



UNEMPLOYMENT INSURANCE

FIFTY STATE SURVEY
IN RESPONSE TO
CORONAVIRUS

MARCH 25, 2020

PEOPLE'S
PARITY
PROJECT

I. Executive Summary

Record numbers of Americans are applying for unemployment insurance (UI) to make ends meet as the COVID-19 pandemic causes mass layoffs. In [just a single day](#) last week, 70,000 people filed for unemployment insurance in Pennsylvania — and last week, Minnesota saw [2,000 claims per hour](#). These numbers will likely only get worse when unemployment data are reported for this week and the weeks to come.

Yet most states' unemployment insurance websites are still providing incomplete or even misleading information about filing for unemployment insurance during the COVID-19 crisis. The People's Parity Project conducted an analysis of the self-described UI policies posted on the relevant UI websites for all fifty states and the District of Columbia. This analysis reflects the state UI websites as of Sunday, March 22 — weeks into the COVID-19 crisis. We discovered that most UI websites contain serious deficiencies, pre-dating the current situation. Many fail to provide complete information or access to limited English proficient (LEP) claimants; for example, only a slight majority of states (28) provide access to LEP claimants, and many of those provide translation only into Spanish and fail to do so for the COVID-19 specific updates. Almost all state UI websites fail to specifically indicate that workers potentially misclassified as independent contractors instead of as employees can still apply for UI benefits.

In addition, based on their websites, it appears that only **a minority of states have taken all available measures to expand access to UI**, such as waiving the waiting period to access UI benefits and waiving work-search requirements. And only nine states appear to allow UI coverage for parents unable to work because of school closures.

Unemployment insurance is always a critical economic lifeline for working families — and that has only become more clear during the COVID-19 crisis. States must ensure effective communications with the public about the UI program and provide effective electronic and telephonic access to all claimants. States should also expand access to UI in all permissible ways to help protect their residents.

II. Introduction

The People's Parity Project, in conjunction with the Harvard Labor and Worklife Program, conducted a review of the unemployment insurance websites of all fifty states and the District of Columbia to assess various aspects of their public-facing response to the current crisis involving coronavirus, or COVID-19. [Unemployment insurance](#) programs provide temporary cash benefits to workers who meet eligibility requirements. UI is administered as a joint state-federal program. Each state administers its own UI program, however all programs must meet certain federal guidelines.

Last week America saw massive layoffs and an [unprecedented rise](#) in the number of UI claims filed. More layoffs and claims are certain to come in the following weeks. States can and must expand unemployment insurance immediately — but in doing so, states must also clearly communicate who is eligible for unemployment insurance, or risk chilling people who need UI from applying for it. This is especially critical as states' unemployment insurance eligibility standards rapidly change. Many states are [taking laudable steps](#) to expand UI eligibility — but state emergency UI measures will be frustrated if workers can't easily learn that they are now eligible.

In order to assist states know what their peers are doing and to educate advocates and the public, PPP reviewed various aspects of state UI websites. This information is available in a fifty-state [spreadsheet](#). As states seek to meet sharply increased need with limited resources, their policies will be evolving, so the spreadsheet will continue to be updated over the next several weeks as state websites are updated. When using the spreadsheet, please check the "last updated" date. We will also continue to update where there are disparities between actual policy and its communication on the state website. Especially now that in-person filing options are limited or nonexistent, these websites are the only source of information for most workers regarding UI and thus proper and ongoing updates to them will be crucial to actually expanding UI access in this crisis. Worse still, many states' [UI websites have crashed](#) under the avalanche of new unemployment insurance applications.

Finally, the situation regarding UI during the COVID-19 crisis is rapidly evolving, with federal legislation under consideration at the present time. As a result, federal and state legislation will likely change unemployment insurance and the coverage it provides; again, the UI Website Tracker will be updated as appropriate.

III. Methodology

A group of law students collected data on the current state of UI programs across the country. These students went to each state UI website to look for general information about UI, updates on COVID-19-specific policy changes, and other aspects of the websites. Students spent approximately 10-30 minutes on each site, depending on how difficult it was to find this information. They then noted the presence of key specific aspects of each website in the spreadsheet. This research was performed between March 19 and 21, 2020. The spreadsheet contains two types of information: findings related to accessibility and communications and findings related to the policies announced on state websites.

IV. Communications

A. Background

The PPP review noted key aspects of state UI websites, including whether the site contains:

- A COVID-19 specific web page;
- Basic and accessible information about how to apply for benefits;
- Accessibility to limited english proficiency (LEP) claimants; and
- Guidance specifically for workers who may have been misclassified as independent contractors.

