



September 3, 2020

The Honorable Gavin Newsom  
Governor of California  
State Capitol, 1st Floor  
Sacramento, CA 95814

Dear Governor Newsom:

These are extraordinary times, and we thank you and your Administration for all of your work to combat the COVID-19 pandemic in the State of California. The COVID-19 pandemic continues to impact every aspect of the lives of Californians, which will unfortunately continue far beyond our 2020 legislative calendar. While we appreciate the Administration's broad response to address the incredible challenges that our nation and our state are faced with, the California Senate remains concerned that there are key priority areas where additional state action is needed to protect the health and safety of our California residents, as well as ensure support for their economic survival; particularly those who are most vulnerable. The Senate looks forward to continuing our partnership with you in the coming months as we believe it remains vital in ensuring that both the Administration and the people of California know exactly where we stand on both policy and fiscal priorities related to this global pandemic.

Below, we have outlined specific priorities that need to be addressed thoroughly to ensure California residents have clear answers related to our state's emergency management response to the crisis and future preparedness. The Senate has identified COVID-19 policy and fiscal priorities and we have a plan for oversight hearings over the next several months. The Senate will work well beyond the August 31, 2020 final recess of the legislative session to ensure we work together to keep providing valuable information and, most importantly, find solutions to our most pressing issues related to this crisis.

### **Senate Policy Priorities**

#### **Employment Development Department (EDD): Unemployment Insurance (UI)- timely claims handling**

The processing of UI claims in a timely manner and the delays that millions of Californians encountered when seeking unemployment benefits are issues that state legislators and our

staff hear about from our constituents each day. The need is truly dire. Our legislative teams have been working with your offices for months now to attempt to get UI claims paid in a timely manner. Unfortunately, UI claims that date back as far as March remained unpaid for many months and it is unclear how many of these claims, in totality, have not been resolved. This is simply unacceptable.

In the July 29 letter from EDD Director Hilliard to Labor and Workforce Development Agency Secretary Su, the Director acknowledged there were 239,000 UI claims pending resolution by the EDD and an additional 889,000 claims that were filed, but had not been resolved as the EDD awaited additional information from the claimant. The data released by the EDD on August 24 indicates that 66% of the 239,000 UI claims that were pending with the EDD as of July 23 are no longer pending and for 47% of the claims awaiting information from the claimant, the EDD has now received that information.

At a time when the Legislative Analyst's Office (LAO) estimates that one of every five workers has filed an UI claim and large numbers of our constituents are contacting legislative offices for help, the Legislature must be kept better informed, in a timely manner, about the progress that is being made to pay claims and the resolution of pending claims.

- We request information about the status of both the UI claims pending resolution by the EDD and those for which the EDD is awaiting information from the claimant broken down by the month the claim was filed. This information should be updated and shared with the Legislature on a twice-monthly basis for the foreseeable future to help us better address patterns and understand which claims are not being paid and how we can best support communication to the public and processing of these claims. We request the first update by September 15, 2020.
- We request financial support for the undocumented community who are impacted by COVID-19 and who are ineligible for UI benefits.
- It is our understanding that the current timeline for awarding the contract for the EDD's Benefit Systems Modernization (BSM) project is in October of 2020. We request information about the projected timelines, including deliverables throughout the term of the contract that will be awarded for the BSM project completion.
- We request monthly updates on whether the contractor is meeting their contractual obligations and deadlines. The Senate is committed to working with your Administration to modernize and build a new IT system aligned with the workforce of 2020 and playing an oversight role during that process.
- We request a timeline from the Administration of when the EDD anticipates claimant payment wait times will be back down to the 21-day average required by the US Department of Labor.

- We request by September 15, to be provided specific detail on the number of active personnel who are working on more labor-intensive UI claims, as well as the number of those personnel who are still in training to understand the workforce improvements that may be needed to handle our enormous caseloads.

**Testing, tracing, isolation and preventing community spread:**

The capability to provide timely access to testing and test results, coupled with adequate contact tracing and the ability to isolate are all foundational to combatting COVID-19 and re-opening the state's economy. While COVID-19 diagnostic testing has expanded dramatically and your announcement last week demonstrates that you have a plan to significantly increase access to testing in the coming months, the state is not currently employing an effective testing and contact tracing strategy.

