

State Policies Affecting UI Access for Low-Wage Workers

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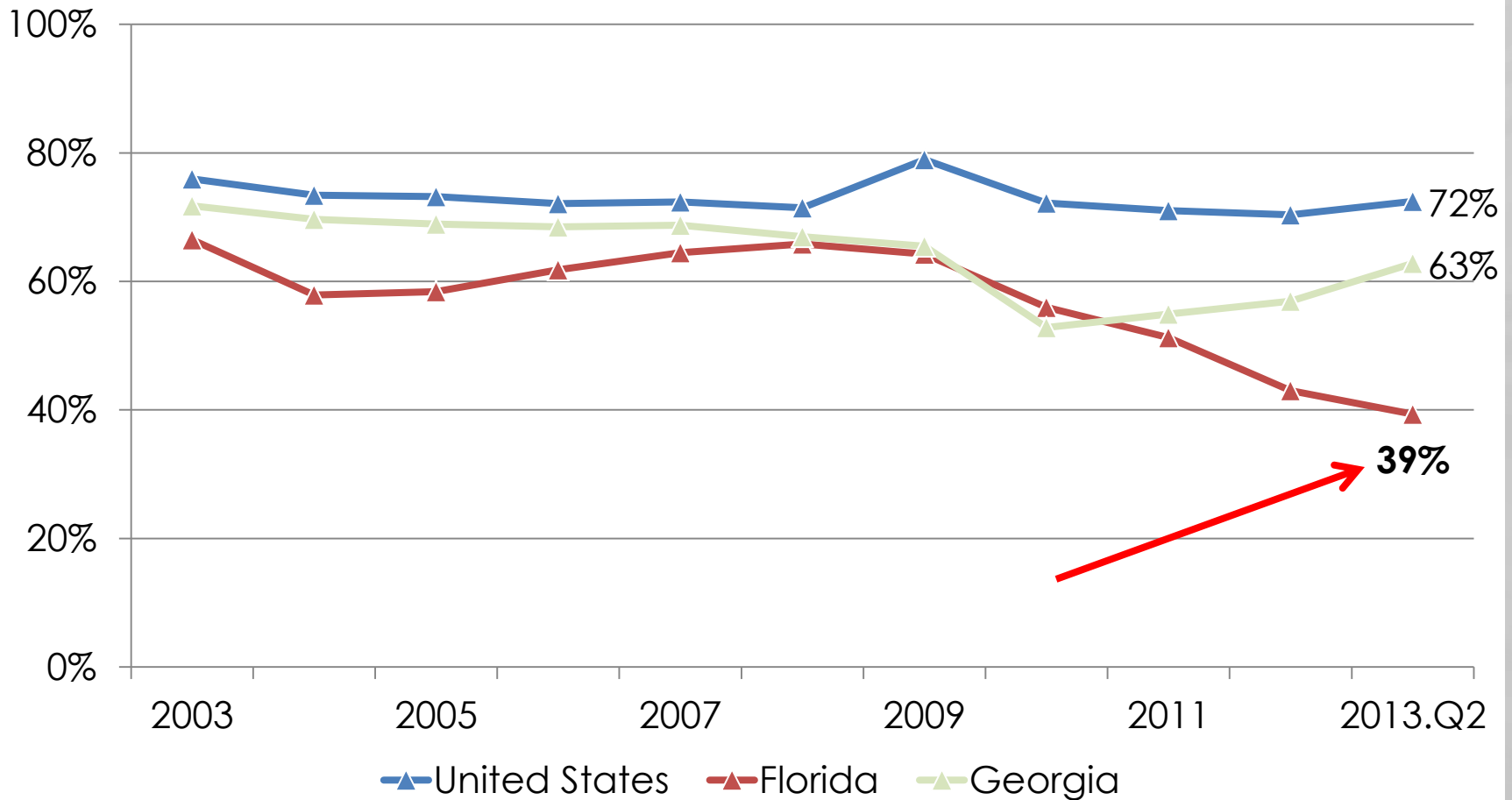


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New Florida law imposes severe obstacles to UI (eff. June 2011)

- **Cessation of telephone and paper filing;** online filing only (initial and continuing)
- **Language barriers:** Initial application only in English, Spanish, Haitian Creole
- **Completion of online 45-Q “Initial Skills Review.”** Tests applied math, reading, locating information = UI eligibility criteria?
Proprietary, not public
 - Eff. July 2012, ISR graded; recipients with low scores offered training
- **Work-search records reported online** (5 weekly contacts; 3 contacts in small counties)

Requirements result in fewer new UI applicants receiving benefits



State policies to improve low-wage worker access to UI program

1) Permit unrestricted good cause for voluntarily leaving work (1/2)

- Worker who voluntarily quits work must have “good cause” for doing so in order to qualify for UI
- **Good cause reasons connected to work:** Reasons “attributable to employer”; required in all but 11 states. Includes change in job which breaches contract, harassment
- **Good personal causes:** Reasons relating to common work-family conflicts, like child-care availability, illness, or caring for ill family -- issues women more commonly face
 - Some states that restrict good cause to work make individual exceptions for personal causes

