Well, I'll start first, in the short term -- since COVID hit.

In the short term, since COVID hit-- And the reason I brought out these documents is to show that, in times of emergency, people should be able to take emergency measures to help themselves. In these other programs that were stood up after COVID hit -- they were new programs that say, "Here's this new event that happened to us. You can apply and get benefits now; get help and support now, based on what's happened since COVID." For unemployment, they tacked on a whole bunch of enhanced Federal benefits but kept all the same rules they still have to follow. So if somebody had a voluntary quit at an earlier job, or their employer contested about their going on unemployment -- I mean, the laundry list is large about the Federal issues of underpinning someone's eligibility.

And most importantly, as I mentioned, it's not just becoming eligible, it's that weekly certification process. We've made 1.6 million people eligible. And two million times they were trapped in the weekly certification process. So it's not just about getting eligible, it's staying eligible -- the fact

that they need to make their eligibility known every single week. You don't have to do that with PPP or any of the EDA programs. You applied for your benefits, you got them, and that was it. On unemployment, you have to tell them every single week, which gives you seven or eight different ways to answer a question that they think makes you ineligible. One of the most common ones is pension. Very often, someone sees the question about pension, and go, "Oh, yeah, of course I have a pension." But they're going to get it in 30 years, but that makes us have to talk to them about when they're going to get their pension, and how many benefits they're going to receive.

One of the questions is about, "Are you a student?" "Well, yeah, I'm a student." That doesn't make you ineligible; it might make you ineligible, but the U.S. DOL makes us have to talk to that person to confirm what their student status was. "Are you working for the school that you're going to and attending classes at?" All these things. It's not just about eligibility status; it's about the process of staying eligible, which is really-- As far as numbers, it's by far the biggest problem for many folks.

When it comes to-- So often on the lists we're getting from your offices-- "I became unemployed because of COVID." But the rules and regs about what those seven variables are -- about what the COVID-specific reason why you're unemployed -- are very hard to wade through. While it might just seem, "Oh, the economy is bad, COVID hit, I'm unemployed because of COVID" -- that's not quite how it works, per the Federal rules.

SENATOR MADDEN: Commissioner, to your right, you have a box identifying 7,119 pages--

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: --of Federal regs. Are they completely new regs, or are they modified regs? So what does that actually represent? Because it's-- Just for clarity.

COMMISSIONER ASARO-ANGELO: No, I hear you.

So basically, everything above the box is about how much has come out since COVID hit.

SENATOR MADDEN: So it's safe to say everything in the box, your Department has been working under those regs well before -- all along--

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: --before the pandemic?

COMMISSIONER ASARO-ANGELO: Right.

And to be clear, unemployment was really confusing long before the pandemic. I had to go on UI when I was separated from the Federal government. In January -- I applied in January of 2017; I received my benefits in August. Because being a Federal employee is one of the ways it becomes hard to receive unemployment benefits. Getting the wage records from the Federal government is not easy, even though it's their program. The back-and-forth of paperwork and faxing to get Federal wage records, military records, is always one of the other things that always cause

a hiccup. When I see folks -- when I see they're a Federal employee, I know that they're going to have, more likely, a longer wait time.

And I'm sorry, the one I didn't mention before -- I talked about a long time ago -- interstate wages, which clearly affects New Jersey more than any other state, by far. Because the Federal government mandates that we receive wage records from other states to make sure that they aren't collecting benefits in those states. And there isn't some, like, easy website we can check. The interstate wage system is old, and decrepit, and slow. And we-- During the pandemic, we asked for the State to have the ability to pay benefits up front, and then adjudicate the monetary issues later on, if we found out later they were getting more wages or less wages. But they said no. We had to have all wages verified by the other states first. So you can imagine, even now, today, states are overwhelmed in every department. So other states weren't -- it wasn't always easy to get those payments quicker.

And you all know this; you all see some of the hardest claims to deal with are the ones that have wages out of state.

SENATOR MADDEN: So Commissioner, during your testimony, when you speak about -- we're referencing these chokepoints, or these Federal regs that cause a problem, because there has to be further clarity -- you're testifying that then a claims agent has to talk to the applicant.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: Talking to them, either on the phone or in person. And so a simple question I have -- with many of the State's other regional offices, including Motor Vehicle offices -- which, in its own world, has many challenges -- they're opening in-person visits, and have been. So what is so unique about the One-Stops or unemployment offices that they have to remain closed?

COMMISSIONER ASARO-ANGELO: Let me be clear on one thing.

SENATOR MADDEN: I mean when, you know, you have these offices, other -- some State offices now, that have not near the monumental backlog that you have, not the countless phone calls coming from district offices-- I mean, this is representing-- These offices have -- there are 40 of them. I mean, my goodness, the amount of claims and calls is in the tens of thousands of people.

So with a cry for access to a real voice, face-to-face meetings, and you're still down -- why?

COMMISSIONER ASARO-ANGELO: I want to clarify a couple of things, Senator.

One, the One-Stops have been open since last summer.

SENATOR MADDEN: Excuse me?

COMMISSIONER ASARO-ANGELO: The One-Stops have been open since last summer. One-Stops are offices--

SENATOR MADDEN: For in-person interviews with UI?

COMMISSIONER ASARO-ANGELO: Not with UI, no. I want to clear that up, because people keep saying the One-Stops are closed, and they're not. They have been open.

SENATOR MADDEN: No one's asking for help building a résumé.

COMMISSIONER ASARO-ANGELO: Yes they are.

SENATOR MADDEN: No one's asking for style on how to interview and things of this nature. It's great, great support service.

COMMISSIONER ASARO-ANGELO: I just want to clear that up, because folks work hard in the One-Stops; 94 percent of our One-Stop staff have been in-person since October. But you're correct.

So real quick on the comparison with MVC--

SENATOR MADDEN: Let me clarify it for-- At the One-Stops that are open, how come there is no face-to-face, in-person interview opportunities for our workers and constituents?

COMMISSIONER ASARO-ANGELO: Well, first, there's going to be on March 28.

SENATOR MADDEN: But why are we-- Think about this. Today is what -- March 10? We're talking 18 days. Like, why has it not happened? Why didn't it happen a year ago? Why didn't it-- This didn't just resonate. The reality is, we're approaching two years, very shortly. And--

COMMISSIONER ASARO-ANGELO: Yes, I completely understand, Senator.

SENATOR MADDEN: I mean, it's pretty much a simple question. Why can't people have access to real public workers who are there

to help them? They've been paying for this service for many years in their working lives.

COMMISSIONER ASARO-ANGELO: Since day one, Senator, our biggest motto and driving force has been paying the most claimants, as quickly as possible, as much money as possible. And by far the most efficient way to do that is online or over the phone. There's no doubt about it. All the stats bear that out. When we send somebody from the phone to the One-Stop, they're going to work about half the claims they're working on over the phone.

And more importantly, as far as the comparison to MVC -- there's nothing you can do in person you can't do online or over the phone. I'm not saying it's hard to get to somebody; that's a different story. But when you come in person, you're going to do the same thing you can do online or over the phone. But we understand fully that folks want that face-to-face, which is why we're opening back up our in-person services.

SENATOR MADDEN: There have been countless scenarios where there's had to be multiple conversations on a phone. A phone conversation takes place, something's resolved. And then it's months later for the second question on that particular claim. People don't have the ability to sit face-to-face, kick things back and forth, tell their whole story, ask questions. And I just have a real problem, thinking that you get as much thoroughness on a phone conversation as you do sitting face-to-face with somebody.

But when you talk from a Commissioner's sense about proficiency, and you can get as much done sitting on a phone or remote -- let's face it, everybody's sitting someplace remote; home or wherever they're

working from -- and the people who have paid into the system their whole life don't have the ability to go face-to-face to be heard. It seems very disingenuous. These people are -- have a need. The call for the offices to provide that service from our district offices has been ignored. That's how we feel. So why? -- going back to that question -- why?

COMMISSIONER ASARO-ANGELO: Again, the answer has always been about serving more claimants.

I also want to clear up something. Most states don't have any in-person services, ever, for UI. They didn't before COVID, and they don't now.

SENATOR MADDEN: Most states' employees pay nothing for the system; the state provides it. Where you're taking people's money, they are expecting a public service. And it's being -- I don't want to say totally denied, but it is extremely substandard when you can't get access. And then, what do they do? They show up at their representatives' door. Quite honestly, Commissioner, in the beginning, it was crazy. People were calling our offices right away; the liaisons. And then, all of a sudden, the district offices got shut down. We couldn't get return calls, couldn't get-- It's going to be at least three or four weeks before they get back to us. I mean, you talk about frustration in-- If you told us, pre-pandemic, that that's what we were facing, no one would have believed it. But the view is ugly.

And the numbers that you will speak -- we're going to hear about later -- the reality is like -- okay, you have roadblocks. How does it take a year to square UI? I mean, like, how do you do that? How does the State of New Jersey do that to its people? Like, we're not hearing-- The numbers look good. I've said this before in an analogy to my old job at the State

Police. We would take down drug cartels and drugs moving with a lot of seizures and high-level things, if you will. And the people don't connect to that; they don't know it. But you may have a local business that's running gambling or dealing drugs out of there, and they may or may not know that. But one thing they will know are the abandoned cars on the street corner, with the kids staying up all night keeping people awake drinking -- you know what I mean? Graffiti -- you clean that up; the people feel that, they know you're there.

I really, truly believe, analogous, that the Department has totally lost it. I think you're running at this level; you're running at a level where you're talking-- Like, "Hey, we're one of two states that are in this pilot program." We are better than Virginia; Virginia is one of the absolute worst performing UI operations in the entire country in terms of providing claims in a reasonable amount of time. I mean, come on, when you first took over, it was a -- that claims processing was a mess, from what I recall. And when you came in, to your credit, it started to elevate. But over the past few years, it's steadily going down, sir, to the point that this year, that you're representing your Department is paying their two-three week claims out at about 50 percent of the rate. When the standard that the Feds are asking you to hold is 87-- I mean, last year you had 68 percent, then it was 77. You see, every year, you're going down.

So when you talk about volume and numbers -- okay, that's that piece. But just focusing on ourselves -- because that's how we succeed -- right? We're evaluating ourselves against our previous performance -- it's just not there. Then you come in, it's, "Well, you know, we do as much remotely--"

So have you hired anybody extra? Could we talk about the number of people? Let's just say we go back to the beginning, okay? We roll up our sleeves and say, "Here, this is coming." And I know that you were very confident in the Department because of its response to Sandy. You felt you had the experiences there, sitting in your halls, and you were prepared for a pandemic -- whatever that was to be. And no one had a true vision. People are going to look back like they knew what was going to happen. I even said on the Senate floor, "We were closed for two weeks, maybe three. Then, all of a sudden, it was, 'Now we're going to be closed for another month-and-a-half.' Then May became June, and people thought, 'You're not going to be back and open our schools, and what have you, until four months.'" Long story short.

So you were walking into that, too.

How many people do you have in the Department; how many employees, roughly?

COMMISSIONER ASARO-ANGELO: Just UI, or everything?

SENATOR MADDEN: No, sir; just -- the whole Department.

COMMISSIONER ASARO-ANGELO: About 3,000.

SENATOR MADDEN: And how many are dedicated to UI?

COMMISSIONER ASARO-ANGELO: If you include the contracted call center right now, about 1,740.

SENATOR MADDEN: But prior to the call center-- So I'm going back to the start of this.

COMMISSIONER ASARO-ANGELO: Oh, back to the start of this? I'm sorry. In the UI world, 734; directly for the UI Division, 509.

SENATOR MADDEN: So 509 in UI?

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: So now what's happened?

Even your own stats don't look good nationally, if you look at them. You're losing the game. And here we are, two years later, where you should be on-- You know, there might be a bell curve in your performance, but you're not.

COMMISSIONER ASARO-ANGELO: Senator, obviously everybody's stats have been on a crazy path for the past two years.

SENATOR MADDEN: I don't want to hear that.

COMMISSIONER ASARO-ANGELO: I'm sorry you don't want to hear it--

SENATOR MADDEN: That has nothing to do with it.

COMMISSIONER ASARO-ANGELO: --but I can only talk about the data to date.

SENATOR MADDEN: Because this -- no, this is us.

Well, okay, go ahead. I'll let you speak, sir.

COMMISSIONER ASARO-ANGELO: So we've more than doubled our UI staff across the board -- were up to 137 percent, if you include all of our UI-adjacent divisions, like tax, benefit payment control, anti-fraud. And we're hiring every day; since day one of the pandemic, we've had job postings on our website.

But unfortunately, like every single employer out there, hiring is not easy, especially when you're talking about coming to government service. It's an unfortunate side effect of this pandemic. My counterpart in Pennsylvania -- not to bring it up again -- but when she testified a couple of weeks ago, an Assemblyperson said, "Secretary, in your report today, you talk

about the class with 100 new UI agents coming on.” And she had to tell him that she wrote that two weeks prior, and only 14 showed up. We’re having the same exact problems. Because in the end, what our claimants need, what your constituents need, are more people being on the other side of the phone. We’re facing the same problems hiring as anybody else. And even with that, we’ve more than doubled our staff across the board, and are still hiring -- still hiring.

SENATOR MADDEN: So there was a rule, within the Department of Labor, where you actually -- where the Department advertised jobs, reached out to people proactively -- the unemployed -- to bring job openings to their attention. Correct? Does that still exist?

COMMISSIONER ASARO-ANGELO: Yes; I believe you’re talking about the RASCA program; R-A-S-C-A.

SENATOR MADDEN: Okay. So in the-- Simplistic, from my sense, hundreds of thousands of people unemployed. We need help. You’re claiming hundreds of thousands of people; you don’t get the applications. And many of us hear about businesses not getting applications.

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: But within the Department’s authority, under that particular program, if you had the people who had the skill sets necessary to succeed in processing claims, you could put that job before them and they would have to take it, is my understanding. As long as it’s within a certain distance from their home; I thought it was 50 miles, if I’m not mistaken.

COMMISSIONER ASARO-ANGELO: I’d have to check the regs on that.

SENATOR MADDEN: So why would-- So this is my concept of this.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: We need help. And we can't have everybody say, "no." So you need to go out and get them and bring them in. And if you need to -- if there needs to be a regional-based approach, so you stay within the 50 miles, then do it regionally. And for the life of me -- and I mentioned this on the floor of the Senate -- we have National Guard armories for face-to-face intake if we need them. It seems to me that the Department works within the framework of a system that they were used to; tweaked it because they were told to under these regs. But just stayed there, and it was almost like we were doing the best with what we have. And it just doesn't make-- Something just doesn't make sense. My term is *head-scratching*, of course, that's what happened up here (indicates); it's all-- But it just does not make a lot of sense from this end, and I--

So could you just talk about the practical approach to this? All these unemployed that you have the ability to bring them in, and hire them, and people are not applying for jobs. Could you comment on that?

COMMISSIONER ASARO-ANGELO: My comment would be that we're-- Again, we are not in a strong position to hire, in general. We're out there facing private sector employers who are paying way better. And again, you're hearing from all your employers in your district. Has anybody here not contacted us about employers not finding workers? They have the same ability that we do to go out and hire workers. And with that, we've doubled our staff, and we're hiring every single day, and making the processes more efficient when they're here.

SENATOR MADDEN: What does a claims agent -- what's roughly the salary of a claims agent?

COMMISSIONER ASARO-ANGELO: Starting? It's about \$20 an hour.

SENATOR MADDEN: So what's that? Like, \$40,000-something a year?

COMMISSIONER ASARO-ANGELO: Something like that.

SENATOR MADDEN: Plus benefits; another 25 percent.

COMMISSIONER ASARO-ANGELO: Yes. You need a college degree, you need to pass an FBI check.

SENATOR MADDEN: So if I do \$25, it's \$50,000. That's \$50,000 a year to bring somebody on entry-level.

I'd like to shift to the finances for a minute, if I could, Commissioner.

So Commissioner, when the pandemic hit-- I'm looking at numbers. What I'm getting is, I'm going to reference numbers the Committee received from the Office of Legislative Services. And these numbers are current as of today.

COMMISSIONER ASARO-ANGELO: Yes, I want to introduce our Assistant Commissioner for--

SENATOR MADDEN: That's why I asked -- do you have a finance person--

COMMISSIONER ASARO-ANGELO: Yes, I want to introduce our Assistant Commissioner for Income Security, Ron Marino.

