



## Reforming Unemployment Insurance is a Racial Justice Imperative

---

FEBRUARY | 2022

# Reforming Unemployment Insurance is a Racial Justice Imperative

*By Amy Traub and Kim Diehl*

## Introduction

---

Unemployment insurance should be a dependable support for the economic security of families. Whether one worker has lost a job or millions have been thrown out of work, a high-functioning unemployment insurance system should sustain workers, their families, and their communities by providing all types of workers with straightforward access to livable benefits that last long enough to find a job that matches their skills and needs.

Instead, the unemployment insurance system is a complex maze of trust funds, employer taxes, emergency benefits, and 53 different state or territorial agencies each with legislatures empowered to impose their own restrictions and limitations.<sup>1</sup> Now that federal pandemic unemployment support has ended, unemployment benefits are providing support to fewer than 1 in 3 of all jobless workers.<sup>2</sup>

The reason why this program is so complex yet covers so few workers is simple: From the start the unemployment insurance system was built to serve white, male, full-time workers and their employers, and it continues, to this day, to disproportionately shut out Black workers and other workers of color, particularly women of color.<sup>3</sup> Changing this system—reforming unemployment insurance at the federal level—is critical to advancing racial justice in the economy.

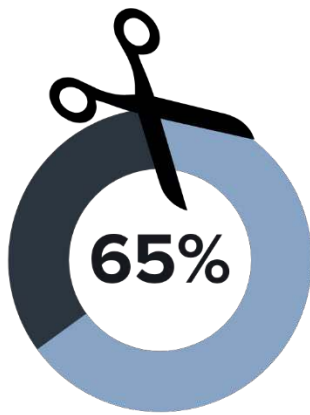
The racist origins of the unemployment system began well before the 1930s New Deal era,<sup>4</sup> but policy makers made deliberate race-based decisions during this era to make the program appealing for the strong base of conservative white Southern Democrats who held the most powerful seats in Congress.<sup>5</sup>

The exclusion of agricultural and domestic workers from eligibility for unemployment, old-age benefits, and protections under the National Labor Relations Act and the Fair Labor Standards Act, were intentional compromises that Congress made to pass New Deal policies. During that period, more than half of the Black workers in the South worked in agriculture or domestic jobs.<sup>6</sup> Yet the unemployment program covered "only those workers regularly employed in commerce and industry," when it was enacted, excluding 65 percent of Black workers.<sup>7</sup>

One key decision that impacts inequities in today's unemployment system was to grant states, not the federal government, the power to manage unemployment benefits and form their own unemployment insurance laws with very little federal requirements and oversight. Without local

control of unemployment benefits, Southern states would not have had a surefire mechanism to exert racist control of public funds.

While other significant factors led to these decisions, this brief argues that these racialized exclusions and misplaced appeals to “states’ rights” are at the center of this program’s flawed design. Similar claims about the authority of states to restrict and exclude have been deployed to suppress efforts to promote racial equity throughout U.S. history.<sup>8</sup> Only by speaking truth to the racist origins of the unemployment insurance system in the U.S. can we begin to address the overdue transformation that this program must undergo. The widespread failures of the nation’s unemployment insurance program during the COVID-19 pandemic were unnecessary and exceedingly harmful reminders that the program is broken by design – and the people directly impacted by these exclusions continue to be part-time, underpaid workers who are disproportionately Black. Any effort to repair this program without examining and addressing the root causes of its many shortfalls will be futile.



**When unemployment insurance was enacted in 1935, it excluded the 65 percent of Black workers who worked in agriculture or domestic jobs that were carved out of the program.**



*Unemployment benefits aid begins. Line of men inside a division office of the State Employment Service office at San Francisco, California, waiting to register for benefits on one of the first days the office was open. They will receive from six to fifteen dollars per week for up to sixteen weeks. Library of Congress.*

## The unemployment insurance system reinforces racial inequity today

---

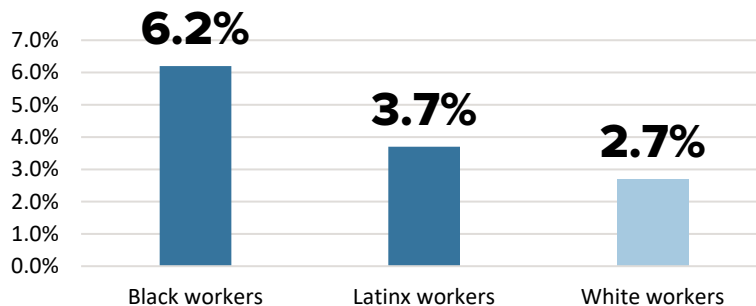
### Workers of color are more likely to be unemployed.

