

Written Testimony of Ari Weisbard
Submitted to the Council of the District of Columbia
Committee of the Whole
Budget Hearing on the Office of Risk Management
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My name is Ari Weisbard and I am the Advocacy Manager at the D.C. Employment Justice Center, a non-profit organization whose mission is to secure, protect and promote workplace justice in the D.C. metropolitan area. We are the only organization in D.C. that provides free legal advice to more than 1,200 low-wage workers annually in addition to advocating for needed changes in workplace fairness laws based on the real-life cases we see every day. I am here to testify regarding one audit the D.C. Auditor's office has already completed and a second audit it has yet to begin.

First, I would like to commend the Auditor's office on its March 2011 examination of the Office of Risk Management's Oversight of the Disability Compensation Program, a program that serves injured public sector workers. EJC assists several injured workers who navigate this program, and this audit shined a much-needed spotlight on deficiencies in the program's administration and helped show that they were systemic, rather than merely isolated individual errors.

For example, the audit found that ORM management had ignored orders issued by administrative law judges to pay compensation to injured workers, in some cases for as much as 17 months after the required date on the order and then, adding insult to injury, also failed to include late penalties owed to claimants as a result of this delay. Please see excerpt, attached. The audit's careful review of these failures allowed EJC to better assist workers who are awaiting delayed payments and to propose systemic reforms tailored to ensure workers do not suffer undue hardship during the administrative appeals process.

Through its excellent work on this examination, the Auditor's office demonstrated the high value of carefully studying the implementation of D.C. programs.

This leads me to my second point, which is to note the importance of the D.C. Auditor promptly undertaking the statutorily-mandated study of the economic impact of the District's Accrued Sick and Safe Leave Act, which was passed in 2008. Although the law requires that an audit is performed annually,¹ so far no audit has been performed in the three years the law has been in effect and the audit currently stands at number 35 on the D.C. Auditor's office's workplan, with its status listed as "not started."

According to the statute, the study should measure the economic impact of the law, including among other things whether businesses are complying with the posting requirements and whether companies are using staffing patterns to circumvent the intention of the law. EJC has significant concerns that many companies are indeed failing to comply with the posting requirements and that, in some industries, companies have such high turnover that their employees never meet the one-year requirement to be eligible for sick leave. EJC plans to provide the D.C. Auditor's office with some recommendations and assistance to ensure that a successful study can be undertaken this year. We hope that the D.C. Council will also allocate sufficient resources to the Auditor's office for it to complete this audit promptly.

Thank you for the opportunity to testify.

¹ **§ 32-131.15. Report by the District of Columbia Auditor.**

The District of Columbia Auditor shall prepare and submit to the Mayor and Council, annually, a report of this chapter's economic impact on the private sector. Among other things, the District of Columbia Auditor shall audit a sample of District businesses to determine:

- (1) The compliance level of businesses with the posting requirements; and
- (2) Whether companies are utilizing staffing patterns to circumvent the intention of this chapter.