SENATOR MADDEN: I'll go with last year, because in fairness, 2020 was already -- we were at the tail end when this hit; we had six months left in 2020, actually.

So in the year 2020, the Federal government appropriated \$131 million -- I'm rounding these off, Ron -- they appropriated \$131 million to the State's UI operations. Of that, \$92 million was really allocated; it was about \$39 million in reserve to be used if you needed it. The previous year, in 2019, there was a surplus, actually; a reserve budget of \$44 million left over from that year that was not used. So between the \$131 million total appropriated in 2020, you actually expended \$143 million, eating up most of the reserve from the previous year.

My assumption -- it's not fair to assume -- but in 2020, when this pandemic hit, I think your expenses were going through the roof above and beyond what was usually budgeted.

So in 2021 -- this is where the question comes in -- now we're into this. The peak's there, things are shut down, and it's a mess. The year 2021, the Federal government jumped their appropriations to you to help offset your costs. It was \$156 million. They went from \$131 million the first year, in 2020, to \$156 million in 2021, okay? At the end of 2021, there was \$54 million left in the reserve that you never spent as a Department.

When I move into the current year, as we sit here, right? -- in 2022, it's only a couple of months in -- your appropriation went up again. It went up from \$156 million to \$178 million. As of now, you've expended \$18 million of it.

So how can you have this disaster of claims not being paid, problems with processing, and have a boatload -- have millions of dollars left

over? At \$50,000 a claimant (*sic*), roughly, to bring them in, entry-wise, my goodness, if you put \$10 million into it, you'd have a big block of people coming in. You had \$54 million left over. That's in reserve to be used now. Keeping this as simple and concise as I can, Commissioner, it all comes down to funding. Without the money, you can't move forward. The Federal government recognized the disaster that we had as a country. They're throwing more money at the states; they're putting it in there and investing the money so that it can be used to support the network.

If you didn't hire people -- couldn't hire people to process, what did we do with all the extra money? Where was it put?

COMMISSIONER ASARO-ANGELO: First of all, a pile of money is not -- we're going to be spending it, right? The whole point is to bring people on, pay for services, pay for our fraud detection. All of that has to get carried over to pay for funds throughout the CARES Act -- all the funding for the CARES Act programs.

SENATOR MADDEN: CARES Act?

COMMISSIONER ASARO-ANGELO: We're still working on them.

SENATOR MADDEN: Sir, the year 2021 has come and gone. It's come and gone; \$156 million. You expended \$99.6 million. You had a reserve leftover of \$54.8 million. I don't know; how's that possible? That's the-- You had a whole calendar year of this. The previous year was 2020. You spent more money -- your Department spent more money in expenditures in 2020 than it did in the year 2021, when this thing was just at its highest peak. And we're sitting here crying for help getting the processes in place for our constituents. "We work proficiently at home; it's really

working. One-point-six million people taken care of; \$37 billion paid out.” It looks great, and God bless them.

If I may; I meant to pre-empt this.

There has never been, that I know of, in any of my exchanges with my colleagues -- no one has ever said that the employees in the Department of Labor and Workforce are not performing their job. Like the workers, the claims specialists, just-- I need to be on record with that. That has never been spoken about on the Senate floor, it has never been referenced in any conversation that I, as the Senate Labor Chair, has ever had with anybody.

We truly believe people are working hard. I can only imagine, on their end, the frustration they’re receiving. We’re getting it; like, we know. And I’m sure they’re getting that also.

And quite frankly, sir, I’m not even sure -- maybe you have a part of -- like employee assistance, just so your people can vet out, to keep themselves grounded. Because I’m sure it becomes-- Quite frankly, the stories become -- can become very depressing on an employee, and hurt them.

But regardless-- So back to the operation, say, from those making decisions and calls. How does this money that’s left over -- which is not a little bit; it’s an exorbitant amount -- you clearly have the ability to go out and hire people, find them, create new projects, do outreach programs, put computers in legislative offices. I was denied that opportunity just so I could help my own constituents come in, and-- You know, there are a portion of people who don’t have the skill sets, quite frankly. They’re intimidated. When you talk about student, yes or no -- well, they would have us in the offices as guides and something.

So please, this just-- Again, head-scratching; doesn't make a lot of sense. And there's no expectation or no vision, right now, that this is ending anytime soon -- the debacle that we feel that the State is in, that it's placed its unemployed in.

COMMISSIONER ASARO-ANGELO: A couple of things, and then I want to let Assistant Commissioner Marino correct me on anything I say wrong; or actually say what I need to say.

Just because you mentioned it -- the legislation about staff and computers in the offices -- it was the U.S. Department of Labor that said "no" to that -- that our program would be out of compliance if we provided funding for that.

And on the-- I'm guessing that you're talking about--

SENATOR MADDEN: Excuse me. Of the \$54 million that was leftover, you could not use that to hire people?

COMMISSIONER ASARO-ANGELO: Not to go work in your offices, no.

SENATOR MADDEN: Work in our offices?

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: That's fine. But they could work in your office. Could they work in a National Guard Armory, if it was an office that was taken over by DOL?

COMMISSIONER ASARO-ANGELO: On the funding -- and Ron, correct me if I'm wrong -- I believe it's because-- You're talking about the UI admin base funding. And when the CARES Act monies came on, almost all of our staff work and expenditures shifted to the CARES Act funding, which is why the regular UI base funding was left -- that portion, at

that point in time, was left unused because almost every staff went over to fund -- to work on PUA claims.

And Senator, I want as many employees as possible; I promise you. And we're doing everything we can to get more employees. But we don't work in a vacuum. We are out there competing against every single private sector company that can offer way more than we can in the government, in wages and benefits. Again, you're hearing every employer talking about this. This is not unique to this department.

Ronald, is there anything else you wanted to say about the funding?

SENATOR MADDEN: You know, Commissioner, pre-pandemic -- if I need to, I'll have these stats pulled -- pre-pandemic, if you had vacancies for claimants, did you ever have trouble finding people to apply for the jobs at DOL?

COMMISSIONER ASARO-ANGELO: Absolutely, absolutely, absolutely. Before COVID, I was up here talking to many of you, at that point in time, about the labor shortage pre-summer of 2019, pre-summer 2018.

ASSISTANT COMMISSIONER RONALD MARINO: There was a worker shortage before we got to COVID.

SENATOR MADDEN: Commissioner, what I will do is, I will have my legislative aide reach out to your liaison.

COMMISSIONER ASARO-ANGELO: Okay.

SENATOR MADDEN: And we'll pull the numbers about how many times these went out, and what the applications were, and if there's a way maybe we further announce that.

But the bottom line is, it's my impression -- and I went along, I thought this in my own mind -- you have the ability to tell someone, "You've got the skill sets; this job is open; you need to apply for this job or your benefits stop." That's basically-- I mean, that sounds hardcore, but that's how I truly believe it. Otherwise, they're just sitting back doing nothing, and, you know, that was not the intent of the UI system. It was a stopgap measure while they were in between jobs, and that's why you do the weekly certifications and things of that nature.

But with the strength, and the importance, and the problem, it just seems like it's -- that exercise was never put in place.

Oh, boy; all right.

If I can go to March 28; here we go, we're all going to go to work on March 28. We have our One-Stops that are open. We're going to go to how many sites? Was it 12?

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: Twelve sites. And how many people will be at those sites, working, doing face-to-face claims, per site?

COMMISSIONER ASARO-ANGELO: About 32.

SENATOR MADDEN: You'll have 32 people at each site?

COMMISSIONER ASARO-ANGELO: No, no, no; I'm sorry. That is statewide.

SENATOR MADDEN: Statewide. So, as I recall, it's like two people, maybe three, as I mentioned to my Senate colleagues last week.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: How many pending claims do you have right now -- ballpark?

COMMISSIONER ASARO-ANGELO: Pending claims? I mean, depending on the definition of that, we're current for new claims.

SENATOR MADDEN: I should say this. How many claims do you have that need extra work -- that didn't pass phase one, where they got the two-, three-week approval?

COMMISSIONER ASARO-ANGELO: We're about 10,800. But those are cleared out on a weekly, two-week cycle.

SENATOR MADDEN: So what I'm--

COMMISSIONER ASARO-ANGELO: And to be clear, at the peak, we were at 186,000.

SENATOR MADDEN: If I could just-- I want to try to make sure I speak *labor talk*, because I want to try to make sure I'm clear with what I'm putting forth for yourself, sir.

I thought you testified you receive approximately 5,000 claims a week right now.

COMMISSIONER ASARO-ANGELO: Those are 5,000 claims a week that are stopped because of an adverse question in the certification process.

SENATOR MADDEN: How many people file for unemployment a week, roughly, now?

COMMISSIONER ASARO-ANGELO: It was 8,000 this week.

SENATOR MADDEN: Eight thousand? So we know this, that according to your current stats, roughly 4,000 of those people will be paid their check within the first two to three weeks; and things will be -- they'll go through the system fine. Leaving 4,000 people this week who will be-- You

see what I mean? Your weekly intake is 8,000? 5,000? It's significant, but--

COMMISSIONER ASARO-ANGELO: More than 50 percent are getting-- First of all, if they're a clean claim, if they're a W-2 employee, we have their wage records from their employer, and there's no prior misconduct, or voluntary quit, or temporary disability, or prior overpayment, they're going to get their money in two weeks.

SENATOR MADDEN: Okay, so it's -- maybe it's only just because it's January and February, but your own Department's report to the Federal government for this year, 2022, reports that the Department is processing 50 percent of the claims within two to three weeks.

COMMISSIONER ASARO-ANGELO: Okay, I'm not looking at that. And yes, January is--

SENATOR MADDEN: Well, I'm telling you. That's why I'm saying, well then, two to three weeks, 54,000 claims are going to have to have to be taken care of three weeks from now. And you're giving me 32 people; not me, but you're giving the people 32 face-to-face claimants (*sic*) -- throughout the entire state, by the way. And quite honestly, I think where I live, in Gloucester County, the person has to drive, like, to Pleasantville, or Cherry Hill, or something, if I recall -- which they may or may not have the ability to do that.

COMMISSIONER ASARO-ANGELO: So let me be clear, Senator.

We do 25,000 appointments a week; 25,000 appointments a week--

SENATOR MADDEN: Face-to-face?

COMMISSIONER ASARO-ANGELO: --over the phone and online. And those people have the same process as anybody else.

SENATOR MADDEN: So how long would it take someone to work through an appointment? If I went into a One-Stop with a face-to-face claim that I've lost my job -- ballpark, what's an average time to expect me to sit down; and by the time I sat down with the claimant and then left--

COMMISSIONER ASARO-ANGELO: I'm not trying to not give an answer, but like the hospital example, it matters what-- Do you have a fractured thumb? Do you have cancer? Do you have a broken wrist? If you go in and-- If you answered a question wrong, or adversely, you need to have an agent fix that. That could be a minute or two. If you need an appeal, obviously it's a whole separate process; you have an appeal process. You might need to hear from your employer. We might need to get monetary information from you.

SENATOR MADDEN: So--

COMMISSIONER ASARO-ANGELO: But generally, it would be about 9 to 10 minutes.

SENATOR MADDEN: So if I'm one of the individuals who wishes to apply for a face-to-face meeting, how am I going to do that on March 28? Are you starting now to schedule those meetings?

COMMISSIONER ASARO-ANGELO: I think next week we're starting to call the people who are already on the list -- already on the wait list.

SENATOR MADDEN: So you're actually reaching out proactively to the claimant?

COMMISSIONER ASARO-ANGELO: Correct, correct.

And also, real quick, Senator, even before COVID, people didn't file claims in person. There was no in-person claim filing process at all.

SENATOR MADDEN: So when your representative calls the individual -- and I'll pick Cherry Hill; is that a site?

COMMISSIONER ASARO-ANGELO: Yes, yes.

SENATOR MADDEN: I'm pretty sure it's still going to be one.

So they're at Cherry Hill, and I'm setting up the schedule. The person who calls to set up the schedule -- how are they doing that? Like, what time are they going to tell me to come in? I'm the very first appointment. What time will I come in?

COMMISSIONER ASARO-ANGELO: I believe it's either 8:30 or 9 a.m. I'm not sure; depending on the site, possibly.

SENATOR MADDEN: Okay, so say -- how about we say 9 a.m.

COMMISSIONER ASARO-ANGELO: Sure.

SENATOR MADDEN: What time will the second appointment be made?

COMMISSIONER ASARO-ANGELO: I think, right now, it's probably going to be 9:15 a.m.

SENATOR MADDEN: And then -- is that because there are two claimants there?

COMMISSIONER ASARO-ANGELO: I'm not sure what you mean.

SENATOR MADDEN: So in other words, let's just say you had one claimant-- Let me try this: one claimant at Cherry Hill. I'm the first appointment at 9 a.m. Well, when would you schedule the next appointment?

COMMISSIONER ASARO-ANGELO: At 9:15 a.m.

SENATOR MADDEN: So I would be expected to be done with that claimant in 15 minutes?

COMMISSIONER ASARO-ANGELO: I mean, again, you know, obviously, as you know by now, every claim is different. But if it's a general, easy issue to solve, yes.

SENATOR MADDEN: So will you be making -- will the Department be making an appointment every 15 minutes?

COMMISSIONER ASARO-ANGELO: I believe that's how we're starting. And obviously, over time, if things go quicker, we'll change our scheduling around. We're going to learn a lot from this process.

SENATOR MADDEN: That's okay. So you're envisioning each processor, claims processor, performing four per hour.

COMMISSIONER ASARO-ANGELO: *UI Clerk*, yes.

SENATOR MADDEN: And they work seven hours a day?

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: Okay.

So we get back into -- I've got two people making, possibly, 56 claims -- two processors handling 56 claims. I'm bringing in, roughly, from my own stats -- I'm projecting that if I had 8,000 this week come in, two weeks from now, three weeks from now, I'm still going to have 4,000 of those people left over. So I guess the Department's working on those? Those people -- will they have the ability to come in? Like, who's getting the phone call to come in?

COMMISSIONER ASARO-ANGELO: Folks who were-- We're still working out the process. But it's basically going to be people who have

been waiting the longest, or the latest date of claim, folks who already expressed hesitation or issues working with the computers, or having technology problems. Those are the kind of factors we're going to be using to schedule claims to come in.

SENATOR MADDEN: So the people who have not been able to get right through the system in the first two or three weeks -- you'll be calling those people in -- those people who are pending?

COMMISSIONER ASARO-ANGELO: We already do that, right? That's the agent intervention process.

SENATOR MADDEN: But are they the people who are also going to be called to see if they want a face-to-face meeting?

COMMISSIONER ASARO-ANGELO: They usually do not need that. If they express that, then we'll figure that out. Generally, again, these processes happen, again, 25,000 times a week without being in-person. I think the demand for in-person will be waning over time.

SENATOR MADDEN: Do you honestly believe-- I mean, I guess you must; it's a fair question in my mind -- do you honestly believe putting 32 people in the field throughout the entire State of New Jersey -- that that is going to be able to provide enough face-to-face, timely face-to-face meetings for our constituents?

COMMISSIONER ASARO-ANGELO: We're going to see. No, I don't think so. But they don't need face-to-face time. The ones who do will be able to use it, and we're going to schedule them. And we're going to hopefully serve them in a way that gets them their claim adjudicated and their benefits faster.

SENATOR MADDEN: So in the wake of people-- I'll give you a for instance. I had a fellow helping me draft-- I'm working on a bill, and UI came up. His comment to me was, "I'm so glad you are looking into that." He says, "My son was affected by this. It was May." He applied for it, and he got a call saying, "We'll be back to you in September to talk." The initial one. And that was last calendar year, 2021. So--

COMMISSIONER ASARO-ANGELO: One-third of the workers in New Jersey--

SENATOR MADDEN: Look, in the end-- I mean, I guess as legislators we have our own responsibilities. But quite frankly, Commissioner, it's disheartening when you can comment and testify that, "No, I don't think 32 people is enough to take care of the claims in the field. But quite honestly, people don't need to have face-to-face to have their claims done." I really think, in my mind, I feel you are testifying now -- and I firmly believe what you're saying. I get it, I understand the level; you're adding government. But I really believe your vision is too high.