As a result of structural racism in U.S. labor markets, Black, Indigenous, Latinx, and other workers of color are invariably more likely to be unemployed than non-Hispanic white workers.<sup>9</sup> The disparity persists in times of economic growth as well as during periods of widespread job loss. For example, in April 2019, when unemployment was reported at an overall low point, the unemployment rate for non-Hispanic white workers was 2.7% compared to 6.2% for Black workers and 3.7% for Latinx workers.<sup>10</sup>

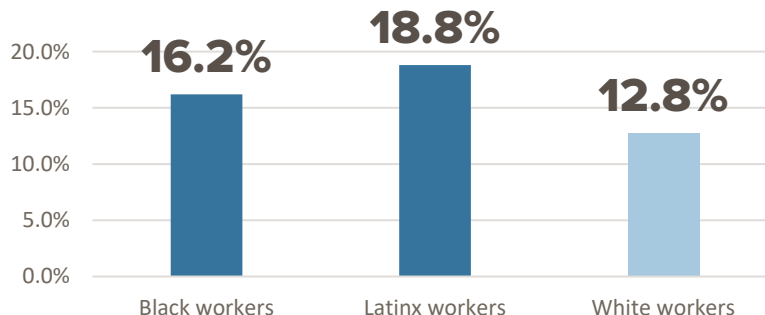
A year later, when economic disruption from the pandemic was at its worst, the unemployment rate for non-Hispanic white workers had soared to 12.8%, yet Black workers faced a still higher rate of 16.2% and Latinx workers struggled with 18.5% unemployment.<sup>11</sup> Unemployment rates for Black workers and for American Indian or Alaska Native workers are frequently twice as high as the rate for non-Hispanic white workers.<sup>12</sup> The gap for Black workers cannot be explained by gender, age, or education level.<sup>13</sup> Workers of color with disabilities and LGBTQ+ workers of color face additional barriers to employment and are even more likely to be unemployed.<sup>14</sup> As a result of higher unemployment levels, workers of color are more likely to need unemployment support.

## As a result of structural racism, workers of color are more likely than white workers to be unemployed

### Snapshot: Unemployment rates in “good” times (April 2019)



### Snapshot: Unemployment rates in worse times (April 2020)



### **Black and Latinx workers are less likely to receive unemployment benefits.**

Today's unemployment insurance program is still designed to limit Black and Latinx workers from receiving compensation and urgently needs redesign. The system still operates almost exactly as it was designed in the late 1930s, despite a few federal and state reforms. The original design of the unemployment insurance program continues to prioritize non-Hispanic white male workers, resulting in jobless Black and Latinx workers being less likely to receive unemployment benefits than unemployed white workers.<sup>15</sup> States with the largest shares of unemployed Black workers tend to have the most restrictive rules, producing some of the lowest overall rates of unemployment benefit receipt.<sup>16</sup> One study finds that unemployed Black workers were 24% less likely to receive unemployment benefits than their white counterparts over the last 30 years.<sup>17</sup>


While pandemic unemployment programs powerfully expanded access to more workers of color, racial and ethnic disparities in receiving benefits persisted,<sup>18</sup> partly due to the slow implementation of pandemic programs in the South where many Black workers live.<sup>19</sup> Because the 1935 unemployment insurance program was designed to allow states to impose restrictive eligibility requirements, many low-paid, part-time, and temporary workers continue to be excluded from qualifying for state unemployment compensation.<sup>20</sup>

Structural racism and sexism are embedded into the US labor market. As a result, workers of color—and especially women of color—disproportionately work in low-paying positions<sup>21</sup> that are excluded from unemployment insurance.<sup>22</sup> Black and Latinx workers are also overrepresented in app-based jobs where they are frequently misclassified as independent contractors and wrongfully excluded from unemployment benefits in many states.<sup>23</sup> Many state laws also exclude workers who have held or are seeking part-time employment: these restrictions disproportionately shut out women and people with disabilities who are more likely to seek part-time work,<sup>24</sup> as well as Black and Latinx workers who are more likely to be stuck in part-time jobs despite wanting full-time employment.<sup>25</sup>



