

1 Closing Doors—UI At a Glance: Maintain the 26 Week Maximum

PROBLEM:

The percentage of jobless workers receiving unemployment insurance (the reciprocity rate) has declined by 25 percent since immediately before the Great Recession.

SOLUTION:

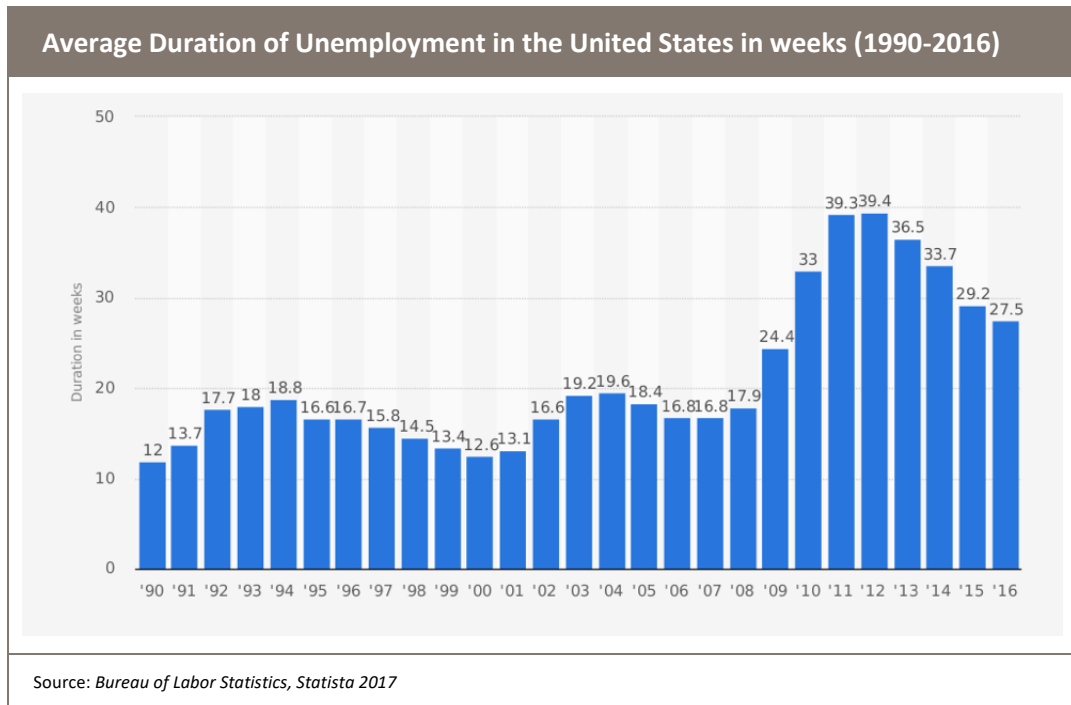
States should maintain the historic 26-week maximum duration for UI benefits.

In 2016, only 27 percent of unemployed workers received unemployment insurance (UI)—a near historic low—compared with 36 percent in 2007. In 2007, only two states paid benefits to less than 20 percent of unemployed workers. By 2016, that figure had grown to 12 states. Since 2011, nine states have significantly reduced the maximum weeks of benefits below 26 weeks, the national standard for more than 50 years. Five of the six states with the deepest reciprocity declines over the past ten years cut maximum weeks of benefits. Cuts in maximum weeks accounted for roughly 30 percent of the decline in the national reciprocity rate.

Economists studying the UI system have long recommended that 26 weeks should be the maximum benefit duration for state UI systems. While nine states have reduced the 26-week maximum duration, **capping claimants at a lower number of weeks**, 41 others have maintained it. The federal-state Extended Benefits (EB) system operates on an assumption that states will provide 26 weeks, so states providing less weeks will qualify for a proportionately smaller share of the 13 EB weeks (or other federal benefits provided by ad hoc Congressional extensions) provided during periods of high unemployment. As some states have reduced the adequacy of benefits by cutting the maximum duration of UI benefits, the average length of unemployment has actually been increasing. The average unemployed worker was out of work for 27.5 weeks in 2016, more than 10 weeks longer

than the average duration of 16.8 weeks in 2007, before the recession began.