I think the person down here, the mother who can't get food; that the people who are giving up and walking out of rent, and back into their homes with their parents. All these stories that your claims people have to share with you -- they are real. And if it means us-- I think this much about it. I actually think the State of New Jersey should provide transportation for the unemployed to these One-Stops that do the face-to-face interviews. I feel we should have mega-sites, I feel we should get DOT on the phone, and I think that we should put money in it; and I think that if they need a ride, we should be at their doorstep, bringing them in and processing them. If we were able to do something so unified as a government to let people know,

“Look, by no fault of your own, you’re unemployed.” You can play the COVID and the pandemic piece wherever you belong on it. The bottom line is, they really are hurting; not even getting into the businesses.

So that’s where I am on this. It’s not, “Well, you know, they can do it on the phone, and they can do it on a computer.” It’s really what’s right; it’s what people expect. If we have to go the extra mile and let people know that we’re a true partner with them, that we really are *with* them, and we’ll walk through the processes with them, we need to be doing that as a State. And we have the money to do that. My goodness, you have \$54 million left over for the sheer fact that you were able to supplement your budget with CARES money, or wherever you got it -- Rescue Plan money -- but Federal money, but a different pocket.

And the money is there to do such a thing. And a \$50,000 salary and benefits, roughly, we have the ability to pull people in. And, quite frankly, it’s just disheartening. And there’s a lot of energy--

Look, I don’t want to--

COMMISSIONER ASARO-ANGELO: Just real quick, Senator--

SENATOR MADDEN: I think we’ve chatted for quite a bit.

COMMISSIONER ASARO-ANGELO: I want to be clear about one thing.

We talk to desperate claimants every single day. And so I don’t want you to twist my words to say that we don’t care about these people. We care deeply about them. We’re working our butts off for two years straight, to get them every single penny they deserve and within the confines of what we have to deal with. And we have 25,000 appointments a week, and we’re

now opening offices to have more appointments face-to-face for folks who need them. And we're going to be doing everything we can to make that service more efficient, to make sure as many folks get any kind of appointment they need. And we've been doing that since day one, Senator.

SENATOR MADDEN: So the 25,000 a week that you do now, the 32 people who you're putting out in the field -- are you pulling them from that 25,000, like you just--

COMMISSIONER ASARO-ANGELO: Correct, yes.

SENATOR MADDEN: So if this does not work, how will you know, or when will you know that it's not working -- the face-to-face -- that you don't have enough processors in the field to handle those who desire a face-to-face? Or are you just -- are you even going to address it, or are you just saying, "This is what you get; you don't really need it." Like, what's the plan?

COMMISSIONER ASARO-ANGELO: Right; I appreciate that.

We use metrics for everything. So we're going to, one, see how many people show up, see how many people want appointments, and we're going to see how quickly they can get their claims processed. Once they get there, to see what the follow-up issues are -- they may have for their claims process. And all other kinds of metrics, as far as timing -- how long it took for them to be in there, and we'll figure out the plan after that, once we get started.

SENATOR MADDEN: All right.

Look, I know this is going-- I'm going to make sure that my colleagues have--

Thank you for your time. If I may, just one jump -- the enforcement piece on misclassification. We have a number of laws, and it's just-- I spoke to you about this before; it's coming down to enforcement.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: The bills that we passed last, they were signed last July 8, I believe, in 2021. We passed a half-a-dozen bills in January. We are losing a boatload of money through misclassification of people not paying their own way. And the shame of it is, some of the people you're running into who don't qualify for UI are victims of the misclassification--

COMMISSIONER ASARO-ANGELO: Absolutely, absolutely.

SENATOR MADDEN: --because their employer stuck it to them. You know, if somebody went and they made a -- if they did an armed robbery for \$500 grand, they would be prosecuted criminally and be going to jail. But yet, you can have an employer do that, and it becomes almost like, for some, the belief is that it becomes part of the normal business practice.

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: And run until you get away.

When you talked about -- I believe it was 44 cases that you did the stop-work on.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: Do you think that's enough? Like, it's-- Where do you need help here? My envision is, you don't have enough investigators in the field; that's how I truly believe. Could you share-- What's really going on?

COMMISSIONER ASARO-ANGELO: Well, thanks to your support, Senator, we've almost doubled the number of investigators under the Murphy Administration. The issue of stop-work orders is obviously a new, novel power that we have that we've been using a lot with great success, as I mentioned in my testimony. Again, we are one of the most innovative states when it comes to worker protection and strategic enforcement; and fortunately, misclassification -- we have the strongest laws on the books. And we're doing work every single day with our partners, the AG's Office. You mentioned criminal charges; we've brought criminal against multiple contractors now, or employers now, about misclassification. And I presume you're going to be hearing more about that in the near future as well -- on another case. We're working closely with DOBI, Treasury; we have monthly meetings with our stakeholders, we have joint investigations. We had the biggest, ever, joint investigation up in Jersey City last year. We had 60 agents from the Department of Labor and the Department of Treasury, the AG's Office, and a couple of others up there on one site, going through, worker by worker, hearing their stories about misclassification. This government, this Administration, is fighting misclassification like no other has before, and we're not going to stop.

SENATOR MADDEN: Thank you.

We're going to move on to Senate Majority Leader Teresa Ruiz.
Senator.

SENATOR RUIZ: Thank you, Chairman; and thank you for including me, to the members of the Committee.

Commissioner, thank you for your conversations. You and I have had many, many conversations offline, online.

But I want to follow the trend of the Chairman -- and I apologize to members if I'm repeating some of the discussion points -- but I want to stick to the One-Stops with the UI individuals. Because you know you're making appointments, and it's coming off of the list. You should have, already, some kind of timeline with-- How many months will it be before you go through that list, so that when will a person, if they want to see someone in person, get the opportunity to go to the One-Stop?

COMMISSIONER ASARO-ANGELO: Senator, I think the big question mark in that is, how many folks are going to want to come in, in person? We don't think it's going to be as high as you think it's going to be. We're going to service them either way; but I think when we're talking to them, they're going to say, "Oh well, can I get this done over the phone right now?" They're going to say, "Yes, I would rather do that." Talking to our colleagues across other government agencies-- Even with the Department of Labor, we've serviced more than half-a-million folks in our Workforce Services out of the One-Stops, by the way. Our Workforce folks are dying to see people in person. But half the time, they don't want to come in person; they want to do their service virtually or over the phone.

SENATOR RUIZ: And I agree with you. I think once somebody gets a person who's capable of helping them with their file on the line, and it could get addressed on that telephone call. The issue is, just making that initial connection with someone who can do whatever it is, to either get notification that they're denied, or fix something that was in the application, or whatever it is. But it's just difficult for me to continue to hear the same numbers, the same things, and not have a greater plan, like the Chairman is alluding to. And you were awfully kind and respectful in delivery of it.

I'm not going to speak for everyone, but I'll speak for myself. I am begging you to do something different. I know that you have this preconceived notion already embedded in your head, that you say is steeped in facts. But we are all getting an entirely different picture. We are telling stories that are entirely different. It's my understanding that the One-Stops -- I don't even know if they've had conversations for the March 28 opening, because what's going to happen is, people who have appointments will go down, people who think that the office is just open -- they're going to show up at the buildings, and then our County employees will have to deal with navigating that process and helping them.

I'm asking you to do more, right? I know that there appears to be a shortage with the 734, and the 509 dedicated employees who are only focused on this. Did you ever go into another division that perhaps is not as stressed during this time so that you can switch them over to help with this?

COMMISSIONER ASARO-ANGELO: Absolutely; especially during last year and into 2022.

SENATOR RUIZ: But why are we not continuing to do that?

COMMISSIONER ASARO-ANGELO: Because they're almost all Federally funded; and they have to do their Federally funded responsibilities at the One-Stops, by the way. The Workforce Services, DVR, all of our -- we are 96 percent Federally funded in my Department.

SENATOR RUIZ: And that precludes them from doing this job?

COMMISSIONER ASARO-ANGELO: They've been doing that. And listen, there's no doubt that the Workforce staff is going to be helpful with the on-site appointments; no doubt about it.

SENATOR RUIZ: No, no, I'm talking about in general. Like, taking a different division and putting them behind the phones so that they can process applications one-on-one.

COMMISSIONER ASARO-ANGELO: We've pretty much maxed that out.

SENATOR RUIZ: How have you maxed it out, if you have 1,500 employees, you said, and only 509 are dedicated to this?

COMMISSIONER ASARO-ANGELO: Because they have their own job responsibilities. And I don't think you want us stopping to do wage-and-hour investigations--

SENATOR RUIZ: No, nobody wants to stop that; I--

COMMISSIONER ASARO-ANGELO: --or Workforce Services, temporary disability, or family leave, or workers' comp. They also have other jobs to do.

SENATOR RUIZ: Right; I prefaced it with a division that perhaps wasn't as hammered during this timeframe.

COMMISSIONER ASARO-ANGELO: There are no more divisions that have not been hammered.

SENATOR RUIZ: Okay.

COMMISSIONER ASARO-ANGELO: Quite frankly, probably in all of government; certainly not in the Department of Labor.

SENATOR RUIZ: Okay.

Is everyone physically back at work?

COMMISSIONER ASARO-ANGELO: Yes, except for the one floor, we discussed, that has had construction since mid-last year.

SENATOR RUIZ: And what Division is that?

COMMISSIONER ASARO-ANGELO: That is Unemployment.

SENATOR RUIZ: That is Unemployment.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR RUIZ: So during that time frame-- And I'm only saying this because I think we have a key opportunity here. When we had our discussion before -- and I think you heard the Chairman allude to this, and through him, I will say it again: It's time for us to set up these mega-stops. These mega One-Stops for areas that don't have a One-Stop -- and won't have more than two people on there -- even if you think no one is going to show up. But it will say to our families that New Jersey is present and ready for them to be helped. I think you alluded to some of that in your comments, but I don't know if there's a concrete plan to roll this out.

COMMISSIONER ASARO-ANGELO: A concrete plan is to open our services back up at the One-Stops, see how that goes, and work on expanding from there. And to answer your question about scheduling -- we're really not going to know how far we can (indiscernible) until we see the demand for those in-person appointments.

So Senator, I am all on board figuring out more ways with every single one of you to be more present in your Districts.

SENATOR RUIZ: Yes, but we're waiting, though. So we're all on board. To be honest, the One-Stops with the UI employees could open up tomorrow, to be honest with you. These are people who used to work at these sites before. I don't know what the ramp-up time is needed for. And you're nodding your head, but you're not giving me a response to that. So I'll move on.

COMMISSIONER ASARO-ANGELO: Oh, you mentioned it yourself. We have to talk to the County staff that run these One-Stops. None of the One-Stops are State -- most of them are not State facilities. They are leased; our partners are in those buildings already--

SENATOR RUIZ: But if there's this planning strategy, when we all came back to work-- It's interesting to me that each one of our offices, regardless as to what the title was that our employees had, they pivoted to pitch in to help, right?

COMMISSIONER ASARO-ANGELO: Right.

SENATOR RUIZ: And now many of our staff members are stuck doing this job that really belongs under the Department of Labor. We try to do the best that we can; we help. It would be great, though, to get an actual person on the phone to address the issue when they call our offices, or to send that person somewhere to say, "Hey, on Sunday, they're going to be in Union County in this public library spot, or at this school, and you will get the answer to get your issue addressed." You keep saying, "We're going to look at that as we unfold." We are -- I am asking you. It is not time to *look* anymore; it is time to *do*.

COMMISSIONER ASARO-ANGELO: Understood.

SENATOR RUIZ: So it's frustrating because, you know, we had the offline conversations. I remember in October having this conversation with you about the One-Stop. Everybody was coming back in October, but they weren't coming back. And I don't remember what the answer was. Meanwhile, all our offices are open, and people are showing up, and we're trying to do the best we can. But our bandwidth is not as expanded as your offices are. And I don't want to go back to that.

I am asking you, today, to say, "This is what we're doing." Not, "We're going to wait until March 28 to see how many people have appointments. Then we'll navigate on April 28 and see if it makes sense to open up community spots. Then we'll wait until May 28 to see--" There has to be a more critical urgency here. I feel like all of my colleagues, on both sides of the aisles, have expressed that. We want this sense of urgency leant to the Department. I don't necessarily hear that in your remarks. And maybe I'm missing something, because I'll give you the benefit of the doubt.

And under no circumstance am I saying that you don't feel; that you don't understand the hurt or the pain. But it is very concerning to be an advocate for constituencies-- My phone was blowing up this morning, and I'm sure everybody else's was. CPI -- the highest -- 40 percent; the cost of living is going up, up, up. I have someone who is still waiting for an appeals process for a year. Either they qualify or they don't. Either they made a mistake on the application, or not. I don't understand why it has to take 365 days.

I am asking you, I am imploring you, because these are the only things that we can do, is to say, "I hear all your stats, you're saying, 'We're doing much better than every other state. We're processing. We never had offices before.'" I can tell you our Essex County One-Stop, the numbers-- My community wants to go somewhere and see someone. They've been used to this, they've been shut out of this process for the last few years. Having two people at that one site will not be enough.

I am asking you to please step up your game.

COMMISSIONER ASARO-ANGELO: Understood.

SENATOR MADDEN: Thank you, Senator.

Vice Chair.

SENATOR LAGANA: Thank you, Chairman.

Of course I echo your words, and the words of the Majority Leader.

And I thank the Commissioner for coming in today, making yourself available.

It's undisputed that we're dealing with unprecedented times, with extremely difficult issues; dealing with a life scenario that no one ever thought that we were going to deal with. For the most part, we're getting through it. It's still out there, who knows what every day brings, but we'll deal with it.

When it comes to unemployment benefits, specifically -- because, of course, that's what we're here to talk about -- we're dealing with a population with our constituency that is really -- has reached their lowest point, because they're not able to pay their bills, potentially. When someone makes an unemployment claim, they're looking to get back the benefit that they paid into, and receive something that's going to help them sustain their family.

And I think about it in my own life. What would I do if I couldn't pay my mortgage? What would I do if I couldn't buy food? What would I do if I couldn't pay for school? What would I do if I couldn't buy gas? And as the years go on, of course, as the Majority Leader just noted, it's getting more, and more, and more expensive.

A couple of months ago it was only \$3 for a gallon of gas; now it's \$4.50, which is what I paid when I came down.

So when a person makes an unemployment benefit claim, every day that passes is a lifetime; it's an eternity. And they get that many of the claims were processed, somewhat quickly; some of them weren't; that there were issues with claims; that there was fraud. And I can personally tell you, someone tried to make an unemployment claim with my information. They had my Social Security number; which was caught by the Department, so thank you.

But all these things being considered, we did have a situation, and we continue to have the situation, where people are waiting, and waiting, and waiting, and waiting, and waiting. And again, it could be multiple issues why they're waiting. Some of them could be very small technical issues; they didn't check a box, they didn't have a document that was submitted.

And I understand that, right? This is a process. But we have to put together a procedure where a person shouldn't have to wait weeks and months for this to be discovered and to be corrected. I mean, in my mind, it should be something that is discovered and corrected almost immediately. Because, again, every day that clock ticks; every single day that clock ticks, a person's not getting money, their life gets worse, and worse, and worse, and worse. We're dealing with the most -- our most vulnerable in our population. People are not only dealing with not being able to pay things but, of course, people may have illness in their family. And I mean, let's not forget that a lot of people died from COVID, and a lot of people got sick from COVID and continue to be sick from COVID.

All these things put together -- we're creating an atmosphere like a pressure cooker, where things are going to explode. And our legislative offices -- and I think we've all had the same experience, pretty much, from

the beginning -- and I had my staffer, Mark, come down today, who kind of deserves a medal for his two years of work--

UNIDENTIFIED MEMBER OF COMMITTEE: They all do.

SENATOR LAGANA: They all do. Yes, you're right; they all do. Because we became a satellite office of the Department of Labor. We just did. I mean, that's without question, we became a satellite office. We were not able to handle almost any other issues besides unemployment. And most of us have small offices; I mean, you know, we don't have a huge budget to hire people. So we had one or two people trying to do everything. And they were just working day and night trying to help, trying to help, trying to help. And they got to the point where the communication -- and this is my major point to my comments -- the communication completely ended. And I think that's where the frustration lies on our part.

You know, communication is the most important thing in life, whether it's personally, in politics, and government; specifically in government. Communication to the people who we represent, and giving them the right message and the right information.

And my office gave me some stats that I just want to kind of read for the record.