*Canning plant employees grading beans. Dania, Florida. Many of these workers are migrants. The image was created by the New Deal program, Farm Security Administration in order to demonstrate the hardships of farm workers during the Great Depression. The original image is stored in the Farm Security Administration Collection at the Library of Congress in Washington, DC*

Since the passage of the Social Security Act in 1935 granted states the power to set eligibility standards for unemployment benefits, conservative policymakers in the South used this mechanism to exert racist control of public funds by imposing some of the nation's the most stringent restrictions on eligibility for unemployment insurance.<sup>26</sup> Black and Latinx workers are substantially less likely than white workers to even submit an application.<sup>27</sup>

**24%**  
  
**Unemployed Black workers were 24% less likely to receive unemployment benefits than their white counterparts over the last 30 years.**

**Black workers are more likely to be unemployed longer, so face greater harm when states slash the maximum available weeks of benefits.**

As a result of structural racism, including discrimination in hiring,<sup>28</sup> it takes longer on average for unemployed Black workers to find new jobs. In the last quarter of 2021, Black workers experienced an average of 31 weeks of unemployment as opposed to 26 weeks for white workers.<sup>29</sup> Longer periods of unemployment increase the risk that benefits will run out before workers have been able to find jobs.

Prior to the Great Recession, all states provided at least 26 weeks of unemployment benefits, but since 2010 policymakers in 10 states have acted to reduce the maximum duration, with some tying the maximum benefit duration to the state's unemployment rate.<sup>30</sup> Florida, for example, offers a maximum of just 12 weeks of unemployment benefits for claims filed after January 1, 2022, because the state's overall unemployment rate has dropped to 5% or lower.<sup>31</sup> However, Black and Latinx workers in Florida continue to face much higher unemployment rates than white workers: in 2021, the annual unemployment rate for Black Floridians was 6.3% compared to 5.4% for Florida's Latinx workers and 4.1% for white workers in the state.<sup>32</sup>

In Florida and other states, cutting maximum benefit duration when overall employment rates decline disproportionately harms Black workers and other workers of color who still face high rates of unemployment.<sup>33</sup> With no federal requirement that states provide at least 26 weeks of benefits, additional states are advancing legislation to slash the maximum length of unemployment benefits.<sup>34</sup>

**31**  
  
**26**  
  
**Black workers experienced an average of 31 weeks of unemployment compared to 26 weeks for white workers in the last quarter of 2021.**

**Black and Latinx workers are more likely to be paid low unemployment benefits and to face greater hardship as a result.**

Unemployment insurance payments are intended to help jobless workers and their families make ends meet as they seek new employment and to bolster local economies by maintaining consumer spending. Yet because the federal government sets no minimum standards for benefit levels, payments are often not sufficient to meet workers' basic needs, including even rent on a modest apartment.<sup>35</sup> Black and Latinx workers are especially likely to be paid low benefits for several reasons:

- Because states determine benefit amounts as a proportion of a worker's prior wages, workers of color (particularly women of color), who disproportionately work in low-paying jobs, typically receive lower benefits.
- In Southern states, where a majority of Black workers live, policymakers have established benefit formulas that pay the lowest benefits in the nation. For example, Mississippi and Louisiana, the U.S. states with the highest proportion of Black residents,<sup>36</sup> paid the nation's lowest average weekly unemployment benefits in the third quarter of 2021: \$180.99 a week in Louisiana and \$201.22 in Mississippi, compared to a still-inadequate national average of \$347.53 a week.<sup>37</sup> Benefits are lower not only because wages are lower in these states—low benefit states like Mississippi and Louisiana also replace a lower proportion of workers' weekly pay.<sup>38</sup>
- Puerto Rico (average weekly benefit \$195.61) and Arizona (average weekly benefit \$235.92), which have large Latinx populations, also pay among the lowest benefits in the nation.

As a result of systematic exclusion from wealth-building opportunities over generations, Black and Latinx households are also less likely than white households to have sufficient personal wealth or savings to cushion the blow of unemployment and supplement low or non-existent unemployment benefits.<sup>39</sup> For every dollar in wealth held by the typical white family, the typical Black family has just 12 cents, while the typical Latinx family has 21 cents.<sup>40</sup> Meager unemployment benefits create greater hardship for families that rely on their full paycheck to make ends meet and have few other resources.