B. Findings

- 41 states had a COVID-19 web page specific to UI.
- **Overall:** The quality of information varied greatly by state. Some states had an alert immediately on the UI page directing individuals toward very clear answers to COVID-19 specific inquiries. Others were difficult to navigate with little to no instruction on response to the pandemic.
 - Most websites did provide instructions on how to apply for UI online, which is important as most offices are currently closed or will close, but some did not.
- **Multilingual accessibility:** Though 28 state websites provided LEP access (i.e., access in multiple languages), a significant portion only provide resources for

Spanish-speaking people. Another large group provides Google Translate services for the entire webpage, but this does not extend to the PDFs, press releases, and separate web pages entailing the COVID-19 specific responses.

- **Workers misclassified as independent contractors:** Today, some employers [misclassify](#) their employees as independent contractors to deny workers critical benefits and protections that are only available to employees, including paid medical leave and unemployment insurance. Workers who have been misclassified as independent contractors (or have received 1099 tax reporting forms), but who qualify as employees under state law, may be eligible for unemployment insurance. Neither the employer's designation of a worker as an "independent contractor" nor the issuance of a 1099 determines the person's employment status; workers who may have been misclassified can still apply for unemployment insurance and the state must ultimately decide eligibility.
 - Only four state websites provided information indicating that workers should still apply if they believe they may have been misclassified.
 - Minnesota provides a particularly good example. It advises workers who "believe [their] working relationship and responsibilities were those of an employee, or are not sure" to complete a correction sheet so that a customer service specialist can determine their status.
 - In contrast, several states inaccurately stated that receipt of a 1099 alone would bar UI eligibility. A page on the Massachusetts [website](#), for example, states that "self-employed individuals and 1099 contract employees are not eligible for unemployment benefits" while making no mention of the possibility that a worker may have been misclassified.

V. Policies

A. Background

On March 12, 2020, the U.S. Department of Labor, Employment and Training Administration (USDOL ETA) issued a [program letter](#) giving states additional flexibility within their UI programs to make benefits more broadly available in response to the current crisis. Some options given to states included:

- Waiving a waiting period after job loss, which is typically seven days, prior to UI eligibility;

- Waiving aspects of the requirement that UI recipients must be actively seeking employment;
- Allowing UI benefits for people unable to work because they are quarantined;
- Allowing UI benefits for people unable to work because their children's schools are closed.

States have the discretion to implement these policies at their choosing. PPP's review noted whether states' websites provided information about whether or not states had availed themselves of these policy options.

In addition, the U.S. Department of Labor allows states to participate in a work-sharing program in which employees' hours are reduced to avoid layoffs; employees then receive UI benefits for the hours they are no longer working. Currently approximately half of states have work-share programs¹; PPP's review noted whether information about work-share programs was readily available.

Policies related to the UI system are rapidly evolving; it is possible previous flexibility afforded to states may be removed and state-by-state variations harmonized as part of a stimulus package. Nevertheless, these findings are applicable at the current time. Further, they are one relevant indication of a given state's attentiveness to the needs of newly unemployed people and commitment to use any available means to expand access during this crisis.

B. Findings

According to the state websites reviewed, as of March 21, 2020 (which may not reflect the most up-to-date policies), results were as follows:

- 23 states explained that they had waived the waiting period for accessing UI benefits;
- 20 states explained that they had waived in whole or part the requirement that UI recipients must be actively seeking employment;
- Only 26 states will allow workers to receive UI benefits while they're unable to work because they are quarantined;
- Only 9 states would allow individuals to receive UI benefits while they're unable to work because their children's schools are closed; and
- Only 14 states' UI websites explained that state provides dependency allowances (increased benefits for workers who have dependents who rely on them).

¹ [These include](#): California, Colorado, Connecticut, the District of Columbia, Florida, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Washington, Wisconsin. Other states may add work-share programs as the crisis continues.