Our e-mail intake -- just e-mail intake -- and this is me, not my Assembly colleagues, and not calls -- between May of 2020 and August 2020, we had 505 specific e-mails, each a different claim. And from August until February 24, another 510. That's over 1,000 e-mails, just e-mails, that were sent by us to our liaison. The joke in the office became -- we didn't actually think there was a liaison; it was just--- Our liaison was *Jane Doe*, basically.

Over 1,000 e-mails; only a handful were answered to us. And again, I understand. These are unprecedented times, and we're dealing with things that nobody could have prepared for. But, you know, we're going into the third year, almost, of this. And going back to that word *frustration* -- not being communicated back to, because people who are not getting the benefits just kept calling, and calling, and calling, and it became -- it was fear, it was despair. I mean, all these emotions that we get over the phone from people who are-- I mean, some people would just laugh; it almost became comical to them that so many months passed and we couldn't even give them an answer. And as representatives, it's really painful for us to say -- you have to sit there and to just say, "Well, you know, we're trying, we're trying." And that just became the word of the day, "We're trying, we're trying, we're trying, we're trying." And people became angry at us; and, of course, we became angry at the Department. And that's just the way it goes.

But after we've gone through this process now, again, dealing with a very important issue, it is my opinion -- and I hope that there's a reconsideration of the process going forward -- is that, we never pivoted and adjusted the right way. And let me explain that. When it came to testing and vaccines, we called in -- literally called in the National Guard. We opened up mega-sites, people waiting online. I mean, it was-- We all lived it, right? We still live it, to a certain degree. Getting people paid so they can live their lives and just -- really, just live; like, go on to the next day -- is as important as it is to get people tested and vaccinated if they so choose.

But we just didn't pivot the right way, right? And then the Majority Leader mentioned mega-sites, right? Getting actual physical employees down there because, I can tell you, I believe when you open up

the in-person, and there are 32 people, it's going to be, like, you know-- I think you're going to have to call in the National Guard just to help with crowd control. I don't think I'm wrong on this; I think that's going to happen, because I will tell you that our offices almost became that. And it's still happening; it has not relented.

So I implore you to reconsider, going forward, how this is handled. And the message that has to get sent to our constituents and the people of the State -- specifically, people who have been waiting for a long time or are in, really, a scary part of their lives -- is that we care, and we're trying to compensate for what they're dealing with, right?

And I kind of liken this to, you know, if you turn on a weather report and it says tomorrow's going to snow 6 inches -- and that would be a lot of ice -- you send out the plows, you brine the roads, you drop the salt. And we wake up the next day, and it didn't snow. No one's ever going to say, "Hey, why did you throw all that brine on the street?" But if you don't do it, and you wake up and the streets aren't plowed, you know what they're going to say? They're going to say, "Why the hell didn't you brine the roads, and drop the salt, and plow the roads?"

This is a similar situation. If you open up these sites, and you put 30 people in each one, and five people show up, okay, all right. Next day, 10 people show up; next day, 20 people show up. Three weeks go by, four weeks go by, and you confirm that most people would rather do it online or over the phone. Then you pull back, just like we did in every other response to the pandemic. I think that's more appropriate. No one's ever going to criticize for the overcompensation when it comes to something like this.

I would ask that that be done; that that be considered. I know we passed a resolution a week ago about getting people back to work. I strongly believe that people are more effective going to work and not home. That's my belief, and I think a lot of my colleagues believe it. And I would just ask that in conjunction with the opening up more sites and having more people physically be there, that when it comes to our actual liaisons -- I think the communication really, really, really needs to improve. I think that we have to give people answers, and at least give people statuses. And if there are specific issues with their unemployment claims -- if it is, "Hey, you didn't check a box," or-- Because many times we've communicated off-line --- and I thank you for your help with many of the cases -- it was something so small, something so simple, that we remedied it. And just having that communication I think could solve a lot of these problems.

So that's my -- those are my comments, and I'll yield to my other colleagues here.

SENATOR MADDEN: Thank you, Senator.

We will now move on to Senator Bucco.

SENATOR BUCCO: Thank you, Chairman.

COMMISSIONER ASARO-ANGELO: Could I say something real quick, about Senator Lagana's comments?

Just earlier on, Senator, you talked about why these things couldn't be discovered and cured immediately. That's what we did last year, when the U.S. Department of Labor told us to stop doing that. So often in what we're doing -- it's just that one thing we're talking about. So often we're trying to pay people faster, to make them eligible faster. And the Federal government is saying, "No, you're not allowed to do that." It's extremely

frustrating. It was just like you -- we're hearing horrible, dire circumstance stories from individuals directly, from your offices. And we try to do everything we can. And so often we're told, "No, you're not allowed to."

So every day we have to balance the (indiscernible) Department, paying the most benefits to the most people as quickly as possible, and not getting in trouble for it, and not shutting down the whole UI system and being out of compliance.

We hear from businesses about folks who are getting unemployment on their dime who don't deserve it. All of this is something we have to consider on every single claim. Again, if it was up to me as Commissioner, we would pay every single person a benefit. The UI system wasn't designed to give benefits to every person. I wish it was.

SENATOR MADDEN: Senator Bucco.

SENATOR BUCCO: Thank you, Chairman.

First, let me commend your leadership; for first, bringing a resolution to the Senate that every single one of our colleagues signed on to and passed unanimously in our House.

And let me make one thing clear. This is not a Democrat issue, this is not a Republican issue. This is a human issue. And the fact that we are sitting here, almost two years after the start of this pandemic, and we are still in a crisis mode, is unacceptable. I have to tell you that, Commissioner; it is unacceptable. And you understand our frustrations, from both sides of the aisles. But more importantly, you need to hear the frustrations of the people who are not being served. Those are the real victims here.

Before I came down today, I asked my staff to put together a list of the claims that are still pending in my office. Let me tell you, I'm going to read some of the numbers off to you.

Two hundred ninety days, pending; 286 days, pending; 202 days; pending; 203 days, pending; 173 days, pending; 174 days, pending; 167 days, pending; and the list goes on. That is unacceptable; unacceptable, and it's unacceptable when 63 percent or more of our residents are living paycheck to paycheck. And when that paycheck stops, to have to sit for 290 days without a response is ridiculous.

And when we shifted to the new system-- When my staff submits a claim, there's nobody for us to talk to. You know, these are your own words, "Unemployment is confusing," right? You used those words in your introductory comments. But yet, we submit a claim that's out there for 290 days, and there's nobody who we can talk to. Nobody who we can talk to, let alone that the claimant can talk to. That's unacceptable.

And your comments on, you know, more and more people are going to use the computer system, and the system is going to be used, and that's how it's going to work. I'm going to tell you what that reminds me of. It reminds me of the comments I got from the Motor Vehicle Commission before they reopened. "Oh, the Legislature gave us all these opportunities for people to do these things online. So when we reopen, we don't really need a plan. Nobody's going to show up."

Well, let me tell you. You saw the debacle that happened when that day occurred. And I'm going to tell you, just like my colleagues on the other side of the aisle told you, that you're going to see the same thing when these One-Stop Centers open. You are going to witness the same thing. And

what distresses me here today is your comment that you'll wait to see the response to that before you come up with a plan to address it. I have to tell you, Commissioner, you said--

COMMISSIONER ASARO-ANGELO: I said to address expanding services.

SENATOR BUCCO: What is that? That's exactly what I just said.

You know, when the pandemic hit and we needed people to be tested first, right? You couldn't get a test -- and we needed people to be tested -- we opened the mega-site. Then when it became time to give them the vaccine, we opened the mega-site.

And you know what? You're right. Eventually, those sites dwindled down after the people worked their way through the process. And we ended up shutting them down, for the most part. And they went back to this normal system.

Why won't you consider that? Can you tell me why?

COMMISSIONER ASARO-ANGELO: I'm not saying I'm not considering it. But, again, in-person services are the most inefficient way to serve customers.

I know it doesn't sound great. That is the data. And the folks who call your offices -- it's about 3 percent of the payments in your District; 3 percent. And I need to focus on the 100 percent.

SENATOR BUCCO: But you're already servicing the 100 percent. If even 1 percent can't get service, that's 1 percent too much.

I don't know if you recognize this, but we're in a service industry.

COMMISSIONER ASARO-ANGELO: I do recognize that, Senator.

SENATOR BUCCO: Okay. And you know what happens to people in the service industry who don't provide service to their customers in the real world? They either -- business shuts down or they lose their job. And it's been two years since we've gotten any service. I mean, it's just unacceptable.

COMMISSIONER ASARO-ANGELO: Senator--

SENATOR BUCCO: So I have a couple of questions.

COMMISSIONER ASARO-ANGELO: Real quick.

SENATOR BUCCO: Sure.

COMMISSIONER ASARO-ANGELO: Your District has received \$731,937,624 to 39,000 unique claimants. I can't let it go by that you're saying there's no service.

SENATOR BUCCO: Listen, I'm happy--

COMMISSIONER ASARO-ANGELO: Almost \$1 billion.

SENATOR BUCCO: I'm happy that you processed those claims. Because let me tell you, if you didn't, my office would have been overrun.

But it's not those claims that I'm worried about; it's the 290 days, the 286 days. And you're sitting here telling me that you're turning these claims over. They're not getting turned over.

COMMISSIONER ASARO-ANGELO: Do you agree that some claims aren't eligible?

SENATOR BUCCO: Well, let me ask you a question. When we submit a claim through the CMS process, do you know what happens?

COMMISSIONER ASARO-ANGELO: Absolutely.

SENATOR BUCCO: Okay; walk me through it.

COMMISSIONER ASARO-ANGELO: That claim gets entered into the CMS. We have agents who assign it, based on what the issue is. We have like a triage team. That something as simple as a password reset, or they need identity verification -- there are different--

SENATOR BUCCO: And then what do they do?

COMMISSIONER ASARO-ANGELO: Then the ones that have that -- if it's a simple process, they might be sent a link to reset their password; they'll be sent another link for their ID.me verification. If some of that needs adjudication, they go to that unit, just like an ER nurse, trauma nurse.

SENATOR BUCCO: And what if it's somebody who doesn't have the wherewithal to get that process; to go through that complicated and confusing process?

COMMISSIONER ASARO-ANGELO: Then they get assigned to an actual UI agent.

SENATOR BUCCO: And what happens then?

COMMISSIONER ASARO-ANGELO: They're on a queue, and those UI agents have them in a queue. And they come up, and they-- Sometimes they reach out to them, sometimes they just unpin them--

SENATOR BUCCO: They call them, right? They call them.

COMMISSIONER ASARO-ANGELO: It depends. Sometimes it could just be-- For example--

SENATOR BUCCO: When you--

COMMISSIONER ASARO-ANGELO: Can I answer?

SENATOR BUCCO: Go ahead.

COMMISSIONER ASARO-ANGELO: So if it's like a weekly certification answer -- if someone answered one of those questions adversely. But something as simple as like, "Oh, I did something wrong." They might need to call them real quick. "Hey, were you working? What was the amount? I'll put it in there." Boom -- you're cleared to go.

SENATOR BUCCO: When you call a claimant, what does it say on their phone when a call comes in?

COMMISSIONER ASARO-ANGELO: *Unavailable*.

Senator, there has been so much fraud--

SENATOR BUCCO: Let me ask you the next question.

It says *unavailable*, right?

COMMISSIONER ASARO-ANGELO: Right.

SENATOR BUCCO: Okay. Does your agent leave a message and say, "This is so-and-so from the Department of Labor. You can call me back at this number and I'll help resolve your claim."

COMMISSIONER ASARO-ANGELO: It says he'll call you back -- we'll call you back.

Senator, if we had a phone number that is identifiable on the Caller ID, millions of claimants from New Jersey would be getting scammed by folks who can fake a Caller ID.

SENATOR BUCCO: Listen to me, I'm not saying that you have a phone number to return; but put something so it doesn't say *available*. It says, Department of Labor calling.

COMMISSIONER ASARO-ANGELO: Right; and then the scammers will do that, and call every claimant in New Jersey and get their information. We've had enough problems with fraud.

SENATOR BUCCO: Let me tell you -- there has to be a better way. And that's why I'm telling you that these One-Stop Centers are going to be overrun. They're going to be overrun because if you're in the shower, or you're in the middle of surgery, or you're doing something else and you can't answer your phone, it could be weeks until you circle back with that person.

Listen, I'm very hands-on on this stuff, and I've been involved in it throughout the entire process. And I'm telling you, it's not working. And every one of my colleagues here is telling you it's not working. You have got to do something different; you have to do something different. And to me, to finger point to the Federal government as the problem--

COMMISSIONER ASARO-ANGELO: It's one of the problems.

SENATOR BUCCO: --is not-- Let me tell you, that's unacceptable, too.

COMMISSIONER ASARO-ANGELO: Okay.

SENATOR BUCCO: Because if you know where the chokepoints are -- and we've been going through this for two years -- if you know where the Federal government has established those chokepoints for you, you need to have a workaround. And it can't take two years to get a workaround. There's more than one way to accomplish a task if one way is blocked. And just like I said to you before, if these One-Stop Centers get overrun, right now you should have a plan in place so that tomorrow you push the button and we go to Plan *B*. And we don't have that. Do you have a Plan *B*?

COMMISSIONER ASARO-ANGELO: Yes, Senator.

SENATOR BUCCO: What is Plan *B*?

COMMISSIONER ASARO-ANGELO: I'm not going to discuss it here.

SENATOR BUCCO: Well, I don't know who you're discussing it with, but I would sure like the Plan *B* to be sent to the Chairman, through the Chair, so that we can all see Plan *B*. Would you do that?

COMMISSIONER ASARO-ANGELO: We'll see. Plan *A* is going to be fine.

SENATOR BUCCO: That's an unacceptable answer.

Chairman, I apologize, but that answer is unacceptable. That answer is unacceptable.

Okay.

SENATOR MADDEN: We'll be back to the Commissioner. Think about the question; I'll double back to you before you leave.

COMMISSIONER ASARO-ANGELO: Okay; thank you, Chairman.

SENATOR BUCCO: If I understood your testimony correctly, you said there were 12 One-Stop Centers that are now currently open.

COMMISSIONER ASARO-ANGELO: All One-Stop Centers are currently open.

SENATOR BUCCO: And do you have a list of where they are?

COMMISSIONER ASARO-ANGELO: Absolutely.

SENATOR BUCCO: Do you have it with you?

COMMISSIONER ASARO-ANGELO: I think I do.

Standby.

Yes, I have it.

Do you want me to read the list?

SENATOR BUCCO: Yes, please.

COMMISSIONER ASARO-ANGELO: All the One-Stops that are open?

SENATOR BUCCO: Yes; you said there are only 12, right?

COMMISSIONER ASARO-ANGELO: There are 24 total One-Stops. Or do you want the 12 with UI services?

SENATOR BUCCO: Yes, the 12 with the UI. And those UI services at those 12, when did they start processing?

COMMISSIONER ASARO-ANGELO: When did they start--

SENATOR BUCCO: When did they start processing UI claims -- the 12?

COMMISSIONER ASARO-ANGELO: I don't understand what your question is. I mean, we--

SENATOR BUCCO: When could people walk in from the street to those One-Stop Centers with a UI problem? In other words, they're jammed up in the system--

COMMISSIONER ASARO-ANGELO: Yes; when did they, you said?

SENATOR BUCCO: Yes, when did they start doing that?

COMMISSIONER ASARO-ANGELO: I think that-- In perpetuity?

SENATOR BUCCO: So those One-Stops Centers never closed?

COMMISSIONER ASARO-ANGELO: Oh, I'm sorry. The UI services? No.

SENATOR BUCCO: Yes.

COMMISSIONER ASARO-ANGELO: I'm sorry. Serving them off the street in the One-Stop Centers for Workforce Services -- since last July, or whenever it was, when we started the hybrid. UI services are starting again on March 28.

SENATOR BUCCO: Okay. Why are we waiting until March 28?

COMMISSIONER ASARO-ANGELO: There's a lot of logistics involved in getting folks back to their office. They've been -- the computers haven't been there, there's security, making sure they have the right equipment, logging on to the systems -- it's not an easy process. And working with our County partners, our other State partners who are there--

SENATOR BUCCO: I would suggest that you try to move that date up.

So there's -- and I'll let you read the list of 12 in a minute -- but there are 12. How many total One-Stop Centers are there in the state?

COMMISSIONER ASARO-ANGELO: I believe it's 24.

SENATOR BUCCO: And only 12 are going to process UI claims out of the 24?

COMMISSIONER ASARO-ANGELO: Senator, your own press release asked us to return to pre-pandemic, in-person services, and that's what we're doing.

