

Work Search Requirements

This brief is part of the Unemployment Insurance Policy Hub created by the National Employment Law Project as a reference guide for state advocates to support efforts that will strengthen the economic security of workers and their families. For other Policy Hub resources, see www.uipolicyhub.org.

Unemployment Insurance (UI) Work Search Definitions

American Jobs Centers (AJCs): Organizations that provide free reemployment services for unemployed workers. In some states AJCs are integrated into the state employment agency and in others they operate independently. AJCs operate the Reemployment Services and Eligibility Assessment program (see below) that plays a part in supporting and monitoring workers' work search activities.¹

Improper Payment: A UI payment that an employment agency determines should not have been made to a recipient.

Reemployment Services and Eligibility Assessment (RESEA): A federal program that funds state reemployment services for workers deemed likely to exhaust their allotted weeks of UI benefits before finding work. In some states, RESEA participation is mandatory for all UI recipients. RESEA participation requires the worker to participate in a meeting with AJC staff, where they are provided reemployment services and continuing UI eligibility is assessed.²

Work Search Exemption: A federal or state law or policy that exempts workers in certain circumstances from work search requirements. If a worker meets the requirements for an exemption in any given week, they cannot be deemed ineligible for UI if they do not look for work in that week.³ Examples of work search exemptions are discussed below.

Overview

When an unemployed worker files a claim to continue receiving unemployment insurance (UI) benefits each week, they must certify that they have been actively seeking work. Many state policymakers have established onerous requirements for documenting work search activities, which may result in workers' benefits being cut off without improving their prospects for finding a good job.⁴

Calls for stringent work search requirements tap into age-old racist stereotypes that depict unemployed workers as lazy and unmotivated to seek work unless they face harsh

penalties.⁵ At the same time, strict work search reporting rules create yet another barrier for workers, including Black workers and other workers of color who already face disproportionate obstacles to accessing unemployment benefits as a result of structural racism in the economy.⁶ States should act to minimize burdensome work search reporting requirements and remove unnecessary barriers to accessing UI benefits.

Variation in state work search policies

While federal law requires all states have a work search requirement, states are given a great deal of latitude in defining it. To be eligible for UI in any given week, workers are required to actively look for work. Generally, a worker must complete a specified number of work search activities each week.

Depending on the state, approved work search activities may include actions like creating a profile on a job-search website, attending trainings on job-search skills like writing cover letters, participating in job networking events, participating in approved job training, registering with a staffing service, attending a job interview, or submitting a resume to apply for jobs.⁷

State work search policies vary according to several factors, including:

- The number of weekly work search activities needed to meet the requirement.
- The types of work search activities that meet the requirement (for example, submitting a resume or participating in job training).
- Whether searching for part-time work meets the requirement.
- When and how a worker must provide proof that they completed required activities.
- The circumstances in which a worker is exempt from the work search requirement.
- The methods the state uses to monitor compliance with work search.⁸

States with stringent work search policies

The states with the most stringent work search requirements offer little flexibility, mandating that workers contact four to five new employers each week and meticulously report those contacts to the state agency, regardless of whether there are any additional local employers hiring in their field.⁹ Workers in some states must document their work search activities and make the record available upon request, while others are required to provide additional proof of their work search activities.

Many of the most stringent requirements were imposed in the years of prolonged high unemployment during and after the Great Recession, when policymakers in states such as Florida, Nebraska, and Missouri sought to replenish their UI trust funds by restricting access to UI benefits rather than raising business taxes. In recent years, states such as Kentucky and Arkansas have increased work search requirements. Increased work search documentation requirements and ramped up enforcement of work search were among the means of reducing access.¹⁰

The greater focus on work search succeeded in increasing denials of UI benefits and reducing overall UI reciprocity. From 2007 to 2011, approximately 4 out of every 100 weekly claims filed nationally resulted in workers being disqualified for UI benefits because they were determined not to meet the requirements of being able to work, being available for work, or actively searching for work. Between 2012 and 2016, the national rate jumped to 7

in every 100 of workers being disqualified for UI benefits. In the 10 states with the most stringent work search requirements, more than 15 of every 100 unemployment claims were denied because workers could not meet new documentation requirements that demanded they repeatedly prove they were able, available, and actively seeking work.¹¹

