

Oregon jobless claim system is still broken

‘Restart’ error returns despite state’s insistence problem was fixed

By MIKE ROGOWAY
The Oregonian

SALEM — An error in Oregon’s jobless claims system that confounded scores of workers on Easter Sunday returned a week later, despite the state’s insistence the problem was fixed.

Sunday morning, the Oregon Employment Department’s website was again telling many workers they must restart their claims when they make their weekly filing for benefits. That’s a mistake — most workers do not need to start over — but they didn’t have an immediate alternative Sunday morning to make their weekly filing for continued benefits.

The department’s website incorrectly said, “The restart stop issue has been fixed.” When workers tried to file their weekly claims Sunday morning, though, the system instructs them to “Restart Your Claim.”

After several hours, the employment department said it resolved the issue with its systems, blaming a “record level of online claim processing, paired with other weekend system maintenance” for the problems. “As of just a few minutes ago, we’ve already seen at least 20,000 who received the restart error this morning now successfully file their weekly claim,” communications manager Gail Krumenauer wrote in a 1 p.m. email. “The fix is working.”

After the breakdown in the claims system last week, the employment department promised the “restart error” wouldn’t happen again at the start of this week.

The employment depart-

ment is struggling to cope with an onslaught of jobless claims. Close to 300,000 Oregonians lost their jobs in the first weeks of the coronavirus outbreak as restaurants, bars and many other businesses shut down to contain the epidemic.

The department has been unable to process many claims because it still relies on a 1990s computer system to process claims. The state has been planning an overhaul since it received federal funding for an upgrade in 2009 but estimates the new computers won’t be fully in place until 2025.

Antiquated system

Oregon’s antiquated computers frequently deny claims to people who are legally entitled to benefits, a problem that has exploded with the surge in claims. That’s resulted in jammed phone lines and delays in benefits to thousands of newly laid off workers.

Meanwhile, Oregon has been unable to adapt its computers to process changes in the jobless benefits system that Congress approved last month to alleviate the economic crisis brought on by the coronavirus. That means thousands of more unemployed Oregonians are not receiving full benefits.

For example, Oregon cannot process claims made by gig workers and the self-employed even though Congress made them eligible for benefits last month. The state has given no estimate of when it will be able to process their claims.

And Oregon has been unable to waive the “waiting week” — a period before for newly unemployed workers are eligible to start receiving financial benefits. Congress authorized states to waive the waiting period last month but Oregon, unlike other states, has been unable to implement the waiver.

Rural counties press for reprieve from closures

By PIPER MCDANIEL
The Oregonian

BURNS — In the next week or two, Samantha Landon will have to decide whether or not to close her three businesses in Harney County: a hair salon, a short-term rental and Bella Java, a bistro named for her love of coffee. Landon laid off eight employees she couldn’t pay in March, after social distancing orders took effect statewide and forced many businesses to close to stem the spread of the coronavirus.

She has been using her own money, including her federal stimulus check, to try to keep her businesses afloat. With almost no profit, she can no longer afford to pay overhead or wages.

“I won’t be able to order food unless I buy it on credit,” Landon said. “I have to accrue more debt to make it work. It would be ridiculous to keep going this way.”

Landon is among hundreds of small business owners



The Oregonian/OregonLive Photo/Dave Killen, File
A man walks in downtown Burns in southeast Oregon’s Harney County. Officials there want Gov. Kate Brown to allow the county to re-open businesses after coronavirus closures.

ers in rural Eastern Oregon working to avoid a collapse they won’t come back from. County officials say they can’t afford to wait to reopen businesses and risk deeper economic damage.

Several counties sent letters to Gov. Kate Brown that requested a reprieve from sweeping business closures and asked to reopen businesses in a way that allows for social distancing.

Brown pledged on Tuesday to begin work on such a plan, but the timelines to reopen are murky.

Many rural business owners have only a matter of weeks before they will be forced to close, county officials say. Rural leaders are eyeing May 1 as a tentative target to start reopening.

“Businesses are struggling,” said Harney County Judge Pete Runnels, who was

among the first rural leaders to reach out to Brown. “It will be harder and harder for them to come out of this at all.”

Harney County has no cases of COVID-19, and to residents in far-flung communities untouched by the pandemic, the necessity of the orders can seem questionable as businesses are pushed to the brink, Runnels said.

The county’s April 13 letter detailed potential steps business owners could take to help protect against the virus while resuming operations.

“We have abided by the rules,” the letter said. “We’ve seen them extended and we have continued with stricter controls, we just can’t hang on any longer.”

Within days, seven other eastern counties followed suit — Baker, Grant, Deschutes, Jefferson, Klamath, Union and Wallowa — and submitted a joint letter spelling out similar concerns and asking to talk with Brown to develop potential solutions.

Oregon’s non-unanimous jury verdicts come to an end

By CONRAD WILSON
Oregon Public Broadcasting

WASHINGTON — The U.S. Supreme Court ruled 6-3 Monday that the U.S. Constitution requires unanimous jury verdicts in state criminal courts. The move ends Oregon’s history of using non-unanimous juries to find people guilty of crimes other than murder.

Specifically, the U.S. Supreme Court ruled the 14th Amendment incorporates a person’s Sixth Amendment right to jury unanimity.

Oregon was the last state in the country that utilized a non-unanimous jury law, allowing convictions in many types of cases with an 11-1 or 10-2 decision.

Monday’s Supreme Court case was out of Louisiana, though that state had previously ended the practice

of non-unanimous juries through a measure approved by voters.

Non-unanimous juries have been part of Oregon’s Constitution since 1934, when voters adopted the practice. Legal scholars argue non-unanimous juries are rooted in discrimination, and that Oregon’s law was originally intended to silence the voices of Catholic and Jewish immigrants in the state.

In Louisiana, the law was directly tied to Jim Crow laws and aimed to make it easier to convict black defendants so white landowners could maintain a cheap, post-slavery labor force. In November 2018, Louisiana voters scrubbed non-unanimous juries from their state’s Constitution. But that didn’t prevent the Supreme Court from agreeing to hear a case that

directly dealt with the issue of non-unanimous juries.

In recent years in Oregon, there’s been a growing recognition about the state’s racist and discriminatory past, as well as an understanding among many state lawmakers and elected officials — even the state’s district attorneys — that there should be no doubt among jurors when convicting a defendant of a crime.

However, Oregon legal experts have disagreed on how best to adopt unanimous juries without overturning many past convictions.

While Oregon’s attorney general and criminal justice reform groups lauded the court’s decision, Morrow County District Attorney Justin Nelson said he was concerned on how the move might affect victims.

Nelson didn’t think the

ruling would affect many previous convictions in Morrow County, but he was worried that it might lead to other cases in the region to be retried if the convictions are voided.

“That’s going to be concerning for victims,” he said. “It’s going to be stressful.”

Beyond the psychological effect on victims, Nelson said older cases could be more difficult to prosecute because certain evidence like eyewitness testimony won’t be as fresh.

Going forward, Nelson expects more cases to go to trial instead of plea bargains because defense attorneys will only need to convince one juror of reasonable doubt to create a hung jury.

Umatilla County District Attorney Dan Primus did not return a call requesting comment.

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