SENATOR BUCCO: You didn't answer the question. Maybe I'm not understanding it.

Are you eventually going to be to all 12, all 24 centers processing the UI problem claims?

COMMISSIONER ASARO-ANGELO: That is not in the plans, no.

SENATOR BUCCO: Why?

COMMISSIONER ASARO-ANGELO: Because there weren't UI services there before, based on population, based on need.

SENATOR BUCCO: Okay.

Listen, I-- But you do know that, just listening to me -- and I'm sure my numbers are the same as my colleagues' numbers and all legislators in the state -- if you have these folks with those number of days in the queue, why wouldn't we open the other ones to at least take the burden off? Maybe, maybe, you wouldn't need a mega-center; you'd have 12 additional centers.

COMMISSIONER ASARO-ANGELO: Again, the folks who-- First of all, the folks who are waiting with a complicated claim like that, they are the ones who need help from a specialist, not from somebody who's going to be in the UI services in person. They probably have an adjudication issue, issues with their employer, waiting for wages from somewhere.

SENATOR BUCCO: Okay.

You had suggested removing the weekly certification for UI claimants.

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR BUCCO: If this occurred, how would the State verify that people are actually looking for work?

COMMISSIONER ASARO-ANGELO: We'd ask them to do that affirmatively to us. The work search requirements are able to be waived; that is a State issue. That is something we can -- we do have flexibility on; one of the few things. So we can ask them each week to just push a button

-- or not even that. They would push a button if their eligibility status changed.

Senator, the unemployment system now is based on the premise that someone's trying to defraud the system. I respect workers. And the penalties would be the same, whether or not they're doing weekly certification with us every week, and fall into that trap. If they could affirmatively tell us if their circumstances have changed -- and if they're lying on that, they would lie on the weekly certification also. There's no difference. We get the wage records of employers; they have all the data that we need to see whether or not they're eligible, based on what we have. And if they control the data, and it's something they attest to, we don't need to hear about it every week.

SENATOR BUCCO: Okay.

This is something I don't think you testified to.

How many cases remain pending in front of your Department's appeal tribunal?

COMMISSIONER ASARO-ANGELO: Right now, it's 11,800.

SENATOR BUCCO: And how quickly are they being processed?

COMMISSIONER ASARO-ANGELO: (confers with staff) I have to check back for you, Senator. I'll get you that information.

SENATOR BUCCO: And how long--

COMMISSIONER ASARO-ANGELO: That is a metric we report to the U.S. DOL.

SENATOR BUCCO: I would you like you to provide that through the Chair, along with the average queue time in the appeal process, if you would.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR BUCCO: According to *nj.com*, almost 800,000 claims have been referred to ID.me, with less than 250,000 of these claims verifying their identity successfully. That's according to *nj.com*. Is that percentage of claimants not being able to confirm their ID online, in line with what had been seen prior to the use of that program?

COMMISSIONER ASARO-ANGELO: Well, nothing has been seen prior, to compare to what we're dealing with the past two years.

SENATOR BUCCO: Well, how you used to operate.

COMMISSIONER ASARO-ANGELO: Right. But to be clear, I mean, the identity theft that's happened since COVID is unbelievable, and through the roof across the country. And U.S. DOL itself recommends having a vendor that comes up to -- it's called *IAL2 standards* under NIST. And ID.me is the only vendor that provides that.

SENATOR BUCCO: And how much money are we paying for that program? Do you know?

COMMISSIONER ASARO-ANGELO: I do not have that with me, no.

SENATOR BUCCO: And was that contract bid? Did we issue a bid for that contract?

COMMISSIONER ASARO-ANGELO: It was under emergency procurement. But I believe there was also a bid as well.

SENATOR BUCCO: There was a bid?

COMMISSIONER ASARO-ANGELO: It was definitely in the middle -- it was definitely under emergency processes, yes.

SENATOR BUCCO: I understand, I understand.

All right, if you could get that information to the Chair, I would appreciate that information as well.

COMMISSIONER ASARO-ANGELO: And just something real quick, Senator. I don't want to interrupt you.

ID.me does have in-person verification services. And they've invited 650 people who said, "I am unable to complete my verification online or over the phone;" 650. Eighty-five of them showed up; 13 percent.

SENATOR BUCCO: Okay.

Shift to something a little different now.

On Tuesday, the Governor delivered his budget message and published his budget in brief. In there, it was noted that \$15 million in Federal funds for unemployment processing modernization and improvements. I believe you previously asked for \$200 million.

COMMISSIONER ASARO-ANGELO: That is not true. I was asked what can a system cost at, I think, my first budget hearing by Assemblyman Burzichelli, if I remember correctly, back in 2018. I said some states can pay up to \$200 million, like our neighbors across the river.

SENATOR BUCCO: And have you done an analysis of what it would take to update our systems? Because it seems to me, with the amount of Federal stimulus money that the State has, the amount of excess revenue that has been collected, that if there was ever a time to use taxpayers' money wisely, it would be to upgrade the system. I mean, look, we all heard that you couldn't find anybody to program COBOL in order to get this done. I mean, I don't want to date myself, but that was introduced when I was in college, for crying out loud. I mean-- So we obviously have an antiquated system, and \$15 million in IT funding seems to me to be a drop in the bucket.

And have you asked for more?

COMMISSIONER ASARO-ANGELO: Let me be clear. You made a comment about there has never been a better time to use taxpayers' money. I think there's never been a better time to do the right thing with taxpayers' money, which is to not make the same mistakes that we made in the past, and that every other state has made in the past, including just two of the examples I brought up earlier. No state with a modernized system is faring any better than us. And what we're doing now, with our U.S. DOL partnership, is an iterative process: building pieces along that path and figuring out what works as we go along, and doing contracts and RFPs along that way. We issued an RFP earlier this week for an agile design process contractor to work with us and the U.S. Department of Labor on this process. Any real expert that isn't from a vendor will tell you the best way to contract IT is to do it in small pieces, and that's what we're doing.

SENATOR BUCCO: Do you have a plan for that spending, going forward?

COMMISSIONER ASARO-ANGELO: Well, part of the process -- part of an iterative process is to go piece by piece. And the first piece we're doing right now, as I mentioned in my remarks, is launching new language for our front-end system on the questionnaires. By the end of the year, hopefully, we're going to have a whole new system for our claims agents, called the *RIC*, to work on claims for. And each part -- and the part that was so important in the ARP last year, was that U.S. DOL and the U.S. Digital Service are working on a modular design system, and every state can take a different piece of it here or a piece of it there. Rather than every state -- like has been the case in every UI modernization system in perpetuity -- has been

to spend tens, if not hundreds of millions of dollars, on a humongous system, get that system, then realize it doesn't work well for customers.

So we are building on an iterative design process. We have all the resources we need. And there's no doubt -- maybe next budget year -- we'll be coming back for more. We learned from this year. We're very proud to have the partners, the U.S. DOL and U.S.D.S., quite frankly, doing work alongside us, paying for a lot of the design and programming. We're very fortunate for that, that's why I'm very excited to talk about that part of what we're doing today.

SENATOR BUCCO: If you would, I would like to, through the Chair, receive a copy of whatever process you intend to follow in building out this new system incrementally, if that's what you're saying is required.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR BUCCO: And I'll take you at your word for that, because I'm not a computer person. But I do know that something needs to be changed before this system just absolutely crashes, and then we're here for another issue. So if you could provide-- Look, nothing happens in government without a plan. So if you could provide that plan to the Chair, I'd like to see it. Because I don't want to be going down this road ever again, for our residents.

COMMISSIONER ASARO-ANGELO: Me neither.

SENATOR BUCCO: Just real briefly, Mr. Chairman, on misclassification.

We've heard some comments from the Chair on misclassification. It seems that we've given you all the tools you need -- in terms of laws, and penalties, and enforcement mechanisms -- to root out some

of the folks who are using this misclassification system to their advantage and against their workers.

Why have we not seen more in enforcement? Do you need more resources? Would you -- do you need additional assistance from the Attorney General's Office in terms of prosecuting these claims? Do you need investigative help? Do you investigate these claims?

We were talking about chokepoints today; where's the chokepoint?

COMMISSIONER ASARO-ANGELO: Senator, first of all, thank you so much for your support of these efforts.

And you are right; everything we talked about asking for is happening right now. There's never been a time where our Departments worked so closely together with other agencies, particularly the Attorney General's Office; their new Affirmative Litigation Unit, which is working hand-in-hand about not being so reactive, but being proactive on this front on the criminal and civil side; and working closely with Treasury. One of the bills that was passed, that we call *Misclass 1.0* -- I think it was 2019 or early 2020, right before the pandemic hit in early 2020 -- was to let Treasury share data with us. So we now have the ability to use Treasury data on tax filings, and our enforcement procedures; and research, by the way. And we're one of the few states that has that ability, which has really helped us target the large bad actors in this space. And our misclassification efforts have really gone through the roof the past couple of years.

And taking it out of just the unemployment tax side, by the way, and also doing more in the wage and hour side. Because for a very long time, misclass was something that was only about the employers paying their taxes.

But on the other side of it, it is where the employees are not getting the right to minimum wage, overtime, earned sick leave, family leave -- everything I talked about before. Now we have the ability for workers to come forward, and not just to cert that they are being misclassified, but they get something out of it. Not just those protections back, but 5 percent back of their wages. Because when you're misclassified as an independent contractor, you're paying your own payroll tax, and you shouldn't be. You're an employee.

So we've been very aggressive on that front. And like I said, in just the past few months, almost a half-a-million dollars in restitution back to workers. So it's not just about protecting the Trust Fund, which is a large part of it; not just making sure employers don't have an unfair playing field or advantage over their competitors. It's also about those workers who are being harmed as well. And we're doing everything we can. We're hiring up non-stop, and wage-hour as well. Like I said, I think we're almost double the investigative work when I came into office. That's going to continue to happen. And we're, again-- To use an old term, I think we're going *gangbusters* on misclassification, and other states are taking notice. And we'd like to lead by example also.

SENATOR BUCCO: I can tell you that, from my perspective, and I know from my colleagues' perspective, this is an area that we think the prosecution of those violations needs to be addressed. And if you need additional resources, I would hope that you would pass that information through the Chair, who has done a great job in bringing that forward.

Let me end by saying this.

I respect the position that you're in. And I may have been a little hard today.

COMMISSIONER ASARO-ANGELO: It's fine.

SENATOR BUCCO: But you have to understand that we're all frustrated. You know, I had one legislative aide who gave me her resignation letter over UI cases. And she was in tears. And I had to, you know, sit down with her and show her all the beautiful e-mails that the office received and remind her of the great work that she was doing.

But it's been tough on our offices.

COMMISSIONER ASARO-ANGELO: No doubt.

SENATOR BUCCO: And, you know, I implore you to start thinking of a plan to address these chokepoints. Prepare the plan now, so that if these One-Stop Centers open and they're overrun, like we saw at Motor Vehicles, prepare a plan now. And let's address this issue, let's remove these long-standing claims, and then you can get back to working on making the system more efficient.

But for now, we've got to get the money into these folks' pockets who are struggling and have been out there for 200, 300, 400 days. It's just completely unacceptable.

So I ask you to concentrate on that, please.

COMMISSIONER ASARO-ANGELO: Thank you, Senator. I can't say it, again, enough how much I appreciate your staff's time, your time. They're the same things that we're hearing every day. It is heartbreaking, it is totally heartbreaking.

SENATOR BUCCO: Thank you.

SENATOR MADDEN: Thank you, Senator.

Senator Zwicker.

SENATOR ZWICKER: Thank you, Chairman.

Thank you, Commissioner, for being here today, and for taking all of our questions.

Senator Lagana previously had talked about the number of e-mails that his staff had received. I want to open by starting with the number of cases, the number of individuals in my District, who my small staff has had to deal with -- which is more than a thousand since all this started. A thousand individuals who are struggling with their unemployment claims, who weren't getting answers, who are desperate for any help whatsoever.

In 2022, in the last -- since January 2022, my staff is still handling one or two cases every single day. And as Senator Bucco, at the end of his comments, talked about, this is a real human issue on, of course, our staff, but upon our constituents.

You and I have talked privately, we've talked publicly. I hear it in your voice -- the struggle that you personally, and all of your staff, are going through; the sheer volume. My staff has asked me to actually start with something positive and put onto the record the fact that, recently, the liaisons to our District Office -- and I'm going to name them in particular: Tim Grilo, Jonathan Briggs, and Vanessa Spadafino -- have been pleasant, smart, responsive; and we are grateful. They are working incredibly hard to do everything they possibly can.

In your testimony, you talked about modernizing the Federal UI system, you talked about problems with the Federal system. We see the huge stack of regs that are next to you. But I'd like to focus a little bit more about the New Jersey system that has also come on.

So Senator Bucco mentioned length of times that many of his constituents had to deal with. I asked my staff, like we asked all of our staff,

to start to put together a summary. And in our case, unresolved claims typically are more than a month old. In fact, the bulk of our complaints come from people waiting at least two months, often six, nine months; even, in a few instances, more than a year to get their claim resolved.

Just a few days ago, I received a letter from a constituent about a case from May of 2021. And while Senator Bucco was speaking, I quickly figured out that that was 299 days ago.

I'd like to read a portion of it.

"Dear Senator Zwicker, I'm a resident of District 16. I'm writing you to request your help in fulfilling my New Jersey Unemployment Benefit Claim.

"On May 15, 2021, I filed for unemployment. I received my electronic adjudication on June 2, 2021, and have still not received my unemployment benefits. I was told to wait a few weeks, and then call unemployment back, which I did. I repeated this cycle several times until I was told that my case had been escalated to a specialist around the month of October.

"Since then, each time I call into the New Jersey Unemployment office, I'm given the same message and told, 'Wait until somebody calls you.'

"It's now been nine months since I filed for unemployment, and I can't help but think of myself, and the other New Jersey unemployment claimants, who are forced to figure out other ways of budgeting and making things work while the clock ticks on their unemployment claim.

"The purpose of this government office is to provide support and protection to the people of their jurisdiction when these unplanned and scary life events occur. And in that, the New Jersey Unemployment Department

has failed us. The lack of support and solutions, when I've already been approved for my claim, is unheard of and incredibly frustrating."

These are the type of letters that we receive, and e-mails we receive on a weekly and daily basis.

There's a note at the end, and it says, "Please know that I am providing you with both my married and my maiden name, because I have waited so long that I've completed a name change since I first submitted my unemployment."

These are, as we know, cases that are happening over and over again.

As we heard from others, this is devastating to individuals and families, many of them who have savings that, perhaps, support them for a month. Some, we know, are living paycheck to paycheck, struggling to get by. Phone calls, e-mails, escalations -- yielding nothing.

So I want to get now to some of the details and some of the things that you said. Because we don't hear from these residents until they're desperate. And some of these cases -- and you said this in your testimony -- are easily resolvable. Dozens of instances of just typos in e-mail addresses. Names that are spelled wrong, Social Security number that's incorrect, dates. Answering that question of, "Are you looking for work," and people answering "no" because we're in the middle of a pandemic, and they simply are waiting to be hired back by their employer. But that "no" answer led to months of delays.

So I think what I heard you say is that the interface system itself is going through an upgrade. My first question is, did I hear that correctly?

COMMISSIONER ASARO-ANGELO: Yes, it depends on what you mean by *interface system*. Yes, all of our systems are going through an upgrade. But, yes.

SENATOR ZWICKER: Okay. But I'm thinking of--

COMMISSIONER ASARO-ANGELO: You're talking about the questions, right? The difficulty is in the questions, yes.

SENATOR ZWICKER: The user interface, right?

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR ZWICKER: Because while it's true that it's easy for one of your staff members to fix a simple typo, it's not possible for the claimant to do so.

COMMISSIONER ASARO-ANGELO: And, real quick, the U.S. Department of Labor will not let them fix it. They would want us to talk to them to adjudicate it. If someone answers a question adversely-- And again, last year, we put our own process in place to clear them out every single week. And the U.S. DOL -- like the Director, not just some staffer in a regional office -- the Director called us and told us we had to stop doing that. Otherwise, those things were cleared out every week, on a regular basis, because of our staff's great programming. So someone before talked about -- Senator Bucco talked about *chokepoints* and coming up with solutions. We've done that, many times, and many times we've been told, "You can't do that."

SENATOR ZWICKER: And what is the reason for telling you, you can't do that?