1) Permit unrestricted good cause for voluntarily leaving work (2/2)

- **Recovery Act:** Permitted voluntary quits for “compelling family reasons”: domestic violence; caring for sick family member; or following spouse who relocates for work
 - 19 states expanded coverage to varying degrees; at least one reason enacted in 21 states pre-ARRA.
- Progressive UI programs **permit broadest definition of good cause**; include range of valid personal, economic reasons which compel people to leave job, particularly workers with limited means
- **Model:** California, Title 22, Section [1256-3\(b\)](#)

2) Establish parity for part-time workers (1/4)

- UI claimants must be available for and seek work, usually consistent with base period (BP) work, to maintain eligibility
- Many states have eligibility **rules that require part-time workers to seek full-time work**, even if BP mostly part-time work
 - Some states make exceptions (for full- or part-time workers) when medical issue, disability, or good cause prevents full-time availability

2) Establish parity for part-time workers (2/4)

- **Growth in non-standard schedules:**
 - Part-time workers greater share labor force (17%);
 - Disproportionately women, many with caregiving responsibilities, and low-wage;
 - Exhibit significant attachment to work
- **Post-recession economy:**
 - Return of low-wage jobs with non-full-time schedules
 - Number of workers in part-time jobs involuntarily remains elevated (>5% labor force)

2) Establish parity for part-time workers (3/4)

- **Recovery Act:** Incentivized states to permit part-time availability (20+ hours) for certain workers, usually with part-time history
 - While not required, states could permit this even *if* claimant worked mostly full-time in BP
- Progressive UI programs **protect workers with non-standard schedules and exhibit flexibility** during weak economic recovery periods

Summary of treatment of part-time workers by state UI programs

Eligibility with History Part-time Work (33 states)	Eligibility with Medical Issue or Good Cause Restricting Availability (14 states)	Ineligible Without Full-time Availability; No Exceptions (13 states)
AR, CA, CO, DE, FL, GA, HI, IA, ID, KS, LA, MA, MD, ME, MN, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, PA, SC, SD, TN, WA, WY, VT	<p>CT, DC, DE, IL, MA, MD, ME, MT, NH, NV, OR, UT, VA, WY</p> <p>Bold: Only reason claimant may seek PT work</p>	AK, AL, AZ, IN, KY, MI, MO, MS, RI, TX, WI, WV

3) Provide fairer treatment for workers who take temporary jobs (1/2)

- For most workers, when job ends, they're "unemployed." Must be available for and seek work to receive UI
- **Many states make problematic exception for temp workers:** Worker laid off from temp job deemed to have voluntarily quit without good cause if he fails to report to agency for reassignment
- **Double-standard:** If worker wants to extricate himself from temp industry and seeks permanent job, is treated as having voluntarily quit. Policy treats workers who complete one assignment as if they're indentured to temp agency.
- Serves more to prevent temp industry from bearing UI charges than to re-connect workers to job

3) Provide fairer treatment for workers who take temporary jobs (2/2)

- **31 states** where failure to contact employer deemed voluntary quit*
 - **WI** [State Budget](#) (signed July): Claimant must contact temp agency weekly, or else be considered to not have conducted suitable work search
 - **MA** [SB901/HB1772](#) *repeals* existing policy (pending)
- Fair, responsible UI programs **encourage workers to explore all possible options to return to economic stability**, and don't penalize them for effort; don't relegate workers to cycle of short-term, dead-end jobs

4) Permit late filing if good cause shown (1/2)

- Workers should file initial claim ASAP after separation, or else may be deemed ineligible; generally, claims filed **14/21 days** after week for which requesting benefits late
- Key driver of **UI recipiency** is rate at which workers *apply* for benefits. [Research](#) shows low-educated and minority workers less likely to apply.
 - Reasons may include lack of access to reliable information source, language barrier, low literacy

4) Permit late filing if good cause shown (2/2)

- State UI programs seeking greater access among low-wage workers should **recognize range of good cause reasons they may not apply** in prompt fashion
 - Employer coercion or misrepresentation
 - Compelling reasons
 - First-time, honest error
- **Models:**
 - Connecticut: Title 31, Section [31-222-13](#) “Good faith error” concept
 - California: Title 22, Section [1326, 10\(a\)](#)

FOR MORE INFORMATION:

- Recent changes to states' UI programs:
 - [Unraveling the Unemployment Insurance Lifeline](#) (NELP, 2011)
 - [Consequences of Changes in State Unemployment Compensation Programs](#) (CRS, 2012)
 - [One-Two Punch: As States Cut Unemployment Benefit Weeks, Jobless Also Lose Federal Aid, Even as Jobs Remain Scarce](#) (NELP, 2012)
- UI Modernization provisions in ARRA:
 - [Modernizing Unemployment Insurance: Federal Incentives Pave the Way for State Reforms](#) (NELP, 2012)
 - [Modernization Power Point](#) and [Program Letter 14-09](#) (USDOL)
- Comparison of [State UI Laws, 2013 – Non-Monetary Rules](#) (USDOL)