Before we can safely reopen schools and retail businesses, California must move from mitigation to containment of the pandemic. Other countries have done so by implementing science-based public health interventions with resolute leadership that engenders trust from the public. The United States and California must reduce the number of active COVID-19 cases in the community to a level where our capacity to test, contact trace and isolate is sufficient to identify every person who becomes infectious in the community within 1-2 days. The current caseload in California will need to be reduced by over half before we are close to our capacity to shift to containment. Because COVID-19 can be transmitted by asymptomatic individuals, implementing the strategy to achieve containment must be our first priority for resources. New Zealand is one of the success stories that also illustrates the challenges and resolve necessary to contain this virus, where a recent outbreak initially escaped detection despite significant surveillance, resulting in lockdown of a major city for only 90 active cases.

Californians, including those living in rural or underserved communities, undocumented Californians and those in congregate settings, must be able to get timely access to testing and testing results within 48 hours. Six months into the pandemic response, the state has priority testing tiers that do not allow most people who have been exposed to COVID-19 to get tested unless they have symptoms. This is a retreat from the earlier promise of universal access to testing.

In many of the communities with the highest incidence of COVID-19, close living quarters and the lack of space to isolate away from family members plays a role in increasing the spread of the virus. Providing the ability for those who test positive and those who have been exposed to COVID-19 and are awaiting test results to isolate needs to be an ongoing priority.

- We request a proactive strategy specific for rural and underserved communities of color (including undocumented Californians), who have been disproportionately affected by the virus. Latinos, many of whom are essential workers, are three times more likely to become ill and die of COVID-19 than other groups and we know that some rural communities still find testing availability a struggle that necessitates driving up to four hours away.

- We request the Administration develop a dashboard of test result turnaround times (goal of 48-hour turnaround time) in communities across the state. We also want detail on the state's existing contracts with major labs that indicates the cost per test processed, and the turnaround time specified in the contract for the lab to deliver test results. It may be necessary to reevaluate state contracts with major labs to focus efforts on ensuring that we have sufficient testing capacity and supply, and work to make universal testing available.
- We request, in writing, the Administration's plan for expanding both state testing sites (mobile, on-site, etc.), encouraging more lab environments with strong capacity, as well as a clear process for the procurement of testing supplies across California.
- We request ongoing assessments of contact tracing capacity in the state and for each county, with regular updates including data on the contact tracing workforce, language capacity, response rates to contact tracing efforts, and data and information technology support for contact tracing. This ongoing capacity assessment needs to be correlated with an assessment of the number of active COVID-19 cases in the county and region and plans to eventually match contact tracing capacity with cases.
- We request the Administration's plan to provide locations to isolate people who are infectious with COVID-19 with ongoing assessments of shelter capacity and options for isolation in each county and region of the state.
- Further, to prevent community spread and to better coordinate efforts, we recommend that the Office of Emergency Services (OES) work on a regionalized plan for those areas where the county-by-county approach may not be effective – for instance, Central Valley's eight-county program may be proving to work well for the region on multiple fronts and our hope is that we can do the same in other areas of the state, where appropriate.

**Re-opening of the Schools: Focus on our most vulnerable students:**

In order for our economy to recover and ensure Californians are able to resume work, we must ensure all children, particularly those who are most vulnerable (including students with disabilities and low- income children) are able to return to school in a safe manner.

The 2020 Budget Act made clear the expectation for school districts to provide in-person instruction and services to students. Currently, we recognize this is not an option for most, however, we would be remiss if we did not highlight the severe impact this situation has on students, particularly those with special needs and English learners. These children require specialized instruction and services that cannot be replicated in a distance learning setting. As such, they are regressing in their learning and falling further behind in social/emotional development. We know that many California working parents need school-based childcare and

preschool programs in order for them to return to work and for their children to receive necessary learning and development skills.

- The Senate requests a detailed plan on the needs of our most vulnerable students, as addressed above – both how the state will work to mitigate learning loss now and support them at home and eventually when reopening occurs.
- We request a plan on how California school districts will be meeting our obligations to special education students under IDEA.
- We request a detailed plan, including timelines, for assuring a reliable supply of PPE for students, teachers and staff for the school year.
- We request the development of a strategy for rapid testing of all public-school employees for the foreseeable future. This will help ensure, when possible, that schools will be able to open and remain operational.
- We request the Administration provide a full inventory of programs/resources available within the California Department of Education and the California Public Utilities Commission that can help with broadband and technology access, and information about which programs can be repurposed to focus more acutely on this issue.
- We request an update by September 15 on the funding currently available, as well as specifics on how it has been deployed to date, to address the digital divide in our school districts and the consideration of staffed/supervised learning labs in select school districts to ensure students are able to accomplish their distance learning lessons in a timely manner.

