

September 6, 2024

U.S. Department of Labor  
Employment and Training Administration, Office of Unemployment Insurance  
Room S-4519  
200 Constitution Ave. NW  
Washington, DC 20210

Submitted via email: [OUI-PRA@dol.gov](mailto:OUI-PRA@dol.gov)

**Subject: Information collection request on Claims and Payment Activities**

The National Employment Law Project (NELP) submits this comment in support of proposed revisions to the Department of Labor's (DOL) Employment and Training Administration (ETA) form 5159, which would collect data on unemployment insurance (UI) claims and payments using updated definitions for race or ethnicity, sex and/or gender, level of educational attainment, as well as a new field capturing incomplete claims.

We further recommend expanding the information collection request to include data on claimants' preferred language, disability status, military status, and geography of residence (urban/suburban/rural) in order to provide additional insight on disparities in UI claims and payments.

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.

As detailed further below, racial and ethnic disparities in UI take-up and reciprocity rates are dramatic. For example, researchers consistently find that unemployed Black workers are substantially less likely to receive unemployment benefits than their white counterparts, even after accounting for differences in eligibility.<sup>1</sup> Collecting enhanced demographic data on ETA form 5159, including data on initial and continuing claims, weeks and amounts compensated, first, and final payments, as well as incomplete claims, will be of great practical utility, enabling state workforce agencies, state and federal legislators, advocates, and researchers to better understand the nature of these disparities. The data will help stakeholders understand the cause of these disparities and how they may best be addressed to provide equitable access to UI programs. Data on incomplete claims is especially important for understanding which demographic groups, in which states, encounter the most significant barriers in completing the UI claims process.

Given the existing disparities in UI reciprocity and take-up, the proposed collection of information is vital to the proper performance of the functions of DOL-ETA to "ensure full payment of unemployment compensation when due"<sup>2</sup> and to "assure the correctness and verification" of reports on UI administration submitted by states.<sup>3</sup> The additional data collection is also necessary to comply with the Government Accountability Office (GAO)'s recommendation that DOL report on racial and ethnic inequities in the regular UI benefit program<sup>4</sup> and to improve equitable access to UI programs as outlined in DOL's Equity Access Plan.<sup>5</sup>

**Rebecca Dixon**  
President and  
Chief Executive Officer  
[www.nelp.org](http://www.nelp.org)

**NELP National Office**  
212-285-3025  
90 Broad Street  
Suite 1100  
New York, NY 10004

**Washington, D.C. Office**  
202-640-6520  
1350 Connecticut Avenue NW  
Suite 1050  
Washington, D.C. 20036

**California Office**  
510-982-5936  
2030 Addison Street  
Suite 420  
Berkeley, CA 94704

## **Proposed Information Collection is Needed to Understand and Reduce Disparities**

UI is a critical lifeline for unemployed and underemployed workers and their families at all economic times. During economic downturns it also provides effective support to local communities, bolsters consumer demand that businesses depend on, and strengthens the nation's economy as a whole. Yet most unemployed workers never file for or successfully claim UI benefits, preventing the UI system from reaching its full potential to support workers and the economy. In 2023, just 29 percent of unemployed workers received UI benefits.<sup>6</sup> Collecting data on race or ethnicity, sex and/or gender, and level of educational attainment in state claims and payment activities will enable state and federal policymakers, including DOL itself, to better understand the barriers that prevent workers from different demographic groups from accessing UI benefits and begin to reduce these barriers.

Racial and ethnic disparities in UI reciprocity rates are severe. As a result of structural racism in U.S. labor markets, Black, Indigenous, and Latinx workers are consistently more likely to be unemployed than non-Hispanic white workers.<sup>7</sup> Unemployment rates among Black workers are frequently twice as high as those of their white counterparts, a disparity that persists even after accounting for gender, age, and education.<sup>8</sup> Yet unemployed Black workers are less likely to be eligible for or to receive unemployment benefits when they are eligible.<sup>9</sup> One recent study finds that unemployed Black workers were consistently 24 percent less likely to receive unemployment benefits than their white counterparts over a span of 30 years.<sup>10</sup>

Disparities in UI reciprocity rates among states contribute to racial inequity: In the southeastern states that are home to the largest shares of Black workers, policymakers have implemented the most restrictive UI eligibility and access rules, consistently producing the nation's lowest reciprocity rates.<sup>11</sup> These racial disparities persisted even when federal pandemic UI programs temporarily expanded eligibility.<sup>12</sup>

In addition to racial and ethnic disparities, research consistently finds that older workers, more highly educated workers, and union members are more likely to receive UI benefits than their younger, less educated, or nonunion counterparts.<sup>13</sup> Gender is a less consistent predictor of UI benefit receipt, however it is important to track data on sex and/or gender to detect, monitor, and address any disparities that may arise. Collecting data on UI claims and payments on race or ethnicity, sex and/or gender, and level of educational attainment will be of great utility in assessing each of these disparities.

