



House of Representatives

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HUMAN RELATIONS & AGING
REAPPORTIONMENT
SCIENCE & TECHNOLOGY
SPECIAL RULES

EMAIL: sandragivenscott@gmail.com

September 29, 2021

To Honorable Mark Butler
Commissioner of Georgia Department of Labor
148 Andrew Young Intl Blvd, NE
Atlanta, Georgia 30303

Dear Commissioner Butler,

I am writing to document my reasons for opposing the Legislative Portal Access Pilot Agreement, to update your office of twelve reasons for the opposition in detail, and to request your office revamp this program. I have worked over a year with the subcommittee of the Georgia House Democratic Caucus addressing issues concerning Unemployment Insurance (UI) benefits and the Georgia Department of Labor (GDOL). The main reasons for my opposition to this pilot involve the fact that this agreement will limit /silence the voice of the legislators and create criminal liability for the legislators and their staff.

The twelve reasons legislators should refuse to sign the Legislator Portal Access Agreement include the following:

- 1) GDOL will limit the use of data to assist its constituents. However, the subcommittee of GHDC has already used data within press releases to justify an investigation and audit of the GDOL by the Office of Inspector General of the U.S. DOL. (Page 1 Section II, number 3)
- 2) GDOL's policy on confidentiality and non-disclosure of Data and other information received from GDOL will have legislators in violation of the agreement when giving evidence to the federal agencies and state committees. The confidentiality policy limits the use of the information.
- 3) Data means any and all personally identifying information gathered and maintained by GDOL including but not limited to, individual or employer names, Social Security Numbers, home or business address information, the fact that an individual has filed an unemployment claim or the amount of their wages, and other data, letters, reports, statement, transcripts, recordings, or returns obtained from any individual, claimant, employing unit, or employer pursuant to the administration of Georgia's unemployment insurance law or Employment Security Law, in whatever form and however organized, stored, or recorded including computer or other electronic records or versions of records. (Page 3 Section 3, part C)
 - a) The Legislators have no need to access this level of information as though they are employees and/or administrators of the GDOL. Due to the overall level of negligence in the delivery of service with



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GDOL, Legislators were forced into participating in the service delivery of unemployment insurance. Legislators want competent service delivery that would completely remove their administrative assistants from having to do intake for the GDOL.

- b) The legislators simply requested GDOL follow up with claimants' questions, complaints, concerns, etc. GDOL refused to answer any follow up questions, complaints, concerns of thousands of claimants. This is not a responsibility of the Legislators.
- c) To comply with this agreement's policy would require additional financial funding for each Legislative office.
- 4) GDOL will limit the data Legislators may disclose to the public. (Page 2 Section III, Letter F). Section IV is completely missing from the document sent to me.
- 5) Any party may terminate this Agreement without cause, for its convenience, by providing a minimum of ten (10) days' notice thereof to the other party. (Page 2 Section VI, Letter A)
- 6) Exhibit one (1) details access requirements that include the State Office Holder providing a list to GDOL of the current users. Exhibit one (1) gives details that 45 days of inactivity by the User will result in the User ID being blocked from use. Most of the Legislators in the Georgia General Assembly would prefer to not perform these tasks and services within GDOL.
- 7) Exhibit two (2) gives the security Requirements for using the GDOL system. We question how such requirements are expected of the Legislators when Commissioner Mark Butler with GDOL part of a cooperative was financed with over 50 million dollars to provide a new UI system and failed. Legislators are given \$7,000 annually to assist with running their office. How is this sufficient funding to complete the requirement in Exhibit 2, especially with the "shall" designations?
- 8) The Administrative Security Requirement under Access Requirements states Legislators "shall" establish and/or maintain ongoing management oversight and quality assurance capabilities to ensure only authorized personnel have access to Data. Is this a realistic requirement to expect from the Legislators?
- 9) Legislators "shall" maintain records of authorized users with access to Data. The records "shall" contain a copy of each individual's signed non-disclosure oath and proof of the individual's participation in security awareness training. The Legislators "shall" make such records available to Georgia Department of Labor's Information Security Officer (ISO) within two working days of a request for such records.