**Workers of color and immigrant workers face substantial barriers to accessing unemployment benefits.**

As unemployment surged during the first wave of the COVID-19 pandemic, UI applicants faced jammed phone lines, crashing websites, and long delays in getting benefits.<sup>41</sup> Although the pandemic was an extreme situation, unemployed workers have faced barriers to accessing the benefits they are entitled to for decades as they rely on underfunded state agencies operating with antiquated computer systems and inadequate staffing and resources.<sup>42</sup>

Workers of color and immigrant workers face additional obstacles to access. For example, although civil rights laws require translation into commonly spoken languages, many states fail to provide all unemployment insurance notices, forms, and applications in the languages understood by workers in their states, making it difficult for workers with limited English proficiency to apply for benefits, comply with requirements, or contest a disputed case.<sup>43</sup> Needlessly complex and confusing forms

and notices can perplex even English speakers and most states forms and communications are not in plain language and well above the recommended fifth grade reading level.<sup>44</sup>

State unemployment websites that are not optimized for mobile devices disproportionately shut out workers of color, who are particularly likely to rely on smartphones for Internet access.<sup>45</sup> New identity verification technologies intended to prevent fraud also raise racial equity concerns: a majority of states now use facial recognition technology to screen unemployment applicants,<sup>46</sup> despite the fact that these systems routinely misidentify people of color—particularly Black and Native American people—far more frequently than white people.<sup>47</sup>



**Federal reform of the unemployment insurance system is a racial justice imperative.**



*Unemployed workers and their supporters rally in Philadelphia Aug. 20 to demand extension of the federal Pandemic Unemployment Compensation, which expired July 31. The protest was called by the Philadelphia Unemployment Project and was organized by members of UNITE HERE, Philadelphia Musicians Union Local 77, International Alliance of Theatrical Stage Employees and members of Workers World Party.*



## Unemployment insurance reform can enable all workers to thrive

---

Federal reform of the unemployment insurance system is a racial justice imperative. It is also vital that reforms be comprehensive, so that states cannot find alternate ways to cut benefits or to restrict workers' access to the system.

This section outlines broad proposals that aim to dismantle the systemic racism entrenched in the unemployment insurance system and ensure the program works for all workers at all times. For a more detailed and comprehensive discussion of policy recommendations, see [Reforming Unemployment Insurance](#), a joint report from NELP and policy partners.<sup>48</sup>

### Set minimum federal standards that state unemployment systems must meet:

- **Increase benefit duration:** As a result of systemic racism, Black workers experience longer durations of unemployment on average and face greater harm when states slash the maximum available weeks of benefits. To meet the need, states must offer at least 30 weeks of benefits at all times.
- **Improve benefit adequacy:** Require states to increase weekly benefit amounts to meet the needs of workers, particularly the high percentage of workers of color who are underpaid and relied on their full wages to afford basic necessities. This includes increasing wage replacement rates to replace a higher proportion of wages for underpaid workers; raising minimum and maximum benefit levels; eliminating the common one-week waiting period for benefits to start; and requiring states to offer additional weekly funds for each dependent an unemployed worker has (known as a dependency allowance).
- **Broaden eligibility:** States should no longer be permitted to impose restrictive eligibility requirements that disproportionately prevent workers of color from qualifying for unemployment benefits. The federal government must require states to meet standard monetary eligibility requirements; consider workers' most recent earnings for determining eligibility; include workers seeking part-time work; allow workers to continue receiving UI benefits when working part-time; and expand and standardize unemployment insurance eligibility for workers who had "good cause" to quit their jobs.

Recognizing that Black workers are the demographic most likely to be union members,<sup>49</sup> states should also be required to make striking workers eligible for unemployment benefits. And since workers of color are overrepresented in industries where employers frequently misclassify their employees as independent contractors and exclude them from eligibility for unemployment insurance,<sup>50</sup> federal law should require all states to use a uniform standard such as the "ABC test" to determine whether a worker is considered an employee eligible for unemployment benefits.<sup>51</sup> Finally, the federal government must facilitate efforts to enable undocumented workers, who are currently excluded from unemployment insurance, to access support.<sup>52</sup>

### Improve access to unemployment insurance:

Mandate that states prioritize equitable access to benefits and remove barriers to accessing unemployment insurance that disproportionately impede workers of color.