Cutting short the weeks of available benefits leaves jobless workers racing the clock and taking jobs that pay less than the ones they lost, increasing the number of families economically scarred because a breadwinner experienced a period of joblessness. It also allows lower-week states an unfair advantage in accessing federal UI benefits during periods of high unemployment.



Download the full publication at:
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2 Closing Doors—UI at a Glance: Work Search Rules Should Be Positive, Not Punitive

PROBLEM:

States are disqualifying more workers for reasons unrelated to the cause of their unemployment, especially through stricter work search documentation rules, reaching a denial rate of nearly one in every four claims filed. Recent research finds that unprecedented high rates of denials for non-separation issues account for 20 percent of the national decline in UI reciprocity.

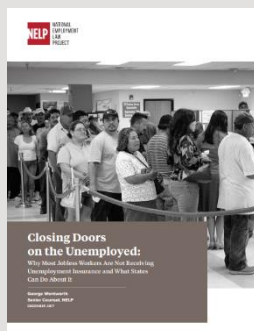
SOLUTION:

States should apply common sense practices in enforcing UI work search requirements.

Every state has a work search requirement and most specify an expected number of employer contacts per week. With the vast majority of weekly claims filed by phone or online, most states are not positioned to undertake automated review of work search forms, nor do they have the staff resources to personally scrutinize and verify all work search submissions. Both as a matter of operational efficiency and good public policy, most state UI agencies enforce work search requirements through some form of random audit—informing claimants of the requirements, including maintaining documentation of employer contacts subject to periodic review of work search in any given week. More recently, many states have built out these processes as part of the expansion of the federal Reemployment Services and Eligibility Assessment (RESEA) program.

In order to make UI work search requirements a meaningful tool that helps workers find their next job and not just part of a punitive weekly obstacle course, states should consider the following practices:

1. **Explain.** Provide comprehensive and understandable explanations regarding UI benefit rights and responsibilities at the beginning of the claim-filing process.
2. **Make assistance available.** Where needed, provide live customer assistance to help claimants comply with employment service registration and work search documentation requirements.
3. **Make RESEA a positive experience.** Use the Reemployment and Eligibility Assessment program (RESEA) as an opportunity to provide guidance and direction in work search rather than impose automatic disqualification.
4. **Adopt reasonable exemptions** from work search requirements, including claimants on temporary layoff, claimants with scheduled return-to-work or start-work dates, claimants on jury duty, claimants working part-time, or claimants in approved training.
5. **States should incorporate due process protections** (like those now required under federal RESEA law) including the issuance of warnings and simple, clear notifications to ensure that UI claimants are fully aware of the consequences of failing to comply with work search requirements and are not denied benefits for non-compliance with rules that have not been effectively communicated.



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3 Closing Doors—UI at a Glance: Make UI More Accessible

PROBLEM:

The percentage of unemployed workers applying for UI is dropping dramatically (by nearly one-fifth in the past five years). While some of this decline relates to improved economic conditions, state policies that discourage workers from applying for UI benefits and greater difficulty in online claim-filing processes are also major contributing causes.

SOLUTION:

As states transition to online systems, they should prioritize education, outreach, and program accessibility.

- 1. Improve access to UI and awareness of benefit rights.** One way to improve UI reciprocity is to make sure that unemployed workers who might benefit from UI know that they can apply, know how to apply, and receive any assistance they might need in the application process. This means that as state UI agencies transition to online systems, they should be more proactive about encouraging unemployed workers to file and making claim-filing systems accessible to workers at every educational level and regardless of their primary language.
- 2. Publicize UI.** Make sure that workers know what the program is through advertising and media outreach. Include website information and phone numbers that workers can access and call to learn about how to file for UI.

