

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

PROBLEM:

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

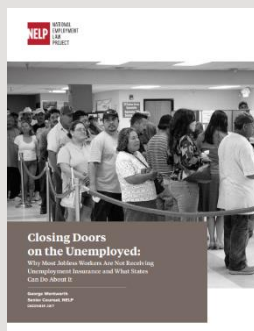
SOLUTION:

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

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

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

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



Download the full publication at:

<http://www.nelp.org/publication/closing-doors-on-the-unemployed/>

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