#### **Supply Chain:**

The state needs to continue addressing the current and future needs and acquisition of PPE, to supplement the supply that will be needed as we move into new stages of the COVID-19 pandemic, wide scale flu vaccination, and the supply needed to eventually reopen our economy and classrooms. Once our state's immediate needs are met, the state needs to reevaluate its strategic plan for long-term storage of PPE (i.e. what is an adequate supply to maintain a 3-month stockpile and who are the partners we can work with to ramp up production as needed?). Health care workers continue to raise the alarm about an inadequate supply of PPE. Hospitals, community clinics and Skilled Nursing Facilities continue to articulate concern about supply chain issues. The state should establish PPE purchasing pools with private purchasers to leverage our collective purchasing power to secure a reliable supply of quality PPE.

The lack of adequate testing supplies for COVID-19 diagnostic testing continues to be a problem preventing effective action to prevent transmission from positive cases. The state needs to further prioritize acquiring needed testing supplies and coordination with labs to make timely access to testing and rapid results something every Californian can rely upon.

California should continue to leverage its purchasing power and collaborate with private entities to ramp up its domestic supply of PPE

**Influenza Vaccination:**

A comprehensive plan to prepare for the coming flu season is imperative. All Californians must have access to the flu vaccine, and making sure that essential workers, persons at increased risk for severe illness from COVID-19 (including racial and ethnic minorities) and persons at high risk for influenza complications have early access to flu vaccination is critically important.

Vulnerable populations will have new challenges getting access to the flu vaccine this year, as many of them are not visiting their doctor's offices or pharmacies right now and some individuals who get their flu shots at work will not have that opportunity right now. New locations where flu vaccinations will be available, potentially in some of the same places where COVID-19 testing sites exist today, are needed to make it possible for wide-scale vaccination to be available in every community in the state. Drive-through sites, large-scale flu shot clinics, curbside clinics, mobile units, home visits and large-scale vaccine sites may all need to be a part of this strategy.

Flu vaccination rates are usually around 40%-50% annually, but we should strive for the Healthy People 2020 goal of 70% this fall with a concerted vaccination education campaign combined with expanded access to flu vaccines. The campaign to increase flu vaccination can be considered practice for a future COVID-19 vaccination campaign to end this pandemic.

In addition to the federal and statewide media campaigns about the flu vaccine, we want to partner with the Administration to get the word out to our constituents about the importance of getting the flu vaccine and how to get access to it in each of our communities.

**Fiscal Priorities:**

To the extent additional funds are needed to make any of the policy priorities described above a reality, please share information about what funding is necessary to achieve our shared goals. The following are areas that we have identified as funding priorities:

- Personalized Protective Equipment (PPE)
- Expanded testing and lab capacity along with an enhanced supply chain strategy, with a special emphasis on testing for communities of color and rural California
- Project Homekey for isolation of essential workers, homeless individuals, and those who are sick and need to isolate away from their families
- Increased workplace inspections to protect essential workers
- Broadband access, hot spots, devices, digital literacy and potential learning labs in select school districts

- Flu vaccinations – education, outreach and standing up locations
- EDD – if additional funds are needed to make any changes that will enable the State to pay all claims in a timely manner
- Financial assistance for undocumented Californians impacted by COVID-19 through California’s Disaster Relief Fund

**Senate Oversight Hearings:**

Now that the regular legislative session has ended, the Senate will resume oversight hearings related to the COVID-19 Pandemic. The Senate’s Special Committee on Pandemic Emergency Response and the Senate Budget and Fiscal Review Subcommittee on the COVID-19 Response will work with our Senate Standing Committees to hold oversight hearings on the state’s ongoing response to and future management of the pandemic. Our plan is to hold a number of oversight hearings on topics important to our California constituents, starting later this month through the end of this two-year session in November and we look forward to further discussing and addressing the above-mentioned priorities.

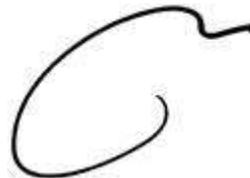
Thank you in advance for your attention to our Senate plan on COVID-19. We look forward to a continued partnership to address these time-sensitive and critical issues for all Californians.

Sincerely,



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LENA GONZALEZ  
Chair, Special Committee on Pandemic  
Emergency Response, Senator, 33<sup>rd</sup> District



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MIKE MCGUIRE  
Assistant Majority Leader  
Senator, 2<sup>nd</sup> District



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HOLLY MITCHELL  
Chair, Budget and Fiscal Review  
Committee  
Senator, 30<sup>th</sup> District



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RICHARD PAN  
Chair, Health Committee  
Senator, 6<sup>th</sup> District

A handwritten signature in black ink that reads "Nancy Skinner". The signature is written in a cursive, flowing style.

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NANCY SKINNER  
Chair, Public Safety Committee  
Senator, 9<sup>th</sup> District