3. **Outreach.** Make sure employers notify separating employees about UI.

a. Rapid Response. State UI agencies should make sure that worker education about UI filing rights and agency assistance is part of the state’s rapid response approach to employer closings and mass layoffs.

b. Separation Notice. States can legally require that employers provide a formal notice to separating employees that includes basic information about the state’s UI program and how to apply for benefits.

4. **Fill in the Gaps.** States should publicize and expand ways the UI program can help underemployed workers and employers facing business disruptions, including:

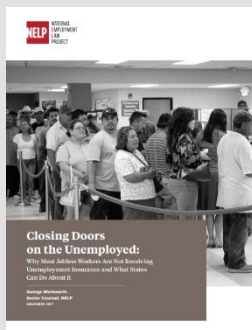
a. Educating workers and employers about partial unemployment insurance.

b. Making it easier to file for and access partial UI by legislatively adopting more progressive formulas that disregard part-time earnings at higher levels.

c. Enacting and promoting work-sharing programs that help employers facing economic downturns avert layoffs through prorated UI benefits.

5. **Employer-Assisted Filing.** State UI programs should provide methods for employers to file initial and weekly claims on behalf of their employees for short-term layoffs and business shutdowns, partial UI, and work-sharing claims.

6. **Set Application Standards.** States should treat the UI application rate as a performance standard in measuring the effectiveness of their program, setting a minimum application rate goal for newly unemployed workers.



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4 Closing Doors—UI at a Glance: Build UI Systems That Are Understandable and Accessible

PROBLEM:

As states move primarily or exclusively to online claim-filing, disqualifications for procedural reasons have nearly doubled over the past five years, with 14 states denying more than 1 in every 10 claims for a reason that is essentially procedural.

SOLUTION:

States must ensure that new UI technologies and systems do not create barriers (e.g., procedural, technological, or informational) that prevent individuals from accessing UI benefits.

Access to UI benefits is a civil rights issue. Each state should take seriously its responsibility to ensure that new UI technologies and systems do not create barriers that may prevent individuals from accessing UI benefits. Worker advocates should engage state UI agencies to ensure that every state UI system includes the following:

1. **At least one easily accessible alternative means to online filing** (telephone or in-person customer assistance in the completion of an initial claim and weekly certification). All alternative filing mechanisms should be meaningful, accessible, and prominently publicized to claimants who cannot navigate the online systems.
2. **Compliance with anti-discrimination laws.** Online applications comply with their states' obligations to individuals with limited English proficiency (LEP) under Title VI of the Civil Rights Act of 1964 by translating applications into other

languages common in the state, as well as making sure that non-English speaking claimants have access to interpreter services (e.g. Language Line). This includes compliance with [UI Program Letter 02-16](#) and other applicable federal access guidance.

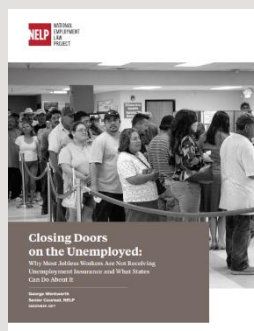
3. Necessity review. Review of legal requirements to insure that online documentation/ transactions are actually necessary and are constructed in a readily understandable manner.

4. Good cause. An up-to-date definition of good cause for late filing (or failure to comply with instruction) that recognizes and excuses good faith errors based on misunderstanding, an automated system feature, and first-time filing mistakes.

5. Access enforcement. A serious agency commitment to taking access and reciprocity seriously by making UI access an EEO enforcement priority, establishing regular lines of communication with representatives of underserved worker communities.

In addition, states should consider state supplemental funds for UI administration.

Many states have imposed special taxes for a variety of purposes including UI administration, job training, employment service administration, or special improvements in technology. Most recently, Pennsylvania addressed major UI service breakdowns by allotting a portion of employee UI taxes to improving services to claimants. States should maintain some form of dedicated tax that insures states have the resources to maintain efficient UI systems through the ebbs and flows of federal appropriations.



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