COMMISSIONER ASARO-ANGELO: Because the U.S. DOL requires that when somebody answers one of those questions adversely, that

we have a UI agent speak to them, and get answers from them, and figure out what was wrong, and to affirm that they were looking for work, or to affirm that their date was wrong, or affirm what their earnings were, or affirm what their last employer was, or whatever it is. All those things, that seem simple, even if we had the best system, a claimant wouldn't be allowed to go back in and fix that themselves.

SENATOR ZWICKER: So just repeating what I'm hearing you say. The idea of putting a back button in -- you are not allowed to do that because somewhere in the 5,000 pages of regulations--

COMMISSIONER ASARO-ANGELO: Oh, I'm sorry. If you're talking about a *back button* on the application process, that's a different story. But once you start by answering questions--

SENATOR ZWICKER: But once they hit *submit*, then-- That's what we're talking about, right?

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR ZWICKER: Okay.

So you also talked about-- I just want to move to the phone system for a second. Because as this person said, it has been e-mails, and phone calls, and letter writing, and everything that she possibly could do.

So call centers -- it seems that you've made the hires; you've contracted with people. Do you have any metrics on, number one, how it has improved? The number of people who are actually receiving a live person? How long it's taking to get through?

COMMISSIONER ASARO-ANGELO: Absolutely. I could show that all to the Chair.

But also, just real quick, I think we've -- 1,300 people under contract to the call center have been hired and quit in the past two years; 1,300.

SENATOR ZWICKER: Have been hired--

COMMISSIONER ASARO-ANGELO: Hired, and then quit.

SENATOR ZWICKER: And then quit?

COMMISSIONER ASARO-ANGELO: And this is the problem going across-- These aren't DOL staffers; this is the contracted call center.

SENATOR ZWICKER: Right.

COMMISSIONER ASARO-ANGELO: But this is going on across the country. I think, in California, they lost half their call center staff in mid-2020.

SENATOR ZWICKER: Do you know how many we currently have?

COMMISSIONER ASARO-ANGELO: Yes, about-- This is just the contracted call center; I think 351 is the current number.

SENATOR ZWICKER: So we often talk about -- and I asked you, on the quantity: how many people have we hired, how long does it take before the phone gets picked up, what happens there? But we don't talk as much about what type of responses they're receiving.

So what I hear is, yes, people can get through now. But after they get through, what they hear is things such as, "Well, a staff member is reviewing the case," or, "The case has been escalated." And then, "Call back in several weeks." So specifically, what does *escalation* mean? What is that in a step-by-step basis? What happens there?

COMMISSIONER ASARO-ANGELO: So that was the answer I gave to Senator Bucco before -- about the CMS system.

SENATOR ZWICKER: Okay.

COMMISSIONER ASARO-ANGELO: That gets triaged. So someone is getting escalated because they have a PIN or password problem. That's probably cured in a day or two. If they're getting escalated because they couldn't read their ID.me; they're getting a new link in a day or two. It all depends on the problem. But if it's something that somebody who isn't a real UI agent can fix, that's when it goes in the UI agent's queue; we'll call a RIC agent.

SENATOR ZWICKER: So do you have any numbers on, once it gets escalated, the average length of time to remove that from the system?

COMMISSIONER ASARO-ANGELO: It all depends on the kind of issue, again. Listen, we get lots of calls; if somebody already has an appeal submitted -- right? -- there's nothing to do about it until they have their appeal hearing. We have folks who have other adjudication issues that we need to hear from the employer. So it really depends on each of those things, but I could definitely provide you with some data on that. It would be broken down by type of issue.

SENATOR ZWICKER: Something else that came up -- Senator Bucco brought it up earlier. He was talking about arranging to call somebody back, right? And as you said, there's no Caller ID on it, and you explained why.

Does your system track these calls and track the results? And specifically, what I'm curious about is that my staff has, multiple times, received phone calls from constituents who say that they are hearing nothing,

right? But when we call our liaisons, they say, "Oh, it's already been done, it's already been taken care of." And so my staff ends up having to call and say, "No, you're good," whatever that result may be.

So do you have a tracking system that actually goes through and says, "Fine; we actually talked to that person. We've conveyed that information."

COMMISSIONER ASARO-ANGELO: I don't want to give a wrong answer, Senator.

So on our contracted call center, every single call is tracked, for sure. But some of these issues, like I said before, might be, Jane Doe answered a question wrong on weekly certification. And they're on the queue, our agent gets it, boom, boom, boom, they clear it, or they talk to them, or they just look on the -- they have the information they need somehow, and they clear it. At that point, they get an e-mail saying, "Your claim is now payable." So they may not actually hear from our agent, and our script actually says, "If we need to talk to you, or if we need more information, we'll call you." A lot of folks hear, "Oh, you're going to call me." So a lot of this is about communication; there's no doubt about it. But on the individual claimant, with allowing someone's claim, I can see whether or not they were called, for sure, by one of our agents. But, again, it would vary by the type of call and the type of issue.

SENATOR ZWICKER: Okay.

Something that hasn't come up yet is issues around back payments; who's eligible, when are they eligible, what's being communicated to them? Benefits that are being paid out prior to the actual date of the claim.

So sometimes what we hear is that the backdate gets extended, because there's a technology issue; because some of the things we just talked about before may be that the claim hasn't been fully processed because there might have been a typo, etc. Do you have a policy, when it comes to back payments, about when people are eligible; when it comes particularly to the fact that what we hear is technology has delayed their application being approved?

COMMISSIONER ASARO-ANGELO: As far as back payments, the date of claim, on a claim, the start date, is whenever they start their application. So either they got something wrong, or a date wrong, or their e-mail wrong, or their Social wrong. When that gets fixed, it's going to be back to the day they started the application.

As far as backdating -- which wasn't really even a thing until the CARES Act -- there are no backdating provisions in regular, straight Statewide UI. The CARES Act and the PUA programs -- they have very liberal backdating processes. Basically, somebody can come say, "I was unemployed three months before I filed my claim. I didn't know about this program," and per Federal law, we need to honor that. The problem, and why backdating is so confusing -- and I feel I know what case you're talking about, by the way -- is that when you backdate a claim, what the Federal government is saying is that this is a new claim. You can't just go into this current claim and say, "Okay, I'm going to move your date back." So now you need to cancel that claim, the original claim, because that date of claim is no longer correct. That thing doesn't exist anymore.

So now you need to cancel that claim and start a new claim for that person at the earlier date. Again, this was only in the Federal program;

it's only PUA. And then when that happens, of course, because they've already been paid on their original claim, I'll call it, at the later date they now have to be set up in an overpayment; because the Federal government tells us when you cancel a claim and they received benefits, they are now in overpayment.

So now that claimant has to go into their new claim, with that money they already owe us, and start certifying for those weeks, one by one. And as they certify for them, now *we* owe them money, so their debt to us gets wiped off. And when, basically, they hit -- let's say they backdate it three months, by the time they get to that third month of weeks, that's when we're even; and that's when they can start receiving more benefits on the new, extended time on their backdated claim.

Was that clear? I know this is not fun or easy.

SENATOR ZWICKER: Right.

My last question -- many of my colleagues have talked about the One-Stop Centers, about concern over their effectiveness. We'll find out how often they are used; hopefully, everything is efficient.

One of the things that my staff also has worked hard on is DMV issues. And the DMV has created mobile centers. So instead of the idea of sending people to the One-Stop Centers that will be scattered around the state, the DMV, in this case, brings the mobile center to handle what they can right into the communities.

Why not do that, as well, with employment issues?

COMMISSIONER ASARO-ANGELO: As I said in my remarks, and with Senator Ruiz, everything's on the table.

SENATOR ZWICKER: Is that something you would consider maybe doing? It's on the table; is it something you would consider doing soon?

COMMISSIONER ASARO-ANGELO: It depends on *soon*; but it depends on the effectiveness as well.

And I think the biggest hurdle, quite frankly, in this equation, is the thought-- When you go to the DMV, you go to the MVC -- I'm sorry, I want to say the right name -- when you go to the MVC, you know you're going to get your license when you walk out of there. You know you're going to get your registration. That is almost never the case for unemployment; it's just not. Because the people who have the most complicated claims, they're not going to get fixed on-site, for the most part. They're going to have talk to a specialist, like I said before in the hospital example. That is the big difference. I know that's an easy comparison to make, but in reality, it's not the same. And also people who go to MVC, they're getting a piece of paper or a card. They're coming to us for, possibly, tens of thousands of dollars.

SENATOR ZWICKER: Couldn't you just put the specialist in the mobile unit? I understand the complexity you were talking about.

COMMISSIONER ASARO-ANGELO: We have dozens of different kinds of issues that need specialists -- that we need a specialist for.

SENATOR ZWICKER: Thank you for your time.

Thank you, Chairman.

SENATOR MADDEN: Thank you, Senator.

Commissioner, do you need a drink of water?

COMMISSIONER ASARO-ANGELO: I have it (indicates); thank you, Senator.

SENATOR MADDEN: We'll now move on to Senator Testa.

SENATOR TESTA: Thank you, Mr. Chairman.

Commissioner--

COMMISSIONER ASARO-ANGELO: Senator.

SENATOR TESTA: --if you were able to give yourself a grade as to your performance -- the Department of Labor's performance during the COVID-19 era, what grade would you give it?

COMMISSIONER ASARO-ANGELO: I'm not going to give myself a grade.

SENATOR TESTA: Okay, how about your Department?

COMMISSIONER ASARO-ANGELO: An A; \$37 billion to 1.6 million claimants -- \$37 billion to 1.6 million claimants.

SENATOR TESTA: Okay. What percentage of the claimants, who have legitimate claims -- not the ones who have been disqualified -- what percentage of the claimants who applied for unemployment benefits are still lingering out there with unpaid claims?

COMMISSIONER ASARO-ANGELO: If they're lingering, then, by law, they are not eligible. That's just the case. It's not that I-- It's been referenced a lot, especially early on, is that 97 percent of monetarily eligible claimants received their benefits. And the 3 percent were folks who had non-monetary issues: their employer contested, some had a voluntary quit -- whatever it was. But if you've been determined *eligible* by us, and that week you're eligible, you have received your payment or your ability to certify.

SENATOR TESTA: Okay.

So as Senator Lagana said, when he was here, over the course of the last two years our legislative offices have essentially become satellite offices for the Department of Labor. And while your Department has issued some guidance to our office staff, there are still multiple remaining questions that I have, that are outstanding, that I'm hoping that you'll be able to help us with, and that's why you're here today.

What is the best way to tell a constituent, who first reached out to our office months ago, that although we have reached out to your Department and followed up numerous times on their behalf with phone calls, with e-mails, and yet we have not received a single response or update in their case?

COMMISSIONER ASARO-ANGELO: Senator, I'm certainly able to look at specific cases you have to give you a response to every single one. Very rarely is there a single answer for all of them. But we obviously are clearing cases every single day that comes from your offices; every single day.

SENATOR TESTA: I'm not disputing that you're clearing cases every single day. And, quite frankly, you know, those are words and we're about action, at this point. I mean, this has been two years. And I can tell you this much. When I get on the phone with my constituents, they see us as united -- the Department of Labor and our legislative office. They see us as the government. And I can tell you, they're not really happy when myself, Assemblyman Simonsen, or Assemblyman McClellan -- and I'm sure my fellow legislators will tell you that they're not happy with us -- when we get on the phone. Because they're saying, "Hey, look, I'm worried about whether I can put food on my table next week." Most New Jerseyans, as you're well

aware, live paycheck to paycheck, with rising gas costs, rising food costs, and then waiting weeks upon weeks for unemployment benefits. They're struggling; we have people who are crying on our telephone.

And I can tell you that the constituents, who are pretty educated -- and many, many of them are -- they know that your employees never missed a paycheck during the pandemic, and they're saying, "Why am I not getting my benefits that I paid into, that I'm due and owed? And it's 8 weeks, 10 weeks, and I'm still not able to get the money that I'm due and owed, and I'm worried about my grocery bill this week."

I mean, do you have an answer for those people?

COMMISSIONER ASARO-ANGELO: Absolutely, Senator.

I would tell the 45,000 people in your District who received \$955 million, and the ones who have not, that we're working our butts off every day to get them their money, if they're eligible.

But unfortunately, as I said earlier, 20 percent -- 20 percent of the claimants who come through our doors are not eligible. So if you'd like to propose some kind of system where we pay ineligible workers, let's go.

SENATOR TESTA: Listen, I'm not looking-- Listen, that's snarky, and I'm going to call you on that, Commissioner.

COMMISSIONER ASARO-ANGELO: Okay.

SENATOR TESTA: I'm going to call you on that because-- Listen, I don't want anybody to get benefits that they're not due and owed at all. That's not what we're here for. We're talking about the people who paid into a system who are waiting. This is two years -- this is two years.

I'm going to ask you another question. Do you think that the Department of Labor -- do you think those are *essential workers*?

COMMISSIONER ASARO-ANGELO: Yes, absolutely.

SENATOR TESTA: Okay.

COMMISSIONER ASARO-ANGELO: That's why I've been working every single day.

SENATOR TESTA: Not in person, not in person.

So, you know, when you talk about a system-- I know a system that will work, because there are some really complex cases out there that you and I are well aware of. You can give all the statistics that you want. I'm talking about people, I'm talking about constituents. I know Senator Ruiz was talking about constituents; people who are calling her or calling my office, about feeding their families. I don't want people getting paid benefits that they're not owed. That's ridiculous. That's not what we're here to talk about.

COMMISSIONER ASARO-ANGELO: Okay.

SENATOR TESTA: The One-Stop Centers-- Look, we were in our offices, in our Senate offices and in the Senate chamber, with, I mean, quite frankly, what I thought were ridiculous Plexiglass partitions. People with complex cases could have been met in person with every single measure taken from CDC Guidelines, Plexiglass, mask, double mask, testing, whatever you wanted. Why wasn't that done?

COMMISSIONER ASARO-ANGELO: Again, Senator, our goal and motto has been, from day one, most benefits paid to the most claimants, in the shortest amount of time. And every single decision we made was always based on those three factors; every single one.

SENATOR TESTA: In your opinion, would it be acceptable if I told my Senate office staff that they no longer have to open, acknowledge, or

answer e-mails from constituents, other legislators, or even the Governor's Office?

COMMISSIONER ASARO-ANGELO: I'm sorry, what was the first part of the question?

SENATOR TESTA: Would it be acceptable if I told my Senate office staff that it was okay for them not to answer e-mails, answer phone calls, whether it be from constituents or the Office of the Governor?

COMMISSIONER ASARO-ANGELO: No.

SENATOR TESTA: Okay.

You're aware, and you've heard it earlier today, that multiple e-mails that we've sent to your office, to your employees, have gone completely unanswered. You're aware of that, correct?

COMMISSIONER ASARO-ANGELO: Yes, sir.

SENATOR TESTA: Okay.

What would you do if you found out that your staff had completely stopped communicating to a legislative office that reached out on behalf of constituents seeking help?

COMMISSIONER ASARO-ANGELO: I would be surprised because we're clearing cases from your District every single day.

SENATOR TESTA: I can provide you, quite literally, with hundreds of e-mails from legislative staff to your employees that have gone unanswered. And through the Chair, I will be glad to provide them to you, if you'd like.

COMMISSIONER ASARO-ANGELO: Thank you, Senator.

SENATOR TESTA: So it has been two years since Governor Murphy's "two weeks to flatten the curve." It was at this time when State

government was told to work from home. Naturally, this took some adjustment. Some employees and departments were very successful in this, and some weren't. Are all of your employees of the Department of Labor back working in person?

COMMISSIONER ASARO-ANGELO: Yes, except for the construction, as I mentioned earlier. And, until March 28, the folks at the One-Stops and UI services.

SENATOR TESTA: Now, with the complex cases, and obviously those complex cases that are lingering for weeks and weeks -- is it still your testimony here today that it is better for them to call in and try to have their cases handled online?

COMMISSIONER ASARO-ANGELO: Call in or online -- which one?

SENATOR TESTA: Either one.

COMMISSIONER ASARO-ANGELO: Yes, calling is always the most efficient way. There's no doubt about it.

SENATOR TESTA: Okay.

COMMISSIONER ASARO-ANGELO: And just to your earlier point, Senator, I just want to repeat -- that in 2019, each one of our agents dealt with about 4,500 claimants. In 2020, 9,600 claimants. Every one of our staff was as efficient as they could possibly be. I just want to make sure I'm on the record saying that again.