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- a) GDOL and Commissioner Mark Butler have refused to answer Open Records Request as prescribed by law and when he answered ORR, he invoiced excessive charges and fees to obtain information and/or data.
 - b) Legislators were denied basic follow up information and continued to make requests for follow up information that date back over one year. Yet, Legislators are required to act within two working days. (Exhibit 2 Page 2, Number 6)
- 10) Legislators “shall” ensure that the transmission and storage of all data provided pursuant to this Agreement - /or other Agreement to which this Exhibit pertains “shall” be accomplished in a manner that safeguards the data and prevents unauthorized access...Data is encrypted. (Exhibit 2 Page 3, number 3-6)
- a) The requirements of the security Exhibit shall survive the expiration or termination of the Agreement to which this Exhibit pertains.
 - b) Legislators required the following information be provided by GDOL under SB156 which was vetoed by Governor Brian Kemp.
- 11) A majority of the state elected officials were forced to help GDOL due to the complaints they received from constituents concerning Unemployment Insurance benefits. One attempt to resolve the problems was the drafting of Senate Bill 156. Senate Bill 156 was the only bill vetoed by Governor Kemp this legislative session. The bill was due to create a chief labor officer with two major functions. Due to the number of complaints state representatives were receiving from constituents, the state representatives wanted to be informed of the following:
- a) Every Monday, the Commissioner shall submit to the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, the President of the Senate, the majority leader of the Senate, and the minority leader of the Senate a report specifying for the week prior and for the calendar year to date as to claims for unemployment compensation benefits the number of:
 - i) (1) Claims filed with the department;



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- ii) (2) Unpaid claims;
 - iii) (3) Claims at each stage of the process provided under this chapter for the filing, 81 payment, and adjudication of such claims;
 - iv) (4) Inquiries submitted by members of the General Assembly on behalf of their constituents who are experiencing issues with a claim for unemployment compensation 84 benefits; and
 - v) (5) Inquiries submitted by members of the General Assembly on behalf of their constituents whose issues have not been resolved.
 - vi) If the Monday report day is a state holiday, the report shall be submitted the first weekday 88 that is not holiday that immediately follows such Monday.
- 12) The elected officials and their administrative staff helped GDOL process claimed by filling out a spreadsheet, plus would receive calls requesting follow up on claims and complaints from the public. However, Commissioner Butler's officer would not give any follow up and neglected to open a call center to address the large number of calls. To this date, the call centers and offices remain closed to the public.
- a) Section V states that under no circumstances "shall" GDOL be liable to SOH (legislators) for any losses caused, directly or indirectly, in whole or in part, by the provided data or by any equipment malfunction. GDOL has already received over 2 million dollars from the federal government for fraud prevention. How successful has GDOL been with protecting data and preventing equipment malfunction?
 - b) Exhibit 2 Number 3 states the STATE OFFICE HOLDER (SOH OR LEGISLATOR) "shall" ensure that all personnel who will access Data are advised of the confidential nature of the data, safeguards required protecting the data, and **any contractual, civil, or criminal sanctions for non-compliance with this Exhibits...** This creates a liability for our administrative assistants and the many legislators in the office?



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As an elected official, I thank you for including me in the pilot. However, I have a responsibility to my constituents and colleagues to voice the reasons for my opposition to the Legislative Portal Access Pilot Agreement. I continue to work with the subcommittee of GHDC to address issues with the backlog in Unemployment Insurance (UI) claims and to help stop the suffering of our constituents.

Please feel free to contact me for any further details that may help improve and/or revamp the pilot program and agreement. I am attaching documents pertaining to this issue. I look forward to hearing from you. I ask that you contact me, Representative Sandra G. Scott, at 404-656-0314 or via email at sandra.scott@house.ga.gov. Trust but verify!

With Kindest Regards,

Representative Sandra G. Scott

Representative Sandra Scott represents the citizens of District 76, which includes portions of Clayton and Henry counties. She was first elected to the House Representatives in 2010 and currently serves on the Defense & Veterans Affairs, Human Relations & Aging, Legislative & Congressional Reapportionment, Science and Technology and Special Rules committees.

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