States that minimize work search barriers

In contrast, states that are committed to facilitating access to UI benefits for jobless workers minimize the barriers posed by work search reporting by:

- Allowing a broad range of work search activities to count toward the requirement.
- Requiring a worker to report only minimum activities each week (e.g., one or two activities).
- Having an expansive list of circumstances where work search is not required.
- Requiring workers to attest to work search compliance but only prove their work search when requested.
- Monitoring compliance through USDOL’s Benefit Accuracy Measures audit process only (see below for details on this process).

State	Min. activities required	Part-time allowed	Reporting required	Types of activities that count	Broad work search exemptions
California ¹²	1	Yes	Upon request	Expanded list	Yes
Delaware ¹³	1	Yes	Work search log required upon request	Expanded list	
Maine ¹⁴	1	Yes	Work search log required upon request	Expanded list	
Massachusetts ¹⁵	3	Yes	Upon request	Expanded list	Yes

Source: USDOL Comparison of State Unemployment Laws (2021).

Another approach to minimizing work search barriers is found in the Michigan work search law.¹⁶ In Michigan, the state agency can pause mandatory work search reporting when the agency determines that state or local labor market conditions warrant it. As a result, Michigan effectively turns off its work search requirement when the statewide unemployment rate is 8.5 percent or above.¹⁷

USDOL measures state work search compliance

USDOL measures state work search compliance through an internal audit program called the Benefit Accuracy Measurement (BAM) program. BAM uses a small sample (fewer than 500 claims per year, depending on the size of the state) of randomly selected actual claims to test for improper payments. As a part of a BAM audit, staff review the claim to determine whether the worker has met the work search requirement. The agency may contact the worker for proof. For additional details, see USDOL’s [BAM Fact Sheet](#) and [Unemployment Insurance Performance Management](#) site.

Work search requirements during the pandemic

Congress gave states temporary flexibility to modify or suspend work search requirements in March 2020 in response to the COVID-19 pandemic. This emergency flexibility lasted until September 6, 2021. Most states made at least some changes to their work search requirements during the pandemic, with many completely suspending them.¹⁸ Removing pointless work search requirements allowed more workers to access benefits during the economic crisis.

Federal Requirements and Guidance

Federal law requires a worker to be “actively seeking work” to remain eligible for UI.¹⁹ In part because all states had work search requirements prior to the federal adoption, states have significant flexibility in defining what constitutes “actively seeking work.”

USDOL has said state law definitions need only be (1) “reasonable” and (2) ensure that workers “will be engaged in concerted and effective efforts calculated to find a suitable job in the shortest period of time that is practicable.”²⁰ In other words, state requirements around the type or number of work search activities “must be closely tie[d] to an expectation that the worker will be quickly reemployed.”²¹ See [UIPL 5-13](#) for USDOL guidance on the federal work search requirement.

Federal law allows for two explicit exemptions to the work search requirement for workers participating in: (1) state-approved training²² or (2) a Short-Time Compensation program²³ (see the [USDOL Short-Time Compensation website](#) for more information about this program). State laws also allow for some exemptions to mandatory work search, such as in times of high unemployment. Other examples of exemptions include when a worker:

- Has been temporary laid off with a definite return date.
- Has a specified start date with a new employer.
- Is in a union that finds work through a union hall.
- Is on jury duty.²⁴

A brief overview of the federal work search requirement and how each state has implemented the requirement is available in USDOL’s [Comparison of State UI Laws](#).

Practice note: States are not required to have their work search policy in statute to comply with the federal requirement. Work search rules contained in state regulation, agency policy, or even case law can satisfy federal conformity requirements. See Table 5-14 in the [2021 Comparison of State UI Laws](#) for a breakdown of the basis for work search requirements in each state. This means that state work search reform is not necessarily limited to legislative change. Policy improvements can be instigated by state regulation, agency policy, or even case law.