- **Provide meaningful language access and access for people with disabilities:** Ensure states, at a minimum, follow civil rights laws mandating that all relevant unemployment notices, forms, and instructions be translated into commonly spoken languages and sent directly to claimants. This includes translating the initial application and allowing workers to fill it out in their preferred language and variant. States must provide real-time interpretation of oral communications. States must also offer reasonable accommodations that include auxiliary aids, services, and interpreters for people with mental and physical disabilities to fully access unemployment insurance benefits.
- **Tell workers how to file:** Require states to mandate that employers provide information on how to file for unemployment insurance to all employees when they separate from employment, in language that is easy to understand. Employers should also be required to notify the state workforce agency of employees who may apply for unemployment compensation due to short-term layoffs, business shutdowns, partial unemployment, and short-time compensation.
- **Mandate plain language:** Continue federal administrative efforts to ensure unemployment forms, notices, and instructions are written in plain language, including creating samples and models that states can easily adopt.
- **Address the digital divide:** Ensure state unemployment websites are accessible to mobile phone users. Have an alternative means of claim filing for workers who are unable to use the online claim filing system, including workers unable to use facial recognition systems for identify verification.
- **Don't penalize workers for agency mistakes:** When state unemployment systems overpay workers' unemployment benefits, agencies should be required to waive all overpayments if workers were mistakenly overpaid through no fault of their own. They should also be required to do this automatically at the time overpayment is established.
- **Adequately fund state agencies:** Recent federal grants to help states modernize the unemployment insurance system, improve equity, and enhance the delivery of benefits are an important step towards ensuring agencies have the staffing and resources they need to deliver racially equitable outcomes.<sup>53</sup> Congress must also allocate substantially more administrative funding to state unemployment agencies in order for them to have adequate resources to deliver benefits in a timely and accurate fashion, and to help workers navigate the UI system when they have questions or face barriers in the application process. This includes reforming the current administrative funding structure.

### **Reform and modernize the federal Extended Benefits program:**

As a result of systemic racism, Black workers often experience a much slower recovery from recessions.<sup>54</sup> The Extended Benefits program, which provides additional weeks of benefits to workers who have exhausted regular unemployment insurance benefits during periods of high unemployment, must be reformed before the next recession to ensure benefits automatically become available and stay available during economic downturns. This will ensure state agencies are not overwhelmed trying to set up new programs overnight and that workers will be able to receive benefits as soon as possible.