SENATOR TESTA: Okay.

I understand your answer, but, you know, Chairman Senator Madden had a really good point. In the past two years, we had quite a bit of money available to the Department of Labor. So maybe your staff was

working at capacity; I'm not here to judge that. You certainly could have hired more workers, correct?

COMMISSIONER ASARO-ANGELO: As could every employer in the country, quite frankly. And again, postings every single day, from day one; still hiring, more than doubled our staff, and still bringing in more people every single day.

SENATOR TESTA: What was the last date that the Department of Labor workers were working from home?

COMMISSIONER ASARO-ANGELO: I mean, in general, I mean the whole Department--

SENATOR TESTA: The folks who were handling unemployment.

COMMISSIONER ASARO-ANGELO: I think they went to hybrid -- the State's departments went to hybrid last June or July -- whenever it was. And then October, whatever that date was, we were one of the first three departments to come back.

SENATOR TESTA: So for the more complex cases, why couldn't they start handling in-person appointments? Just like the Motor Vehicle Commission. The Motor Vehicle Commission is not open; earlier, you said it's open. It's open for in-person appointments only. Why couldn't the Department of Labor have a similar system?

COMMISSIONER ASARO-ANGELO: Again, I don't want to sound like a broken record. But most people, most benefits, quickest time guided every decision. And again, the complicated claims are exactly the ones that are never dealt with in person. Our Appeals Units, our Adjudication Units -- they have never been in person ever. I don't even think back in 2020.

I'm sorry. I don't even think back in 2000.

SENATOR TESTA: Okay.

Over the last two years, one of my Senate colleagues has sent a number of requests, pursuant to the Open Public Records Act, to your Department. A majority of these requests were ignored; and because that information has not been provided, both the public and the Legislature have been left in the dark while this unemployment debacle has played out.

So I'm hoping that you can help us, in the public, better understand the Department's efforts.

We've heard from a very reliable source, who spoke with someone at the Department during a call about their claim, that employees are working from 9 a.m. to 7 p.m. We also have numerous constituents who have gotten calls from the Department after normal business hours.

What are the current hours that unemployment agents are working, and is overtime being paid to them?

COMMISSIONER ASARO-ANGELO: I have to get back to you with exact numbers. And just to be clear, we don't ever not respond to an OPRA request; you're not being ignored. But I would imagine that varies by the different units. As I said before, there are all kinds of different kinds of units in UI and across the board. And they're all working -- there are different schedules for all of them. But they're certainly working long beyond the regular 9-to-5.

SENATOR TESTA: If you could provide that information to the Chair, I'd greatly appreciate that.

Also, with my next question -- how much has the Department paid in overtime to its employees? If you could provide that to the Chair as well. I'm assuming you don't have that--

COMMISSIONER ASARO-ANGELO: I do not, but I will absolutely provide that to the Chair.

SENATOR TESTA: Over the last two years, how many new unemployment agents and other related staff have been hired by the Department of Labor specifically to handle UI claims?

COMMISSIONER ASARO-ANGELO: A little over 1,000. That doesn't include the times we had other State staff transferred over to UI from other agencies. That's new employees.

SENATOR TESTA: One week ago today, under the leadership of Senate President Scutari and Chairman Madden, the Senate unanimously passed a resolution. This Resolution was sponsored, or co-sponsored, by all 40 members of the Senate, and came with a request that your Department provide to the Legislature a report consisting of unemployment statistics, including the number of people waiting for unemployment claims, the average length of time that it takes for unemployment claims to be completed, how much money has been paid out in unemployment claims, the number of employees currently working on unemployment claims, the average time each employee spends on each claim, and any other statistics deemed relevant by the Commissioner of Labor and Workforce Development, within 30 days of passage of the Resolution.

So I ask you today, Mr. Commissioner, for the record, will you provide the Legislature with the requested information by the second of April?

COMMISSIONER ASARO-ANGELO: First of all, most of the stats are available publicly on the U.S. Department of Labor.

But the answer is "yes." I would have provided them without a Resolution. I think the one stat that might not be -- is the amount of time that each agent spends on a claim. I don't know if that is something that is-- We know how much each agent spends on the claims they are working on. But that claim might be going to different units here and there. So I don't know if they combine all that into one.

SENATOR TESTA: Okay.

I want to ask you some questions about the contracted call center that you have.

When the Department brought the contracted call center on board to help with the volume of incoming calls, where were the employees of the contracted company located?

COMMISSIONER ASARO-ANGELO: That I don't know.

SENATOR TESTA: Do you know whether they were within the State of New Jersey?

COMMISSIONER ASARO-ANGELO: I'm sure some of them were.

SENATOR TESTA: Do you know if the company employed all New Jersey residents, or were they outside of the State of New Jersey?

COMMISSIONER ASARO-ANGELO: Definitely outside of the state as well.

SENATOR TESTA: Okay.

So let me get this straight. During New Jersey's largest unemployment crisis -- at least in my lifetime -- the Department of Labor

contracted with a call center that did not employ 100 percent New Jersey residents?

COMMISSIONER ASARO-ANGELO: Again, the hiring difficulties have been mentioned many times in this hearing and every other hearing.

SENATOR TESTA: Okay.

Could you provide us with a number of how much your Department has paid the contracted call center?

COMMISSIONER ASARO-ANGELO: Absolutely.

SENATOR TESTA: Through the Chair?

COMMISSIONER ASARO-ANGELO: Absolutely.

SENATOR TESTA: Okay.

Was this a contract that was bid on?

COMMISSIONER ASARO-ANGELO: Yes, through whatever the Emergency Procurement was at a time; absolutely there were bids.

SENATOR TESTA: Okay.

Senate Majority Leader Ruiz and I have a number of issues on which we typically disagree. However, last week in her floor speech, prior to our vote on Senate Resolution 66, she said something with which I could not agree more.

And I quote, "People want to see a person. People want to see effectiveness and efficiency in government. When they are hurting, they want to see someone step in."

Mr. Commissioner, I can promise you -- and this echoes Senator Bucco's comments -- I can promise you without a shadow of a doubt in my mind, that people in New Jersey want to be able to walk into a One-Stop

Center and get help with their unemployment claim. Your Department has a long list of dates announced and has rescinded the Centers' opening. And when they finally opened, they didn't have unemployment services. And you've said they haven't provided unemployment services for a couple of decades, at this point -- in person.

I really don't understand why this-- And I know you said this is the most efficient way -- calls, and handling it by the computer system. Which, by the way, I have to tell you, the ID.me system was very difficult for many of my constituents to navigate. But you're telling me that there are-- How many employees are going to be hired at the One-Stops? Thirty--

COMMISSIONER ASARO-ANGELO: They are already on staff, so they're not new employees.

SENATOR TESTA: You said there were -- what was it, 32?

COMMISSIONER ASARO-ANGELO: Thirty-two.

SENATOR TESTA: So 32. Why couldn't they have been handling the most difficult cases in person? I mean-- And I don't want to hear a number about efficiency. These are still real people, that even if they're handling 5, 10 claims a day, that's 5 to 10 more people who are getting their claims resolved, or being told, "Hey, listen, you don't deserve benefits."

COMMISSIONER ASARO-ANGELO: See, that's where the math doesn't work. Because that's not 5 or 10 more people a day that would be resolved. That's 20 people less a day because those folks would be in person handling fewer cases.

SENATOR TESTA: So it comes down to simple math.

COMMISSIONER ASARO-ANGELO: I'm not saying that. I'm just saying your math there was incorrect. And none of this is simple; none of it.

SENATOR TESTA: Do you agree with me that most people want to see a person? Because I can tell you, my staff has been working around the clock. And two weeks ago, I can tell you one of my staffers had to make an appointment with someone at 7 p.m. -- I, of course, was there to make sure everything was okay -- to go through the ID.me process.

Again, I just find it odd -- and I'm sure my colleagues share in my sentiment -- that we, as legislators, are handling a job that we know is really for the Department of Labor. I love my constituents, but this has been two years that I know myself and my staff are saying, "Hey, wait a minute. Why are we doing this job?" And I see-- I'm thankful that I see Senator Lagana shaking his head, and Senator Zwicker, because it's true. I mean, do you think that's fair that legislative offices are working like this, in that manner, for two years?

COMMISSIONER ASARO-ANGELO: No.

SENATOR TESTA: Okay.

I have a few more questions, and I thank you for your indulgence, Mr. Chair. I bored him, apparently; he's not here now.

So we have heard from a number of constituents who have received overpayments, or benefits in error. It's now tax season. Has your Department issued any guidance for these New Jerseyans? Because I can tell you, the few calls that I've fielded -- they're being told by their accountant, or whoever is preparing their taxes, that they need to get information from the Department of Labor.

COMMISSIONER ASARO-ANGELO: I'm going to throw my Assistant Commissioner on this, because he knows more than I do.

But another complication of Federal law, not even Department of Labor, is IRS. Because even if-- In the overpayment example earlier. You have this-- And I'll get you your answer in a second, Senator. When you have your original claim, you close it out; because we're backdating it. Now you're getting a new claim. Their 1099s are going to have the total amount of their original claim and of their new backdated claim. Because the IRS says we have to, and they have to take care of it themselves on the tax when they submit.

So we advise folks to talk to their accountant, to talk to their tax preparer. But a lot of the IRS stuff is out of our hands. All we can do is prepare the 1099s as we're mandated to by law.

But Ron, you had some point about 1099s? How does somebody get a new 1099? How does somebody get a revised a 1099?

(Assistant Commissioner Marino spoke off-mike, and his testimony was only partially picked up)

COMMISSIONER MARINO: Number one, if you filed a claim online, you were then sent an e-mail giving you the information for a 1099, saying if you want to go onto their system you can get a hard copy from them. If an individual did not get a 1099, they call up our call center, our call center takes their name and address, makes sure we have the right address for them, and then what we will do is, once a week we will mail out to them their 1099 for 2021.

COMMISSIONER ASARO-ANGELO: That's also one of the answers from earlier -- about how someone can get quicker service. One of the quick things that can happen when you call the call center.

SENATOR TESTA: I appreciate that. I mean, just because-- Again, overpayment is an issue for people who are filing their taxes. And they're calling my office now.

COMMISSIONER ASARO-ANGELO: Absolutely. We would love to be able to send them 1099s that only had the net amount they got from us.

SENATOR TESTA: Where does the State of New Jersey rank currently regarding the unemployment rate?

COMMISSIONER ASARO-ANGELO: I'd have to check that; I don't have that with me. Our new numbers are coming out next week. I'll have a better answer for you next week. Every year we benchmark the prior year's numbers and then do January and February in March. So I'll have a much better answer for you next week.

SENATOR TESTA: You stated earlier on in your testimony, before any of us asked you questions, that it's part of your Department's job to help businesses flourish.

As we know, during the COVID-19 era in the State of New Jersey, one-third of all small businesses have closed. And my understanding is, from the numbers -- and correct me if I'm wrong -- two-thirds of those businesses say that they're in danger -- two-thirds of the existing businesses left are in danger of closing their doors.

What is the Department doing to ensure that we don't suffer more of an economic crisis?

COMMISSIONER ASARO-ANGELO: Absolutely.

Senator, I think that you agreed. The thing we heard most from employers the past year or two was we need to find workers, right? So we are-- That's why that part of the One-Stops has been open non-stop since the beginning of the pandemic -- to serve a half-million customers in that form and fashion. We've been connecting employers with folks who are coming to the One-Stops for career services, to get them the job. I was just down at the One-Stop by your office a couple of weeks ago in Wildwood. Actually, I don't know where your office is-- I'm sorry, out in Rio Grande. I was there, and the staff was so excited about -- they just met-- There was some manufacturing company; they were setting customers up to go over there. Our Workforce Services are top-of-the-line here in this State, and they're super collaborative. Even though the workforce system is broken up into counties, they work very closely together. The day I was there, they were getting referrals from the Bergen County One-Stop in Hackensack, from a company that just opened up an office somewhere near Vineland. So we're working nonstop to connect employers with qualified employees, to help them with their bottom line.

I'm sorry -- and also, very importantly-- We have all kinds of programs to help -- not just get employees to the job, but also to help employers with costs. So we have wage reimbursement up to \$10,000 per individual to get into a certain kind of training program. Or they're getting on-the-job training. You heard about the Return and Earn program that we started; we had a little bit of a bonus for the worker, but, more importantly, had the employer receive up to \$10,000 per employee in wages.

SENATOR TESTA: So do you, then, support Senator Bucco's bill to use Federal money to bring the Unemployment Trust Fund back to its pre-COVID levels?

COMMISSIONER ASARO-ANGELO: I'm sorry, I thought you were asking me about workers.

Could you repeat the question?

SENATOR TESTA: There's a bill; Senator Bucco has a bill to use Federal money to bring the Unemployment Trust Fund back to its pre-COVID levels. Do you support that?

COMMISSIONER ASARO-ANGELO: We don't comment on legislation.

SENATOR TESTA: Okay.

COMMISSIONER ASARO-ANGELO: I'll leave that for someone above my pay grade.

SENATOR TESTA: Okay.

COMMISSIONER ASARO-ANGELO: But we are concerned about workers at all points in time.

SENATOR TESTA: A couple more questions. Thank you for your indulgence, Chairman.

You know, you earlier described the process as sometimes confusing and tedious. And I hope I'm not putting words in your mouth with that.

COMMISSIONER ASARO-ANGELO: No.

SENATOR TESTA: And I'm here to tell you, that's exactly why people need face-to-face help. Because I know everyone around this table, this dais, has had their employees walking their constituents through that

process. And I can tell you, we've met with our constituents in person during this entire process, probably starting in, I'd say, May or June of 2020.

And they're very thankful. And then when we tell them, "Listen, we're willing to help you, but we're not the Department of Labor," they're confused. They really are, and they're saying, "Well, why can't I go? Vineland has a One-Stop." They're asking me, "Why can't I go to the One-Stop?" And I can tell you, I try not to throw your Department under the bus, but it's hard. It's hard, because I say, "You're meeting with me. We're trying to get it done." And they're saying, "Why is this taking me eight weeks? Why is it taking 10 weeks? How come I tried and I put in a wrong number, apparently, and now I'm blocked from doing it? And now it's taking your staff -- all of this help." I mean, I really think this has to be done in person. And I understand that you're saying the math and the efficiency rates show that it doesn't warrant in person. But I can tell you that people want to see your employees face-to-face. And if they don't qualify, hey, they don't qualify. That's not what that's about. But it's amazing to me that we're all meeting in this room here today. Our legislative staff and legislators have all been meeting in person. Why can't the Department of Labor meet in person?

And I really appreciated Senator Zwicker's idea of mobile Department of Labor mini-centers. And I really liked Senator -- Chairman Madden's idea of mega-centers in areas. Because I could tell you what-- There is still an area, as you know -- and I've talked to you on the phone about this -- there are areas of Cumberland County and Cape May County that I represent that don't really have good access to the Internet. So if it's

not a phone call, it's coming to my office. And I love helping my constituents, but it's not fair to legislative offices to continue to do this after two years.

And you testified that the One-Stops haven't handled in-person unemployment for two decades. But isn't it during this crisis when people really need to step up and provide services that haven't been provided before? And in-person has to be the way to go. I just can't see that being taken off the table as a legitimate answer to this body.

I have one point about misclassification and two more questions.

Chairman Madden brought up a really phenomenal point. New Jersey's different with their unemployment. New Jerseyans pay into a fund. These are benefits that New Jerseyans have paid for. And I was troubled by the fact that you compared New Jersey to any other state. I was.

COMMISSIONER ASARO-ANGELO: I'm sorry; real quick.

I'm not trying to compare us to any other state. My point is that this is a national problem.

SENATOR TESTA: There's no denying that.

COMMISSIONER ASARO-ANGELO: Okay, thank you.

SENATOR TESTA: But New Jersey is supposed to be a leader. We're special in the State of New Jersey.

COMMISSIONER ASARO-ANGELO: Absolutely.

SENATOR TESTA: There's the hashtag *Jersey Strong* for a reason. We can talk about North and South issues, and make fun of each other, but if anybody makes fun of New Jersey, we're united.

COMMISSIONER ASARO-ANGELO: Absolutely.