Policy Recommendations

States should ensure that workers do not have to jump through unnecessary bureaucratic hoops to retain access to UI benefits. To minimize the barriers posed by work search reporting requirements, states should:

- 1. Exempt certain categories of workers from work search requirements.**

Over the years, states have recognized that work search reporting requirements are not reasonable for certain categories of workers. States should exempt workers in the following circumstances from mandatory work search reporting:

- **Workers on temporary layoffs.** Many states provide a work search exemption for workers who are temporarily laid off. When setting up the exemptions, states should broadly define what qualifies as a “temporary layoff,” and the duration of the exemption should last for the entire length of the claim. Because planned return-to-work dates tend to change and communication from employers can be confusing, the exemption should not be tied to a fixed number of days or a determination made by the employer at the time of the layoff.

The method for obtaining an exemption for a temporary layoff is also important. As much as possible the exemption should be automatic when the worker (not the employer) certifies that they meet the required set of circumstances.

In many states, an employer applies for a work search waiver on behalf of the worker. Employers who put their workers on temporary or seasonal layoffs do this because they want their skilled workers to return to their business when the temporary layoff is over. However, not all employers who place workers on temporary layoff apply for a work search waiver for their employees, even though the worker is entitled to a waiver.

To address the situation of employer neglect, workers must be allowed to claim the work search waivers themselves by self-certifying that they meet the criteria for a temporary layoff. The employer could contest the work search exemption if warranted. Another solution is to require employer-filed claims for all temporary layoffs. This then could trigger automatic work search exemptions for workers. For example, Georgia required employer-filed claims during the pandemic, and it eased the claim processing burden on the system and dramatically sped up claim payment.²⁵

- **Workers in approved job training.** One federally mandated exemption is approved job training.²⁶ Work search exemptions for workers in approved training should include participation in agency-approved trainings or trainings approved by the Trade Adjustment Act. State workforce agencies should expand the types of trainings they approve and make the approval request process well-known and easily accessible.
- **Workers participating in the Short-Time Compensation program.** Another federally mandated exemption is for workers participating in a Short-Time Compensation layoff.²⁷ See the [USDOL Short-Time Compensation website](#) for more information about this voluntary state program that gives employers an alternative to layoffs when they need to reduce worker hours temporarily.
- **Workers on jury duty.** Workers on active jury duty in any given week should not be required to report work search activities during that week.
- **Workers in labor markets experiencing high unemployment.** Recognizing that it is harder to find a job when unemployment is high, some states have a work search exemption that is indexed to the statewide unemployment rate.

For example, in Michigan when the unemployment rate reaches 8.5 percent or higher, it is presumed that suitable work is not available and the work search reporting requirement is waived.²⁸ States can improve on Michigan's model by implementing a work search waiver based on regional or local unemployment rates. This is because a statewide work search trigger does not account for higher-than-average unemployment rates in different regions of the state.

- **Workers currently working part-time.** To encourage workers who are seeking full-time work to accept part-time employment while claiming partial UI, workers receiving partial benefits should not be subject to work search reporting requirements. Studies show that workers who work part-time while claiming benefits are more likely to return to full-time work and to do so more quickly than those who do not work.²⁹