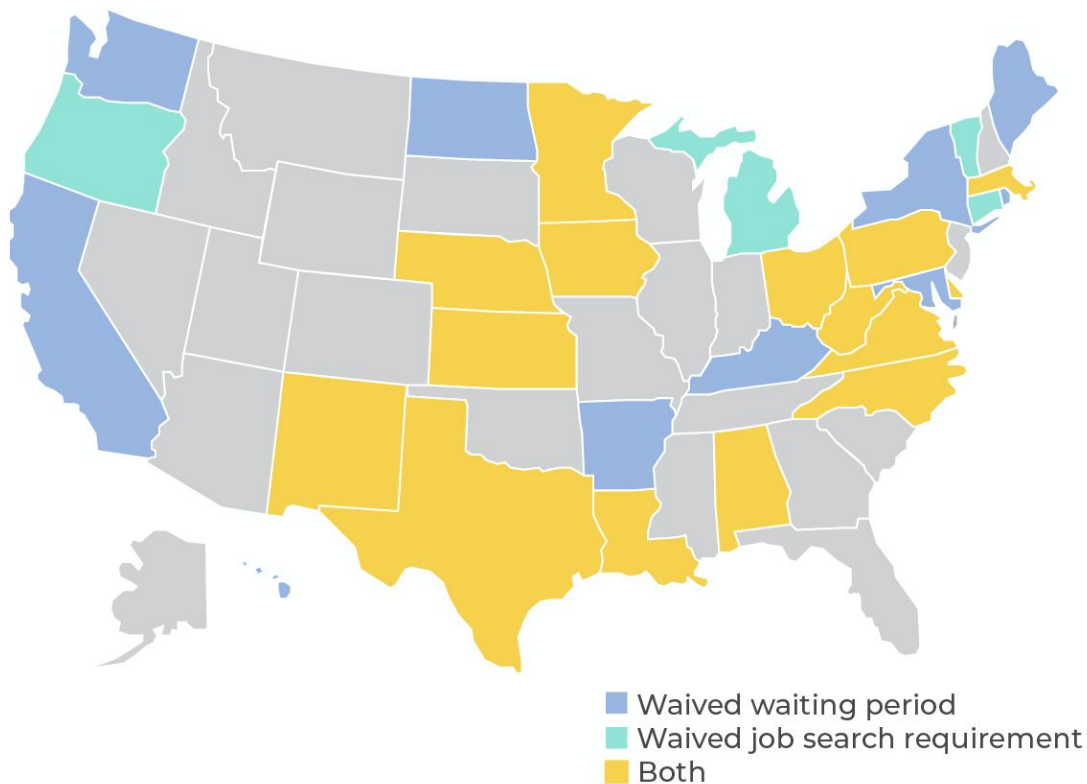
It is possible that some states have begun waiving work-search requirements or allowing workers to receive unemployment insurance benefits while quarantined, but failed to explain those policies clearly to potential applicants. But if states fail to clearly explain expanded unemployment insurance policies, the very workers states want to help may not know that they can apply.

While conducting the survey:

- If the particular policy was not mentioned on the state's website, it is counted as not having the policy in place.
- If the particular policy is covered by another benefit program, but not unemployment insurance specifically, then the state is counted as not having the particular policy.
- Most of those states counted as having a particular policy do not provide blanket coverage. Their policies often contain specific requirements and limitations.

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VI. Additional Observations

States are taking a wide range of actions on UI, both positive and negative.

Good examples of state actions include, but are not limited to:

- California has an easily digestible benefit [chart](#);
- [New Hampshire](#) and [New York](#) organized time windows, based on last name, for individuals to file for UI to decrease long wait times;
- Nebraska [waived](#) employer contributions; and
- Indiana has upcoming [webinars](#) to update on the crisis.

Bad examples of states deterring applications from people out-of-work because of the crisis include:

- South Carolina [does not provide](#) coverage for those who are unavailable to work because they must care for a family member who contracted the virus;
- Idaho's [UI FAQ](#) still states that an individual may be disqualified if they refuse work due to illness;
- Massachusetts' COVID-19 page has inaccurate information regarding self-employed and 1099 contract employees; and
- Many states fail to translate their press releases and COVID-19 updates.

It is vital that states understand just how difficult it is for a newly unemployed worker to navigate these websites. Often the information is fragmented and strewn across several different pages. Some information in the press differs from that on official websites. Given the surge in layoffs and the uncertainty that many people face today, it is crucial that states not only expand access to UI, but that they make the UI application process accessible and easy to navigate online and via phone.

Recommendations

The below recommendations relate solely to the website review conducted. UI systems have long required significant changes, in order to provide appropriately broad access and in order to ensure financial viability. A number of experts with deep expertise in the UI program have developed [recommendations](#) for essential reforms that should be enacted, both in response to the current crisis and longer-term.

Recommendations related to websites and communications include the following:

- States should create a COVID-19 specific web page for workers seeking information about unemployment insurance and other relevant worker protections.
- States should avail themselves of all possible measures allowed by the U.S. Department of Labor to make unemployment insurance available to as many people as possible, as fast as possible.
- States should publicize these policies on their websites and elsewhere, and should also publicize their shared work programs, where those exist.
- States should provide clear and accessible information about how to apply for benefits and about the overall process.
- States should ensure that people with limited English proficiency can obtain information from their websites.
- States should make it clear that workers who may have been misclassified should still apply for unemployment insurance.

Some of these recommendations require no additional funding. For example, clarifying that potentially misclassified workers may apply for UI, even if they've received a 1099, only requires adding a sentence to the UI website. Other recommendations may require funding. Of course, adequate funding is sorely needed in order to have accessible, responsive, updated, and effective UI programs as a general matter.

Conclusion

Unemployment Insurance is a critical lifeline for millions of workers who are losing their jobs during the COVID-19 pandemic. States must ensure that information about unemployment insurance is clearly communicated to potential applicants, promptly updated, and accessible to everyone. It is vital that workers have access to reliable and easily navigable information on UI.

Other Resources

- [*Understanding the Unemployment Provisions of the Families First Coronavirus Response Act*](#), by Maurice Emsellem & Michele Evermore, National Employment Law Project.
- [*Unemployment Insurance Protections in Response to COVID-19: State Developments*](#), National Employment Law Project.

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