## Endnotes

---

- <sup>1</sup> In addition to 50 state unemployment agencies, the U.S. unemployment insurance system includes agencies operated by the District of Columbia, Puerto Rico, and the Virgin Islands.
- <sup>2</sup> *Unemployment Insurance Chartbook*, U.S. Department of Labor, <https://oui.doleta.gov/unemploy/chartbook.asp>.
- <sup>3</sup> Latimer, Melissa, "A Comprehensive Analysis of Sex and Race Inequities in Unemployment Insurance Benefits," *The Journal of Sociology & Social Welfare*: Vol. 30 : Iss. 4 , Article 6, 2003, <https://scholarworks.wmich.edu/jssw/vol30/iss4/6>.
- <sup>4</sup> David Stoesz *The Excluded: An Estimate of the Consequences of Denying Social Security to Agricultural and Domestic Workers*, Kean University, 2016, CSD Working Paper, No. 16-17, p 6, [https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1409&context=csd\\_research](https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1409&context=csd_research).
- <sup>5</sup> Juan F. Perea, "The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act," *Ohio State Law Journal* 95, 2011; William E. Spriggs, "A Look at Inequality, Workers' Rights, and Race," 36 *Law and Inequality* 231, 2018, <https://scholarship.law.umn.edu/lawineq/vol36/iss2/6/>.
- <sup>6</sup> Larry DeWitt, "The decision to exclude agricultural and domestic workers from the 1935 Social Security Act," *Social Security Bulletin* 70 (4), 2010, p 49–68, <https://www.ssa.gov/policy/docs/ssb/v70n4/v70n4p49.pdf>.
- <sup>7</sup> DeWitt.
- <sup>8</sup> Lyn Adelman, "Laundering Racism Through the Court: The Scandal of States' Rights," *Dissent*, 2018, <https://www.dissentmagazine.org/article/laundrying-racism-through-court-scandal-states-rights-federalism>.
- <sup>9</sup> Current Population Survey, Bureau of Labor Statistics. See also Gabriel R. Sanchez, Robert Maxim, and Raymond Foxworth, *The Monthly Jobs Report Ignores Native Americans. How Are They Faring Economically?*, Brookings, November 10, 2021, <https://www.brookings.edu/blog/the-avenue/2021/11/10/the-monthly-jobs-report-ignores-native-americans-how-are-they-faring-economically/>.
- <sup>10</sup> Bureau of Labor Statistics, Current Population Survey. Unemployment rates are for workers 16 years and older and are not seasonally adjusted.
- <sup>11</sup> Bureau of Labor Statistics, Current Population Survey. Unemployment rates are for workers 16 years and older and are not seasonally adjusted.
- <sup>12</sup> Bureau of Labor Statistics, Current Population Survey.
- <sup>13</sup> Elise Gould and Valerie Wilson, *Black Workers Face Two of The Most Lethal Preexisting Conditions for Coronavirus—Racism and Economic Inequality*, Economic Policy Institute, June 1, 2020, <https://www.epi.org/publication/black-workers-covid/>.
- <sup>14</sup> *Persons With A Disability: Labor Force Characteristics: 2020*, Bureau of Labor Statistics, 2021 <https://www.bls.gov/news.release/pdf/disabl.pdf>; Sharita Gruberg and Michael Madowitz, *Same-Sex Couples Experience Higher Unemployment Rates Throughout an Economic Recovery*, Center for American Progress, May 5, 2020, <https://www.americanprogress.org/article/sex-couples-experience-higher-unemployment-rates-throughout-economic-recovery/>.
- <sup>15</sup> Elira Kuka and Bryan A. Stuart, *Racial Inequality In Unemployment Insurance Receipt And Take-Up*, National Bureau of Economic Research, 2021, [https://www.nber.org/system/files/working\\_papers/w29595/w29595.pdf](https://www.nber.org/system/files/working_papers/w29595/w29595.pdf); Austin Nichols and Margaret Simms, *Racial and Ethnic Differences in Receipt of Unemployment Insurance Benefits During The Great Recession*, Urban Institute, June 2021, <https://www.urban.org/sites/default/files/publication/25541/412596-Racial-and-Ethnic-Differences-in-Receipt-of-Unemployment-Insurance-Benefits-During-the-Great-Recession.PDF>;
- "Applying for and Receiving Unemployment Insurance Benefits During the Coronavirus Pandemic," *Monthly Labor Review*, Bureau of Labor Statistics, September 2021, <https://www.bls.gov/opub/mlr/2021/article/applying-for-and-receiving-unemployment-insurance-benefits-during-the-coronavirus-pandemic.htm>.
- <sup>16</sup> Christopher J. O'Leary William E. Spriggs, and Stephen A. Wandner, *Equity in Unemployment Insurance Benefit Access*, W.E. Upjohn Institute for Employment Research, January 11, 2022, <https://research.upjohn.org/cgi/viewcontent.cgi?article=1087&context=presentations>.
- <sup>17</sup> Kuka and Stewart.
- <sup>18</sup> *Management Report: Preliminary Information on Potential Racial and Ethnic Disparities in the Receipt of Unemployment Insurance Benefits during the COVID-19 Pandemic*, Government Accountability Office, GAO-21-599R, June 17, 2021, <https://www.gao.gov/products/gao-21-599r>.
- <sup>19</sup> William E. Spriggs, "Supporting the Economy by Supporting Workers" Testimony prepared for US House of Representatives Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets Hearing on "Capital Markets and Emergency Lending in the COVID-19 Era," July 14, 2020, <https://financialservices.house.gov/uploadedfiles/hhrg-116-ba16-wstate-spriggsd-20200714.pdf>.
- <sup>20</sup> *Comparison of State Unemployment Insurance Laws*, U.S. Department of Labor, 2020, p 3-4, 3-5, <https://oui.doleta.gov/unemploy/pdf/uilawcompar/2020/complete.pdf>.
- <sup>21</sup> "A Profile of the Working Poor," BLS Reports, U.S. Bureau of Labor Statistics, 2020, <https://www.bls.gov/opub/reports/working-poor/2018/home.htm>.
- <sup>22</sup> Researchers find that lower average pay of Black workers explains half of the gap between Black and white workers' receipt of unemployment benefits. Kuka and Stewart, p 3.
- <sup>23</sup> Rebecca Smith, *Independent Contractors and Covid-19: Working Without Protections*, National Employment Law Project, March 24, 2020, <https://www.nelp.org/publication/independent-contractors-covid-19-working-without-protections/>.