2. Reduce the number and reform the type of work search activities that fulfill requirements.

- **Allow search for part-time work to satisfy requirements.** To keep pace with the modern economy that includes many part-time jobs, searching for part-time work should satisfy the mandatory work search requirement. Allowing a search for part-time work is particularly important for women, who still disproportionately shoulder caregiving responsibilities, and for people with disabilities, who may be unable to work full-time due to health conditions. Both women and people with disabilities are more likely to seek part-time jobs.³⁰ As of 2021 there were 33 states that allowed workers to only search for part-time work under a large range of circumstances.³¹
- **Limit the number of weekly search activities required.** To minimize bureaucratic hurdles, states should require workers to report only one or two work search activities each week. Where possible this number should be codified in statute to prevent overzealous state workforce agencies from implementing more onerous requirements. Approximately one-third of states—including states like Montana, Oklahoma, and Wyoming—only require one or two work search activities per week, and they still have solvent trust funds, low unemployment rates, and relatively low benefit exhaustion rates.³²
- **Allow workers flexibility in how they conduct their work search.** Most workers front-load their work search activity (for example, learning job-search skills, making a resume, creating a profile on job websites, and sending applications to an initial round of employers) in the early weeks of their unemployment rather than doing the same number of work search activities each week. Workers should be allowed to count all their work search activity in any week it is conducted to meet the requirement.
- **Expand the types of activities that satisfy requirements.** Beyond simply submitting a job application, workers should be able to fulfill work search requirements with other activities that are conducive to finding employment in today's job market. These could include:
 - Using reemployment services at an American Jobs Center (AJC).

- Creating a user profile on a professional networking site.
- Registering for work with a private employment agency.
- Attending a job-search seminar.
- Sitting for a state civil service exam.

California, Massachusetts, New York, and Michigan are examples of states that recently expanded the types of acceptable work search activities.

3. Reform work search monitoring and reporting requirements. States have considerable latitude in how they monitor workers' compliance with work search requirements and in when they require a worker to submit proof of work search. States should use this flexibility to ease the burden of mandatory work search.

- **Monitor work search compliance through BAM review or random audits.** States should verify work search by relying on USDOL's BAM review process, as described above, or through random audits instead of by requiring workers to submit extensive weekly or bi-weekly documentation.

Currently all states ask workers on their weekly certifications to attest that they are able to, available for, and actively seeking work. Some states have also begun requiring that workers submit proof of their work search at the time of their weekly certifications. This weekly reporting of work search activity is not required by USDOL and can result in more denials of UI benefits and lower reciprocity rates.³³ States should simply advise workers to keep track of their work search activity to make it available upon request, which 20 states—including Wyoming, Texas, and Kentucky—already do.³⁴

- **Allow individual “good cause” exceptions if workers are unable to meet work search requirements.** Workers should not become ineligible for UI benefits if they have good cause for being unable to conduct work search activities. Good cause should include being unable to fulfill work search requirements because of circumstances beyond the worker's control, such as an employer's promise to recall laid off workers that does not materialize, language access issues, or an inability to access transportation to attend a planned work search activity.
- **Ensure workers who fail to meet a work search requirement are only ineligible for that week.** Typically, when workers are determined ineligible for UI benefits because of failing to comply with the requirement that they be “able and available” to work, the ineligibility lasts indefinitely. The worker is ineligible until they prove they are able or available for work.

Some states apply this same standard to work search and disqualify a worker indefinitely until the worker proves they are/were looking for work in subsequent weeks. Unlike the “able and available” standard, failing to report work search activity in one week is not evidence that a worker did not search for work in subsequent weeks. For that reason, states should only disqualify workers for the week they did not meet the work search requirement and not indefinitely.

- **Enable workers to easily report activity with job-finding services.** In states that insist on weekly or bi-weekly reporting of proof of work search activities, workers

should be allowed to easily document their online activity with job-finding services such as LinkedIn, Monster, RESEA, and AJCs.

Prior to the pandemic, LinkedIn began a push to create a bridge between their job-finding service and state agency portals to allow easier worker reporting of work search. States with a weekly work search reporting requirement should explore how a worker could forward activity on job-finding sites to state agencies to prove compliance.

- 4. Improve worker communication and due process.** Use meaningful reminders to promote work search compliance and improve work search forms and communications. States should use proactive and supportive methods and clear and timely communications to assist workers in complying with mandatory work search reporting. As part of an effort led by the National Association of State Workforce Agencies, some states are exploring using better communication and lessons from behavioral science to improve work search compliance. Recommended improvements include using automated text messages to remind workers to report work search activity and providing links to work search reporting forms.³⁵

Research Findings and Arguments to Support Reform

Burdensome work search requirements do not help workers find jobs.

