

# Testimony of Flannery O'Rourke

National Employment Law Project

## Support for HB2125: Facilitate Waiver of the Waiting Week During Severe Weather Emergencies

### Hearing before Oregon Senate

Committee on Labor and Business

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# Workers Urgently Need Support During Severe Weather Emergencies

Good morning, Chair Taylor, Vice Chair Bonham, and Members of the Committee. I am Flannery O'Rourke for National Employment Law Project speaking in support of HB2125.

The National Employment Law Project (NELP) is a nonprofit research, policy, and capacity building organization that for more than 50 years has sought to strengthen protections and build power for workers in the U.S., including workers who are unemployed. For decades, NELP has researched and advocated for policies that create good jobs, expand access to work, and strengthen protections and support for underpaid and jobless workers.

The frequency, intensity, and collateral effects of severe weather are increasing worldwide.<sup>1</sup> In the past few years, severe weather including ice storms,<sup>2</sup> heavy rains, and droughts has led to flooding, landslides, and wildfires in Oregon.<sup>3</sup> Oregonians' paid work may be disrupted during these severe weather events. Workers may be unable to safely access or perform work in their place of employment during a severe weather emergency, or their place of employment may be altogether destroyed. In other cases, Oregonians may need to prioritize their own and their family's safety over paid work for a period of time. In such cases, unemployment insurance provides an essential source of support to help workers acquire necessities, support their families, rebuild, and have one less worry.

## The Waiting Week Delays Workers' Access to Critical Support

Currently, Oregon law requires that workers wait a week before unemployment insurance assistance kicks in.

- A "waiting week" is when a state requires that a worker need (and meet criteria for) unemployment insurance compensation for a week, without actually paying the worker for that week.
- This is not a federal requirement; about 20% of states never have a waiting week for unemployment insurance.<sup>4</sup>

For many states *with* a waiting week, it is not uncommon for the week to be waived either via executive order or via statutory authority. During the pandemic, nearly every state waived the waiting week.<sup>5</sup> Currently, about a dozen states, including Oregon, establish times when the waiting week can be waived.<sup>6</sup>

- In some states, such as California, the authority to waive the waiting week is expressly held by the Governor.<sup>7</sup>
- In other states, such as Kansas<sup>8</sup> and Rhode Island,<sup>9</sup> the waiver occurs automatically after a triggering event.
- Finally, in some states, such as Utah, the waiver authority is held by the state unemployment insurance agency.<sup>10</sup>

**Waiving the waiting week does not increase a worker's maximum potential benefit entitlement or their employers' maximum potential liability. It simply ensures workers are paid for the first week that they need it.**

In Oregon, the waiting week currently can be waived, but only where the *governor* declares an emergency and the *governor* expressly waives the waiting week for workers impacted by the emergency.

This bill makes a simple change that will facilitate waiver of the waiting week for workers during severe weather emergencies. Under the bill, in cases where the governor declares an emergency and the emergency is related to severe weather, the Director of the Oregon Employment Department is authorized to waive the waiting week. Though a simple change, the Director is well-situated to identify severe weather emergencies' impacts on local employment. This will facilitate waiver of the waiting week, so that workers can receive support sooner and have one less worry during severe weather emergencies.

## About NELP

Founded in 1969, the National Employment Law Project (NELP) is a nonprofit advocacy organization dedicated to building a just and inclusive economy where all workers have expansive rights and thrive in good jobs. Together with local, state, and national partners, NELP advances its mission through transformative legal and policy solutions, research, capacity-building, and communications. NELP is the leading national nonprofit working at the federal, state, and local levels to create a good-jobs economy. Learn more at [www.nelp.org](http://www.nelp.org).

## Endnotes

<sup>1</sup> Mark Poynting & Esme Stallard, *How Climate Change Worsens Heatwaves, Droughts, Wildfires and Floods* BBC (Nov. 14, 2024), <https://www.bbc.com/news/science-environment-58073295>.

<sup>2</sup> Rebecca Hansen-White, *Oregon Receives Federal Disaster Relief for Ice Storm, other Natural Disaster Damage* OPB (Sept. 18, 2024, 7:04PM), <https://www.opb.org/article/2024/09/18/oregon-federal-disaster-relief-ice-storm-damage/>.

<sup>3</sup> Joni Auden Land, *Oregon is Seeing an 'Aggressive Start' to its Wildfire Season. Many have been Human Caused* OPB (July 19, 2024), <https://www.opb.org/article/2024/07/19/aggressive-start-oregon-wildfire-season/>.

<sup>4</sup> U.S. Dep't of Labor, *Comparison of State Laws*, 2023, at 3-17 to 3-19, <https://oui.doleta.gov/unemploy/pdf/uilawcompar/2023/complete.pdf> (hereinafter Comparison); Vermont Dep't of Labor, *How to Establish an Unemployment Claim*, <https://labor.vermont.gov/unemployment-insurance/ui-claimants/establishing-unemployment-claim> (last visited Apr. 29, 2025).

<sup>5</sup> JUSTIA, *Coronavirus and Unemployment Benefits: 50-State Legal Resources*, <https://www.justia.com/covid-19/50-state-covid-19-resources/coronavirus-and-unemployment-benefits-50-state-resources/> (last visited Apr. 29, 2025). The Families First Coronavirus Response Act (Pub. L. 116-127) authorized states to suspend the waiting week. See U.S. Dep't of Labor, Unemployment Insurance Program Letter 13-20, *Families First Coronavirus Response Act, Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020* (Mar. 22, 2020), [https://www.dol.gov/sites/dolgov/files/ETA/advisories/UIPL/2020/UIPL%2013-20\\_acc.pdf](https://www.dol.gov/sites/dolgov/files/ETA/advisories/UIPL/2020/UIPL%2013-20_acc.pdf).

<sup>6</sup> Comparison, *supra* note 4.

<sup>7</sup> Cal.Un.Ins.Code § 1253 (d).

<sup>8</sup> Kan. Stat. Ann. § 44-705.

<sup>9</sup> R.I. Gen. Laws Ann. § 28-44-14.

<sup>10</sup> Utah Code Ann. § 35A-4-403.5.