



The Center for Accountability, Modernization, and Innovation
Washington, DC

March 17, 2020

The Honorable Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington, D.C. 20210

Dear Secretary Scalia:

The Center for Accountability, Modernization, and Innovation (CAMI) is a nonprofit organization that was created to promote innovative solutions to public policy challenges. As the entire nation is grappling with the significant challenges associated with the novel coronavirus, states could well face additional challenges implementing federally-funded entitlement programs as their workforces face significantly increased workloads and potentially fewer staff being available during the crisis. We are reaching out to you today because we believe it is essential that the states are aware of the full range of options available to them as they contend with these pressures.

Specifically, earlier this year, the Office of Personnel Management (OPM) clarified that state contractors are permitted to support state governments in the administration of federally-funded entitlement programs. Considering the current situation and governors' need to create the appropriate contingency plans for circumstances in which a state-administered entitlement program is incapacitated, we think it would be both important and valuable for DOL to clarify that governors have the option to utilize contractors to administer these programs.

Indeed, because the OPM guidance may not be familiar to state governments, CAMI recommends that the DOL issue the following clarification to governors.

This language regards the support of government and government contractor worker. As a means of protecting physical facilities (as part of facility security protocol), the following language is needed:

The Honorable Eugene Scalia

March 17, 2020

Page Two

“To help state governments with the delivery of entitlement services, governors and state administrators should be aware that contractors can administer federally funded entitlement programs in accordance with OPM’s Intergovernmental Personnel Act clarification dated November 27, 2019. Considering the current crisis and the need to give states the ability to take appropriate actions, all Governors should be aware that if the administration of an entitlement program is incapacitated (where adequate numbers of state workers are not available or a state has a surge in requests), they have the option to utilize contractors to administer these programs in accordance with OPM’s guidance.”

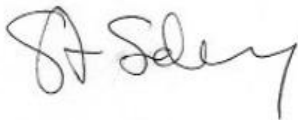
AND

“To protect the security of facilities and reduce potential contamination, Federal agency essential services-related contractors and government agencies must prohibit employees who test positive, have symptoms or know they have been exposed to the virus from entering secured facilities. These employees will be reimbursed for sick time for an appropriate quarantine period. This action should be incorporated into standard contractual security protocols as a means to prevent additional spread of the virus and/or a possible facility shutdown. This will also provide employees with important assurances that they will not be penalized for doing so.”

CAMI believes that these clarifications are necessary to ensure the continued delivery of federally-funded benefits, which families are relying on more than ever during this difficult time. We believe this clarification is essential to the whole of government approach the Administration is pursuing in response to this outbreak.

We appreciate your consideration of this request and would welcome the opportunity to speak further about this clarification at your convenience.

Sincerely,



Stan Soloway
Chairman of the Board

CC: John Pallasch, Assistant Secretary of Employment and Training, Department
of Labor
Office of the Vice President
Members of the COVID-19 Task Force
Office of Personnel Management
Office of Management and Budget