- <sup>24</sup> Megan Dunn, "Who chooses part-time work and why?" *Monthly Labor Review*, U.S. Bureau of Labor Statistics, March 2018, <https://doi.org/10.21916/mlr.2018.8>.
- <sup>25</sup> Lonnie Golden and Jaeseung Kim, *The Involuntary Part-time Work and Underemployment Problem in the U.S.*, Center for Law and Social Policy, August 2020, [https://www.clasp.org/sites/default/files/publications/2020/08/GWC2029\\_Center%20For%20Law.pdf](https://www.clasp.org/sites/default/files/publications/2020/08/GWC2029_Center%20For%20Law.pdf).
- <sup>26</sup> Kuka and Stewart.
- <sup>27</sup> Alix Gould-Werth and H. Luke Shaefer, "Unemployment Insurance participation by education and by race and ethnicity," *Monthly Labor Review*, Bureau of Labor Statistics, 2012, <https://www.bls.gov/opub/mlr/2012/10/art3full.pdf>.
- <sup>28</sup> Patrick M. Kline, Evan K. Rose and Christopher R. Walters, *Systemic Discrimination Among Large U.S. Employers*, National Bureau of Economic Research Working Papers, 2021, <https://www.nber.org/papers/w29053>.
- <sup>29</sup> Bureau of Labor Statistics, Current Population Survey.
- <sup>30</sup> States currently providing fewer than 26 weeks of unemployment benefits include Alabama, Arkansas, Florida, Georgia, Idaho, Kansas, Michigan, Missouri, North Carolina and South Carolina. *Policy Basics: How Many Weeks of Unemployment Compensation Are Available?* Center on Budget and Policy Priorities, 2022, <https://www.cbpp.org/research/economy/how-many-weeks-of-unemployment-compensation-are-available>.
- <sup>31</sup> *Policy Basics*.
- <sup>32</sup> Bureau of Labor Statistics, Local Area Unemployment Statistics.
- <sup>33</sup> Alexa Tapia and Nzingha Hooker, *Slashing Unemployment Benefit Weeks on Jobless Rates Hurts Workers of Color*, National Employment Law Project, 2021, <https://www.nelp.org/publication/slashing-unemployment-benefit-weeks-on-jobless-rates-hurts-workers-of-color/>.
- <sup>34</sup> See for example: <https://house.mo.gov/bill.aspx?bill=HB215&year=2021&code=R>; <http://www.oklegislature.gov/BillInfo.aspx?Bill=sb788&Session=2100>; <https://www.azleg.gov/legtext/55leg/1R/bills/SB1411S.pdf>;
- <sup>35</sup> *Out of Reach: The High Cost of Housing*, National Low-Income Housing Coalition, 2021, [https://nlihc.org/sites/default/files/oor/2021/Out-of-Reach\\_2021.pdf](https://nlihc.org/sites/default/files/oor/2021/Out-of-Reach_2021.pdf).
- <sup>36</sup> U.S. Census Bureau.
- <sup>37</sup> U.S. Department of Labor, Education and Training Administration.
- <sup>38</sup> *Comparison of State Unemployment Insurance Laws*, U.S. Department of Labor, Education and Training Administration, 2021, p 72, <https://oui.doleta.gov/unemploy/pdf/uilawcompar/2021/complete.pdf>.
- <sup>39</sup> Angela Hanks, Danyelle Solomon, and Christian E. Weller, *Systemic Inequality*, Center for American Progress, 2018, <https://www.americanprogress.org/article/systematic-inequality/>.
- <sup>40</sup> Ana Hernandez Kent and Lowell Ricketts, *Wealth Gaps between White, Black and Hispanic Families in 2019*, Federal Reserve Bank of St. Louis, 2021, <https://www.stlouisfed.org/on-the-economy/2021/january/wealth-gaps-white-black-hispanic-families-2019>.
- <sup>41</sup> Megan Cassella and Katy Murphy, "States Overwhelmed by Previously Unimaginable Layoff Numbers," Politico, April 1, 2020, <https://www.politico.com/news/2020/04/01/unemployed-workers-benefits-coronavirus-159192>.
- <sup>42</sup> Rebecca Dixon, *From Disrepair to Transformation: How to Revive Unemployment Insurance Information Technology and Infrastructure*, Hearing before U.S. House of Representatives, Committee on the Budget, July 15, 2020, <https://www.nelp.org/publication/from-disrepair-to-transformation-how-to-revive-unemployment-insurance-information-technology-infrastructure/>; Rebecca Dixon, *Federal Neglect Leaves State Unemployment Systems in a State of Disrepair*, National Employment Law Project, November 05, 2013, <https://www.nelp.org/publication/federal-neglect-leaves-state-unemployment-systems-in-a-state-of-disrepair/>.