Research on the effectiveness of work search requirements shows mixed results. While many studies find that imposing work search requirements reduces the length of time that workers receive UI benefits,³⁶ workers may simply have their benefits terminated without finding work or be obliged to accept work that is a poor match for their skills and experience.

One study in Maryland found that when the state eliminated its requirement that workers contact a certain number of employers, workers' post-UI earnings increased, suggesting that delayed exit from UI improved job matches.³⁷ Another study looking at multiple states found no evidence that verifying work search activities leads to shorter claims or lower benefit payments.³⁸ No research has found that requiring workers to contact five or more employers per week—as the most stringent states now require—offers any benefit to workers in terms of employment or wages. On the other hand, voluntary job-matching assistance and other supports do lead to better outcomes for workers.³⁹

Stricter work search requirements lead to fewer unemployed workers receiving UI benefits.

In recent years, policymakers in states such as Florida, Nebraska, and Missouri increased work search documentation requirements and ramped up enforcement of work search, contributing to a decline in the percentage of unemployed workers who received UI benefits.⁴⁰

As more workers are denied benefits for falling short of work search documentation requirements, UI reciprocity rates are falling. Nationally, the percentage of unemployed workers receiving benefits was around 23 percent prior to the COVID-19 pandemic.⁴¹

Work search requirements are rooted in racist stereotypes.

White supremacy is founded on pernicious myths depicting Black people as lazy and indolent that were used to justify slavery and later to continue controlling Black lives and labor.⁴² Contemporary work search requirements tap into these racist stereotypes: although the majority of unemployed workers are white, conservatives mobilize racial bias to depict unemployed workers as undeserving people of color who do not want to work, are seeking to game the system, and must be coerced by law to find employment.⁴³

These covert racist appeals were evident in the Congressional debate when work search requirements were codified as part of federal law. When the Middle Class Tax Relief and Job Creation Act passed in early 2012, there were four unemployed workers for each available job opening,⁴⁴ yet the work search requirement implied that workers' inability to find employment stemmed from personal failure to search diligently for jobs. "There should be an incentive all the way through this process to get people to really do the job of getting out there and looking for work," explained supporter Representative Charles Boustany of Louisiana.⁴⁵

The debate on the legislation featured lurid stories of "convicted murderer Anthony Garcia [who] continued to collect \$30,000 in unemployment benefits . . . while he served time in the LA County jail system."⁴⁶ Deploying negative stereotypes of convicted people, Latinx workers, and unemployed workers, legislation became law that mandated work requirements and allowed states to conduct invasive drug tests on workers applying for UI benefits.

Work search reporting rules are another barrier to access for workers of color.

The UI system is structured in ways that disproportionately shut out Black workers and other workers of color, particularly women of color. For example, because of structural racism and sexism in the labor market, women of color disproportionately work in low-paying positions with fluctuating schedules. As a result, they are more likely to be excluded by UI eligibility rules that mandate a certain minimum income or hours worked.⁴⁷

In addition, Black and Latinx households are more likely than white households to rely on smartphones to access the internet, making it more difficult to report work search activities on state unemployment websites that are not optimized for mobile devices.⁴⁸ While there is little data available to examine how work search rules specifically impact workers of color, reporting requirements are an additional hurdle for workers who already face greater obstacles to accessing UI benefits.

Stringent work search requirements create needless administrative costs.

Work search monitoring is expensive for state agencies and does not save money for UI programs in the long run.⁴⁹ Most state agencies are not able to automate the review of work search forms and do not have the staff resources to complete an individual review of each weekly work search form. For both efficiency and good policy reasons, most states (35) monitor work search compliance through random audits of individual claims. Better yet, seven states rely simply on the BAM review for compliance monitoring.⁵⁰

States with flexible work search monitoring are better able to meet USDOL performance standards.