## **Incomplete claims data will help detect barriers to UI access**

In the course of our close collaboration with legal services practitioners that assist workers with their UI claims, NELP frequently learns of the numerous roadblocks that workers face in completing an initial claim for UI benefits. While the jammed phone lines and crashing websites that characterized the early days of the COVID-19 pandemic have now been greatly improved, numerous obstacles remain, including confusing language on UI applications, limited accessibility on mobile devices, inadequate translation and interpretation services, and insufficient support for workers with disabilities or limited technological proficiency.

In addition to these longstanding barriers, during the pandemic some states adopted burdensome identity verification procedures that make it difficult, if not impossible, for many workers to access the benefits to which they are entitled.<sup>14</sup> Collecting data on incomplete claims, along with the demographic data requested in this notice, will help to identify which demographic groups, in which states, are experiencing the most significant barriers to completing an initial UI claim. Better understanding incomplete claims will enable policymakers to address these barriers, facilitating the ongoing efforts of states and DOL-ETA to improve UI access.

## **Additional data collection would identify disparities and promote equitable access**

In 2023, NELP worked with more than 30 experts and stakeholders to develop a set of proposed performance standards for equitable access to unemployment insurance.<sup>15</sup> Stakeholders highlighted disparities in UI claims and payment activities they found in their own work, including barriers to UI access for workers with limited English proficiency, workers with disabilities, veterans, and workers in rural areas. Expanding data collection to obtain claim and payment information about these additional demographics would improve the ability of the UI system to serve these underserved workers, complementing DOL-ETA's existing efforts to improve equitable access to UI.

For example, monthly data on claims and payment activity would enhance states' understanding of barriers to UI access for workers with disabilities. Although the highest ever recorded percentage of people with disabilities were employed in 2023, workers with disabilities were still more than twice as likely to be unemployed than workers without a disability (7.2 percent compared to 3.5 percent).<sup>16</sup> Despite the higher unemployment rate, unemployed workers with a disability were less likely to apply for UI benefits than their counterparts without disabilities. Of 342,000 unemployed workers with a disability, 20 percent applied for benefits compared to an application rate of 26.4 percent for workers without a disability.<sup>17</sup>

Similarly, claims and payment activity data about language preference would enable policymakers to better serve workers with limited English proficiency. Although civil rights laws require translation and interpretation of public benefits information into commonly understood languages, and DOL-ETA's equitable access efforts have helped many states to improve language access, a number of states still fail to provide essential UI notices, forms, and applications in the languages understood by workers in their states. This makes it difficult for workers with limited English proficiency to apply for benefits, comply with ongoing eligibility requirements, or contest disputed cases. Language access barriers likely contribute to disparities in applying for and receiving UI benefits between foreign-born and U.S.-born workers.<sup>18</sup>

Additional data collection on payment and claims by military status (especially since not all veterans qualify for Unemployment Compensation for Ex-Service Members) and geography of residence (urban/suburban/rural) would offer additional insight on disparities in UI claims and payments. Geographic information could be collected by requiring states to report applicant zip codes.

In conclusion, NELP strongly supports DOL-ETA's proposed information collection request. The additional data will allow DOL to better comply with agency performance requirements set forth in the Social Security Act and as recommended by the GAO. These data are of great practical utility in advancing equitable access to UI benefits. In furtherance of this goal, and in addition to DOL-ETA's proposed request, we recommend collecting information on claimants' preferred language, disability status, military status, and geography of residence (urban/suburban/rural). This will ensure that DOL and stakeholders better understand the nature of disparities in access to UI benefits and how to address them.

Sincerely,

Amy M. Traub  
Senior Research and Policy Analyst  
National Employment Law Project

---

<sup>1</sup> Elira Kuka and Bryan A. Stuart, *Racial Inequality in Unemployment Insurance Receipt and Take-Up*, fact sheet (Cambridge, MA: 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* (Washington, DC: Urban Institute, 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](#); Eliza Forsythe and Hesong Yang, *Understanding Disparities in Unemployment Insurance Reciprocity*, (submitted by University of Illinois, Urbana-Champaign to the U.S. Department of Labor, November 12, 2021),

[www.oig.dol.gov/public/reports/oa/2023/19-23-015-03-315.pdf](http://www.oig.dol.gov/public/reports/oa/2023/19-23-015-03-315.pdf).