- <sup>43</sup> Travis Lavenski, "Exploring Barriers to Unemployment for Limited English Proficiency Claimants," *OnLabor*, December 15, 2021, <https://onlabor.org/exploring-barriers-to-unemployment-for-limited-english-proficiency-claimants/>.
- <sup>44</sup> Jenna Gerry and Alexa Tapia, *U.S. DOL'S Grants to States Can Improve Equity Within the Unemployment Insurance System*, National Employment Law Project, September 29, 2021, <https://www.nelp.org/publication/usdol-equity-grants/>.
- <sup>45</sup> Andrew Perrin, *Mobile Technology and Home Broadband 2021*, Pew Research Center, June 3, 2021, <https://www.pewresearch.org/internet/2021/06/03/mobile-technology-and-home-broadband-2021/>.
- <sup>46</sup> Rachel Metz, "Want Your Unemployment Benefits? You May Have to Submit to Facial Recognition First," *CNN Business*, July 23, 2021, <https://www.cnn.com/2021/07/23/tech/idme-unemployment-facial-recognition/index.html>.
- <sup>47</sup> Drew Harwell, "Federal Study Confirms Racial Bias of Many Facial-Recognition Systems, Casts Doubt on Their Expanding Use," *The Washington Post*, December 19, 2019, <https://www.washingtonpost.com/technology/2019/12/19/federal-study-confirms-racial-bias-many-facial-recognition-systems-casts-doubt-their-expanding-use/>.
- <sup>48</sup> Josh Bivens, et. al. *Reforming Unemployment Insurance*, Center for American Progress, Center for Popular Democracy, Economic Policy Institute, Groundwork Collaborative, National Employment Law Project, National Women's Law Center, and Washington Center for Equitable Growth. June 2021, <https://www.nelp.org/publication/reforming-unemployment-insurance-stabilizing-a-system-in-crisis-and-laying-the-foundation-for-equity/>.
- <sup>49</sup> *Union Members—2021*, Bureau of Labor Statistics, 2022, <https://www.bls.gov/news.release/pdf/union2.pdf>.
- <sup>50</sup> Smith.
- <sup>51</sup> Jon O. Shimabukuro, *Worker Classification: Employee Status Under the National Labor Relations Act, the Fair Labor Standards Act, and the ABC Test*, Congressional Research Service, April 20, 2021, <https://crsreports.congress.gov/product/pdf/R/R46765>.
- <sup>52</sup> See for example New York State's Excluded Workers Fund: *Excluded Workers Fund*, New York State Department of Labor, 2022, [https://dol.ny.gov/system/files/documents/2022/01/nys-ewf-whitepaper-november21\\_01-26-22\\_0.pdf](https://dol.ny.gov/system/files/documents/2022/01/nys-ewf-whitepaper-november21_01-26-22_0.pdf).

<sup>53</sup> 'US Department of Labor Announces Availability of \$15m In State Grants To Improve Delivery Of Benefits, Services By State Unemployment Systems,' U.S. Department of Labor, January 31, 2022, <https://www.dol.gov/newsroom/releases/eta/eta20220131-1>.

<sup>54</sup> David Dam, et. al., "Black and White Differences in the Labor Market Recovery from COVID-19," *Liberty Street Economics*, Federal Reserve Bank of New York, February 9, 2021, <https://libtystreeteconomics.newyorkfed.org/2021/02/black-and-white-differences-in-the-labor-market-recovery-from-covid-19/>.

© 2022 National Employment Law Project. This report is covered by the Creative Commons "Attribution-NonCommercial-NoDerivs" license fee (see <http://creativecommons.org/licenses>). For further inquiries, please contact NELP ([nelp@nelp.org](mailto:nelp@nelp.org)).

Cover photo: People's Unemployment Line: Demand a Safe & Just Return to Work!

Joe Piette, June 22, 2020. This coalition event included One Fair Wage, the Philadelphia Unemployment Project, and ROC Philly.