SENATOR TESTA: It's not acceptable to me when I hear we're being compared to other states. We're considered a leader in almost every

single realm, for years. Whether it's our courts, whether it's our economy. I just don't believe that we should be comparing ourselves to anyone, and we should always be striving to be the best.

You know, there's a quote-- And this is, again, about in-person meetings. There's a quote that I use: Eighty percent of success is just showing up. I think so many people would feel so much more confident about the system if they could see someone just face-to-face by showing up. Even if they get a "no," they'll appreciate it a lot more than if they get it over a computer screen or on the telephone.

Senator Madden brought up a phenomenal point; I don't want it to be lost on this body or the media covering here. Sitting next to you is a box that says 7,119 pages, and it's the U.S. DOL active unemployment regulations.

All of those regulations were in effect prior to COVID. Am I correct on that?

COMMISSIONER ASARO-ANGELO: Fifteen hundred of them aren't. They came since COVID.

SENATOR TESTA: Okay. How many pages? Was that 1,500 pages?

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR TESTA: Okay.

We've had two years to adapt, Commissioner; two years.

It's my last question, about misclassification.

In your role as Commissioner of the Department of Labor and Workforce Development, you work with the Federal government, obviously.

The IRS, a part of our Federal government, uses a different test than New Jersey to determine independent contractor status.

Would you support New Jersey moving to align our independent contractor test to be in line with the IRS test?

COMMISSIONER ASARO-ANGELO: Absolutely not. And there's no better way to make less eligible for unemployment than using that test.

SENATOR TESTA: Okay.

COMMISSIONER ASARO-ANGELO: Hands down.

And just real quick, Senator, before about Jersey Pride.

I have tons of Jersey Pride. I was born here, educated here, raised my family here. I have family from Bergen County, family from Millville and Atlantic City. I love this state, almost more than anything else in the entire world. And I am proud of the work that we've done. And I know -- I'm not making comparisons to other states -- but I'll tell you this. You ask folks in the national UI world who work on UI in any other state or in D.C., New Jersey is a leader and continues to be a leader in UI.

I just want to make that clear.

SENATOR TESTA: Okay.

You know, myself and Senator Pennacchio held a panel, if you remember, early on during--

COMMISSIONER ASARO-ANGELO: Yes, I remember very well.

SENATOR TESTA: --early on during COVID. And we had individuals from a company called the COBOL Cowboys.

COMMISSIONER ASARO-ANGELO: And there was a guy who couldn't figure out the volume?

SENATOR TESTA: It was very Texas.

COMMISSIONER ASARO-ANGELO: Okay.

SENATOR TESTA: Again, there were some very real solutions, I believe, that were provided early on. And it doesn't appear that any of those solutions really have been taken to upgrade the system. And I know this is a system that you inherited, but, number one, you had time in this position prior to COVID, and here we are, now, two years in -- two full years into the COVID-19 era, as I'll call it, and there still hasn't been major upgrades to the system that we all agree needs upgrades. Why is that?

COMMISSIONER ASARO-ANGELO: To be clear, there have been upgrades to the system, which has allowed us to process that many claims. And many of them were chucked back by the U.S. DOL.

And my point about other states -- again, I'm not comparing us to other states. The point is, many other states have upgraded their systems, even within the past year. And their legislators are having the same hearings and the same problems because we're all working with the same broken system. And what we're doing here, in New Jersey, in partnership with the U.S. Digital Service, is trying to change the game by how these systems are built -- to be user friendly, to be responsive to testing, to work piece by piece.

So I promise you, Senator, when I come back before you next year at some point, we're going to have great success stories, on top of the ones we already have, about our technology.

And with all due respect to that hearing -- and I appreciate it-- And also we heard from employers in your District who had great stories to

tell about the difficulties of employers dealing with unemployment. But the gentleman who said he was an expert also said he thought we could be fixing this in 30 days. And that's just preposterous. I don't think he had a strong grip on the reality of what can be done with technology with such a high volume, just to be clear.

And I promise you that New Jersey will be a leader, and is a leader on UI modernization, and will continue to be.

SENATOR TESTA: Nothing further, Chairman.

SENATOR MADDEN: Commissioner, real quick.

Just a couple of closing questions for you.

With the backlog, a couple of different numbers went through my head. I think you have 11,000 -- a little under 12,000 people.

COMMISSIONER ASARO-ANGELO: On appeals, yes.

SENATOR MADDEN: Yes, sir.

Between those and the ones that are pending, that are into -- I'll call it Round 2 -- that just didn't get through the first couple of weeks and automatically go into the system, what is the timeframe in your mind? Here you sit, as a Commissioner, Cabinet member. You can hear the energy in upsetment, but what is the timeframe that the system is caught up?

COMMISSIONER ASARO-ANGELO: It's a great question, Senator.

It's something that we look at very closely. The good news is, all the numbers are going in the right direction. All of them. The "backlogs" in each different area, the number of calls coming in -- which is why it's-- I want to say this right -- I know the calls to your offices are still -- like, 100 percent of your calls are about UI. But the number of calls coming to us are going

down and down every single day. But unfortunately, folks who are eligible and get their benefits -- they're not calling you. It's everybody else. And that number is going to always increase. But all of our numbers go in the right direction. The appeals number, again, the high point was 18,000. So we're down -- if I do some quick math -- we're down two-thirds on there. Our initial claims, at some point, that first and secondary wait you don't get right away, was 186,000 at its peak. We're down to 10,000. And those are getting cleared, on a regular basis, every couple of weeks.

Our monetary appointments -- when we have an appointment with somebody to talk about what your wages were, we're getting conflicting information from an employer -- that was a 30,000 appointment backlog at some point; that's down to 1,700, and those are getting cleared on a rolling basis.

So everything is pointing in the right direction. So I'm hoping that even when I come back before the Budget Committee in just a couple of months, those numbers are obviously going to be even lower.

SENATOR MADDEN: Your hope will be to be caught up by the time of your Budget hearing? Is that what you--

COMMISSIONER ASARO-ANGELO: No, I said I think they're going to be much lower. But on some of those, I do think we'll be at current status in just a few months.

SENATOR MADDEN: You had referenced -- the numbers -- 4,500 and 9,600, comparing 2019 to 2020. Was that claims per--

COMMISSIONER ASARO-ANGELO: That was about the efficiency of our staff. So you take all the UI staff--

SENATOR MADDEN: Yes, sir.

COMMISSIONER ASARO-ANGELO: --and divide it by-- I'm sorry; take all the claims and divide it by the number of staff. In 2019, it was 4,500. In 2020, even with the additional staff that we brought on, each claims agent -- per broad definition -- worked on 9,000-plus. So not only did we bring on more staff, each staffer doubled more claims.

SENATOR MADDEN: Was that 2019 to 2020 -- the years that you quoted?

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: Do you have the number for 2021?

COMMISSIONER ASARO-ANGELO: I can get it for you, Senator.

SENATOR MADDEN: So look, I'll just double back, once again, giving you this quick snapshot, if you will.

Numbers -- if you're a numbers person, and that means a lot to you -- I think the Fed set standards -- the Federal government, right? -- to keep the program certified -- two-, three-week timelines. The standards, 87 percent taken care of in that timeframe.

You came in as a Commissioner -- it was 2018, correct?

COMMISSIONER ASARO-ANGELO: Yes, sir.

SENATOR MADDEN: So you picked up the system deficient; next thing you know, there we are at 81 percent. Next year, second real full year, you're at 87, right on the mark. That's the only time you hit the mark.

Then we go into the next years. You know, 2020 drops to 77, 2021 is at 68. Now we're at 50. I mean, we're already two months into the year, and I get that. It could be a little skewed. And that's just on the ones

that had money. For the non-monetary ones -- fraud, ineligibility, and what have you -- the numbers have decreased even more significantly.

Can you comment on this? Because it sure-- Extra money, of course, you explain that off, "but we really spent it." But we used CARES money, or Rescue Plan money. And claims now seem to be going down, as you're indicating; yet performance -- is how I view this -- is dropping large step. And just for the sake of the body, the average in each of those years -- like when you were at 87, the national average was at 85. So you were actually above the national average, to your credit; thank you. And the lead was at 98 in North Dakota. But then you dropped to 77, the average was 66. You were rolling the average. The high was 91. And then it really started to pale off. So I'm trying to-- This is part of the problem. You testify, "It's great." We get it up here. But in reality, it's slipping.

COMMISSIONER ASARO-ANGELO: Senator, real quick.

I'll look up the numbers and get back to you with a more fulsome response about the reason for some of those.

I do know that some of that is because, over the past few months, we've been sort of moving around resources to address more of the backlogs, right? So we made this choice that we'll let the initial claims slide a little bit while we work more on the folks who have been waiting a long time, per many requests. So I presume those numbers are going to be coming back up, now that we're, sort of, back to more of a stable staff situation.

SENATOR MADDEN: So, if I heard you testify, you went hybrid last June, you went fully remote in October. Was that right?

COMMISSIONER ASARO-ANGELO: Well, the whole state went fully remote whenever COVID hit.

SENATOR MADDEN: I'm just speaking of your operation--

COMMISSIONER ASARO-ANGELO: Right, right.

SENATOR MADDEN: --UI operation.

COMMISSIONER ASARO-ANGELO: So hybrid-- So people came back into the office, writ large, in our Department in a hybrid way -- again, I think the date was June of last year. The same with everybody else.

SENATOR MADDEN: You're dropping, and then there's this big drop, and it seems to be in that same calendar year when you went into hybrid, and then full remote. I know the efficiencies are on the phone calls and text messages;, and it's quite interesting that the biggest drop was at that same time. So with that picture in my mind, my question, the Chair to you, is when is everybody coming back to work, actually in their offices at the Department of Labor? When are you doing this?

COMMISSIONER ASARO-ANGELO: Again, Senator, other than the One-Stops UI services, which are starting on March 28, everybody has been back in their office, full time, since whenever that date was in October. They went hybrid again when Omicron came.

SENATOR MADDEN: Okay.

COMMISSIONER ASARO-ANGELO: And everyone's back, except for the floors under construction.

SENATOR MADDEN: Now, just to follow up as I told him I would -- I'd ask you to rethink the Plan *B* that Senator Bucco had just nibbled on, if you will.

COMMISSIONER ASARO-ANGELO: Yes.

SENATOR MADDEN: Are you prepared to make some indication to the Committee about what that may be, if your Plan A here doesn't work out?

COMMISSIONER ASARO-ANGELO: Absolutely; absolutely, Senator.

SENATOR MADDEN: The floor is yours.

COMMISSIONER ASARO-ANGELO: Oh, I'm done. I'm sorry, did you ask me a question?

SENATOR MADDEN: Yes, on Plan B.

COMMISSIONER ASARO-ANGELO: I'll get you something--

SENATOR MADDEN: Could you give some indication as to what they may involve? It may not be finalized, but, like, your Plan A is 32 people in 12 offices; continue the status quo with what you have on processing. That's your Plan A, is my understanding.

COMMISSIONER ASARO-ANGELO: Correct.

SENATOR MADDEN: What timeframe are you going to give it to see if it's working before you go to Plan B?

COMMISSIONER ASARO-ANGELO: I would say a few weeks.

SENATOR MADDEN: And on your Plan B, could you give us an indication of what that may look like, understanding that that's not finalized?

COMMISSIONER ASARO-ANGELO: I don't want to speak to it here. I mean, it would probably (indiscernible) used earlier -- a hybrid of impact team members on the phone, or in person, different places. We'll see.

SENATOR MADDEN: Is there a reasonable expectation that you would consider -- since I believe the quote was "everything's on the table"

-- remote mobile processing centers; possibly opening up a large scale -- even if it's on a part-time basis, a day or two a week, regionally -- for face-to-face processing? Would that at least be on the table for consideration?

COMMISSIONER ASARO-ANGELO: Again, everything's on the table. As I said in my testimony, some of our most successful outreach, as a Department as a whole, has been when we've been in the communities, away from the offices, working directly with constituents on many different services, including Workforce training. And I'm not going to waste folks' time to come just for one thing. If they're coming, I'm going to give them the full barrage of services that they're able to avail themselves of.

SENATOR MADDEN: And finally, Commissioner, you had, as you know, 1.6 million people, for sure, who were depending on the State services. But there's still-- Though it's a 3 percent drop-off, I mean, it's tens of thousands of people, that 3 percent. If you were to ask each legislator or their Chief of Staff and the people who work with them, what is the hardest case that you've had to deal with while you were a caseworker in the legislative office, 99 times out of 100 they're going to talk to you about the person they were not able to help. It has nothing to do with the number-- I couldn't tell you how many people we really helped. You have intakes and numbers, but I don't know. But it's the cases we remember where we could not help somebody. And that's the most profound number that we should be using when we design our plans, our operations, and how we move forward. That's what moves the engines, so to speak.

So the 3 percent sounds almost-- A couple of times I'm getting the impression, in some worlds, that some people think that's a *de minimis* number. But when you're talking about millions of people, taking 3 percent

and doing some mathematics, it's a significant amount of families. Because that one wage earner might be covering for two, three, four, five, six people in the family.

And so I just ask you to just sit for a second when you ride home. Just double-check that and say, yes, really what does that 3 percent mean?

For the people who we speak for and that we've had this hearing for, and for the people who have not been helped yet, we just implore upon you, as a legislative body, to stay the course, but up the game wherever you can. We need to know, legislatively, if there's something that you need, we need to know it now. If it's more money -- and it sure doesn't seem to be money -- it seems to be bodies if there are opportunities to hire.

So as we move forward, I look forward to staying in close dialogue with you and the members of this particular Committee.

But within a two-week time frame -- you're going to have the One-Stops within a two-week timeframe. After that, we would expect -- would you be able to provide us real numbers, an update, of how that's moving forward? Because the thousands of people who are potentially out there who we think may come your way, and we truly believe would come away, we really need to know what the reaction is; but we need to know it timely.

COMMISSIONER ASARO-ANGELO: Absolutely, yes. I'll have you those numbers (indiscernible).

SENATOR MADDEN: Okay.

With that, on behalf of Vice Chair Lagana and Republican Minority Leader Testa, Senators Bucco and Senator Zwicker--

But Commissioner, look, it takes a lot. I understand you're hit; you have a lot of stuff on your plate. We can go back and forth around this, but at the end of the day, there are people who significantly need help. The impression is, the system is broken. We got a better look at what it's been like on the inside with you.

But sir, I have to tell you, as we move forward, some of the measures that were put forth today for options to help improve it -- we look forward to continued dialogue with you and maybe implementing those over the next few weeks, if this system here does not work out, like, quickly.

You know, I can't say, "Okay, we're still waiting and waiting." We're asking for an emergency response to an emergency problem, all right?

So with that, I'd like to wish you safe passage on your way home. And I'd like to acknowledge Ron Marino's presence here. Since my time, early on -- it's been a while now; I've been in the Senate 18 years -- early on, as the Labor Chair, I met Ron Marino. Absolutely the most profound, exquisite, honest, thoroughly knowledgeable individual I've ever met from the Department of Labor.

And publicly, Ron, I'd like to thank you for everything you've done throughout the years, but particularly in this venue. But your support and belief in the Department of Labor, and what you've done for the legislative body in terms of knowledge and contributions in meetings that we've had, has always been very well taken.

And his points, to be honest with you, in some of the formation of law, have been very profound. And he has his fingerprints on a number of the pieces of legislation that have gone through this particular House. But thank you for your time.

Once again, Commissioner, thank you for your time, your service, and we wish you well, to you and your family. Please have a safe trip home.

COMMISSIONER ASARO-ANGELO: Thank you, Senator.

I just want to, real quick--

I just want to be very clear that I know that I'm up here talking about numbers and statistics, looking at this statewide. But we are talking to the same individuals every single day, and we're hearing the same horrible stories every single day -- our staff, myself, my family, my friends -- everybody I work with is talking to individuals in dire situations every day. That's what we do as a Department, long before COVID hit. No one came to our Department with good news. They were unemployed, they were injured, they had their wages stolen from them, they had to go on workers' comp, SSI Disability.

Our Department is used to dealing with folks in dire situations; that's why we were so prepared for this. But I don't want anybody to think that no matter what I'm saying about numbers or percentages, we don't know that every single one of those is a person in a dire situation, and we're there to help them every single day.

SENATOR MADDEN: Thank you for your time and your comments today, Commissioner.

That concludes today's hearing for the Senate Labor Committee, ladies and gentlemen.

And the time now is approximately 4:07 p.m.

Thank you.

(MEETING CONCLUDED)