<sup>2</sup> Social Security Act section 303(a)(1).

<sup>3</sup> Social Security Act section 303(a)(6).

<sup>4</sup> Government Accountability Office, *Unemployment Assistance for Contingent Workers in the Pandemic*, GAO-22-104438 (June 7, 2022), [www.gao.gov/products/gao-22-104438](http://www.gao.gov/products/gao-22-104438)

<sup>5</sup> *Equity Action Plan Update* (Washington, D.C.: U.S. Department of Labor, 2024)

<https://www.dol.gov/sites/dolgov/files/general/equity/DOL-Equity-Action-Plan.pdf>.

<sup>6</sup> <https://oui.doleta.gov/unemploy/chartbook.asp>

<sup>7</sup> NELP calculations based on Current Population Survey Data. Unemployment rates for Asian American and Pacific Islander workers—a smaller population overall—are more volatile, frequently falling below but at other times exceeding unemployment rates for white workers.

<sup>8</sup> Elise Gould and Valerie Wilson, *Black Workers Face Two of the Most Lethal Preexisting Conditions for Coronavirus—Racism and Economic Inequality* (Washington, DC: Economic Policy Institute, 2020),

<https://www.epi.org/publication/black-workers-covid/>.

<sup>9</sup> Elira Kuka and Bryan A. Stuart, *Racial Inequality in Unemployment Insurance Receipt and Take-Up*, fact sheet (Cambridge, MA: 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* (Washington, DC: Urban Institute, 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>.

<sup>10</sup> Elira Kuka and Bryan A. Stuart, *Racial Inequality in Unemployment Insurance Receipt and Take-Up*, fact sheet (Cambridge, MA: 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).

<sup>11</sup> Amy Traub and Kim Diehl, *Reforming Unemployment Insurance is a Racial Justice Imperative* (New York: National Employment Law Project, 2022), <https://s27147.pcdn.co/wp-content/uploads/Policy-Brief-UI-Racial-Justice-imperative-2-28-2022.pdf>; Monée Fields-White et. al., *Unpacking Inequities in Unemployment Insurance*

(Washington, DC: New America, 2020),

<https://www.newamerica.org/pit/reports/unpacking-inequities-unemployment-insurance/southern-generosity-isnt-extended-to-all-southerners/>.

<sup>12</sup> Ava Kofman and Hannah Fresques, “Black Workers Are More Likely to Be Unemployed but Less Likely to Get Unemployment Benefits,”

*ProPublica*, August 24, 2020, <https://www.propublica.org/article/black-workers-are-more-likely-to-be-unemployed-but-less-likely-to-get-unemployment-benefits>; Patrick Carey et. al., “Applying for and Receiving Unemployment Insurance Benefits.”

<sup>13</sup> Alix Gould-Werth and H. Luke Shaefer, “Unemployment Insurance Participation by Education and by Race and Ethnicity,” *Monthly Labor Review*, U.S. Bureau of Labor Statistics, October 2012,

<https://www.bls.gov/opub/mlr/2012/article/unemployment-insurance-participation-by-education-and-by-race-and-ethnicity.htm>.

<sup>14</sup> *Identity Verification* (New York, NY: National Employment Law Project, 2023), <https://www.nelp.org/insights-research/id-verification/>.

<sup>15</sup> Amy Traub, *Proposed Performance Standards for Equitable Access to Unemployment Insurance*, ((New York, NY: National Employment Law Project, 2023), <https://www.nelp.org/insights-research/proposed-performance-standards-for-equitable-access-to-unemployment-insurance/>.

<sup>16</sup> *Persons With a Disability: Labor Force Characteristics, 2023* (Washington, DC: Bureau of Labor Statistics, 2024), <https://www.bls.gov/news.release/disabl.nr0.htm>.

<sup>17</sup> *Unemployment Insurance (UI) Benefit Applicants and Recipients Among Unemployed Persons Who Had Worked In The Past 12 Months By Selected Characteristics, 2022* (Washington, DC: Bureau of Labor Statistics, 2024),

<https://www.bls.gov/news.release/uisup.t01.htm>.

<sup>18</sup> *Unemployment Insurance (UI) Benefit Applicants and Recipients Among Unemployed Persons Who Had Worked In The Past 12 Months By Selected Characteristics, 2022* (Washington, DC: Bureau of Labor Statistics, 2024),

<https://www.bls.gov/news.release/uisup.t01.htm>.