States with less onerous work search requirements and more flexible monitoring schemes are better able to meet federal improper payment standards. When work search was made a federal requirement, USDOL created performance standards for work search-related improper payments.⁵¹ Since then, USDOL identified failure to comply with work search requirements as a leading cause of improper payments.⁵² States with high improper payment rates have been placed on corrective action plans and are looking for ways to reduce improper payments. One way to reduce improper payments is to use less onerous work search requirements.

Data and State Comparison Resources

Compare your state's UI work search requirements to other states.

Consult USDOL's annual [Comparison of State Unemployment Insurance Laws](#) for comparisons of states' work search rules, including:

- The minimum number of work search activities required per week, whether searching for part-time work is acceptable, and the basis for work search requirements in state law, regulation, or policy (Table 5-14).
- The frequency and methods for reporting work search activities and the types of work search reviews states conduct (Table 5-15).

This resource is updated annually, so table references may change.

Find data on the number and proportion of workers denied UI benefits in your state because they were not “able, available, and actively seeking work” (a category that includes work search denials).

The Century Foundation's [Unemployment Insurance Data Explorer](#) provides updated unemployment data from USDOL in graphs. Advocates can select their state from a drop-down menu, choose a timeframe, and look at “non-separation denial breakdown” rates by quarter. Workers who are denied UI benefits because they did not meet work search requirements are included in the “able and available” category. To download a spreadsheet with numbers of workers denied UI in your state, click the “download data” button underneath the chart and look at the column for “Non-Monetary Able & Available Denials.” This website also offers resources for comparing states.

This data is also available directly from USDOL via its [ETA 207 - Nonmonetary Determinations Activities Report](#), but the Century Foundation website is more user-friendly.

Find the percentage of unemployed workers that receive UI in your state and compare to other states.

Overly restrictive work search requirements are one reason why so many unemployed workers are denied UI benefits. Check the Century Foundation's [Unemployment Insurance Dashboard](#) and click on “How many are getting UI” and “Reciency Rate” to see the percentage of all unemployed workers receiving UI benefits by state.

Find data on claims flagged by USDOL for not meeting work search requirements.

USDOL tracks what are considered improper payments to workers who do not meet state work search requirements as part of the state's BAM. Note that being flagged by BAM does

not necessarily mean a claim was denied by the state. National and state BAM data is reported on USDOL's [Unemployment Insurance Performance Management](#) page.

Note that USDOL warns against making state-to-state comparisons on improper payments connected to work search requirements: “As a result of diverse work search eligibility requirements and enforcement standards, there is tremendous variability in work search error rates among states. A lower error rate could reflect a higher rate of work search compliance within the state, which in turn could be due either to greater search efforts by workers or to less stringent requirements for work search. Other variables include the circumstances such as where the [State Workforce Agency] considers workers’ lack of compliance in work search or reporting as constituting an improper payment; or varying [State Workforce Agency] standards for verification of worker provided contacts/activities. UI program structural issues also contribute to a higher work search improper payment rate.”⁵³

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Endnotes

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- ³ See "Comparison of State UI Laws, Chapter 5, Nonmonetary Eligibility", US Department of Labor, 2021, 5-30, <https://oui.doleta.gov/unemploy/pdf/uilawcompar/2021/nonmonetary.pdf>.
- ⁴ George Wentworth, "Closing Doors on the Unemployed," National Employment Law Project, December 19, 2017, <https://www.nelp.org/publication/closing-doors-on-the-unemployed/>.
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- ⁷ These examples come from California's Employment Development Department. See "Job Seekers: Returning to Work," State of California Employment Development Department, <https://edd.ca.gov/en/Unemployment/return-to-work>.
- ⁸ All states monitor work search compliance through the Benefits Accuracy Measurement program and Reemployment Services and Eligibility Assessment program appointments when required of workers.
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- ¹⁰ *Id.*
- ¹¹ The 10 states with the highest rates of disqualification for able, available, and work search issues between 2021 and 2016 were AK, FL, ID, MO, OH, NE, NH, ND, SC, and UT. Wentworth, "Closing Doors on the Unemployed."
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