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UNEMPLOYMENT INSURANCE REFORM: WHERE DO WE GO FROM HERE?

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Note: This document provides a summary of a symposium held by the Gerald R. Ford School of Public Policy and Poverty Solutions at the University of Michigan on the state of the country's Unemployment Insurance system in June 2022. While we tried to capture participants' thoughts as accurately as possible, the final analysis was authored by Poverty Solutions staff and captured both what was said at the symposium as well as evidence from existing literature. Therefore, any recommendations for reform provided in this document should not necessarily be attributed to any one participant in the symposium. Symposium participants and session titles are listed in the appendix.

INTRODUCTION

During the COVID-19 pandemic, the federal government expanded the unemployment insurance system in unprecedented ways. As tens of millions of Americans lost work and the country faced the possibility of a deep recession, the federal government broadened and extended Unemployment Insurance (UI) coverage, and gave all workers a generous federal supplement on top of state benefits, pushing hundreds of billions of dollars into the system. The expansion has been credited with stabilizing individual households and the U.S. economy during a global pandemic and jumpstarting the economic recovery.[1]

However, the reason such significant federal intervention was needed during the pandemic was because, under normal circumstances, our UI system fails to cover enough workers, pay out sufficient benefits, and meaningfully connect displaced workers with new opportunities for training and employment. If the existing system had remained in effect during the pandemic, it would have failed to achieve its central aims of stabilizing both individual households and the macro economy during economic downturns. And the U.S. economy almost certainly would have fallen into a deep and prolonged economic recession.

In June 2022, the University of Michigan's Gerald R. Ford School of Public Policy held a two-day symposium on the future of the nation's UI system, featuring some of the nation's foremost experts on UI, to examine the foundations of the system and outline steps towards strengthening that foundation. The symposium was chaired by former U.S. Congressman Sandy Levin, a champion for strengthening the UI system over his 36 years in Congress and now a distinguished policymaker in residence at the Ford School. Symposium sessions focused on how to adequately fund a strong UI system, how to cover more workers and provide sufficient benefits, and how to transform UI into a hub of the workforce development system, where unemployed workers are connected with robust reemployment services.

This brief aims to summarize central learnings from the proceedings, with the goal of finding substantive, common-sense reforms that can strengthen the system to better support U.S. households and the macro economy. Many of the reforms detailed below are not new ideas – in fact, many have been raised repeatedly by policymakers on both sides of the aisle over the past 30 years. We know what is needed to create a system that supports workers when they lose employment, provides support to more workers, and gets unemployed workers back to work quickly. The task now is to do it.

A VERY BRIEF HISTORY OF THE UNEMPLOYMENT INSURANCE SYSTEM

Unemployment insurance was created in the midst the Great Depression as part of the Social Security Act of 1935. It was built on the idea that workers should be protected from material hardship should they lose employment through no fault of their own. The program was established as a federal-state partnership, in which states would operate their own programs with oversight and administrative funding from the federal government. The goals of the UI system were to support individual households during periods of temporary job loss; to stabilize the macro-economy during economic downturns by replacing lost income to unemployed workers, thereby "smoothing" overall consumption; and to keep unemployed workers connected to the labor force, looking for new employment and maintaining skills.[2]

The Social Security Act instituted only broad guidelines for states to follow in establishing their UI systems, and though the federal government lacked any real enforcement mechanism, states largely complied with these guidelines. For decades, up until the years following the Great Recession, every state offered a maximum of 26 weeks of unemployment insurance benefits and, relative to today's standards, replaced a decent share of lost

wages. States financed their systems through a tax on employers, who also paid a tax to the federal government to fund the administration of the system. The program always had flaws, with low-wage workers, part-time workers, less educated workers, and workers of color less likely to receive or even apply for benefits;[3] but, despite these faults, for more than half a century there at least existed consistent structures across states that resulted in something like a uniform national system of social insurance to protect American workers in the case of job loss.

This system came crashing down in the wake of the Great Recession of 2008. Though cuts to state UI systems have regularly followed economic downturns, the Great Recession dealt a blow to the system from which it has not recovered. During and in the years after the Great Recession, many state UI trust funds, which weren't well-funded prior to the recession, were depleted, as states confronted a prolonged siege of unemployment. While the federal government stepped in to provide extended benefits throughout the recession, 36 states spent down their UI trust funds and had to take out loans from the federal government and bond markets in order to pay out regular state UI benefits.[4] Emerging from the recession, states with depleted UI trust funds had two options: increase taxes on employers to replenish those trust funds and prepare for the next downturn, or restrict access to benefits. Many states chose the latter path.[5]

With federal standards few and largely unenforceable, states seeking to restrict access to benefits implemented a number of schemes. Ten states reduced the maximum duration for which someone could receive UI benefits from the long agreed-upon norm of 26 weeks, with Florida and North Carolina cutting eligibility duration to below 13 weeks.[6] Many states also introduced burdensome application and work search requirements, causing millions to lose or get denied benefits.[7] Restrictive measures also had a chilling effect on application rates, as unemployed workers faced with a complex and onerous system simply decided not to apply.[8] What we were left with, in the years prior to the pandemic, was an Unemployment Insurance system in which just over a quarter of unemployed workers were receiving UI benefits.[9]
As recipiency rates have declined over time, UI benefit amounts have declined as well. Traditionally, states have sought to replace half of prior weekly wages for most workers. Predating the Great Recession, however, many states allowed the average wage replacement rate – the share of a worker's prior wages they would receive in UI benefits – to decline. This is largely because many states failed to raise their maximum weekly benefit amount for years, resulting in many UI claimants receiving just a small fraction of their prior wages. For example, in Mississippi the average weekly wage is $843, but the maximum weekly benefit amount is just $235 (and has been for the past 17 years), such that the average unemployed worker in Mississippi is only receiving 28% of their prior wage.[10]

The variance in duration of eligibility and average benefit levels between states has resulted in an incredibly unequal and fragmented UI system. Some states, like California, Massachusetts, and New Jersey, maintained adequate wage replacement and UI recipiency rates; in other states, like Florida, North Carolina, and Mississippi, the UI system has all but fallen apart. In 2019, the recipiency rate in New Jersey was almost 60%, while in North Carolina fewer than 1 in 10 unemployed individuals received UI.[11] If you were unemployed in Massachusetts in 2019 and qualified for the maximum benefit for the maximum allowable duration, you would have collected $20,000 in assistance; if you were unemployed in Florida, and received that state's maximum benefit and duration, you would collect only $3,000.[12]

The states that have introduced the most restrictive UI policies are also those with the highest concentration of Black residents, contributing to a dynamic in which Black Americans, who stand to benefit the most from a strong UI system, receive less support than white Americans. In "normal" economic times, Black Americans are far more likely to be unemployed (i.e., looking for, but unable to find work) than white and Hispanic Americans, owing to discrimination in labor markets and a history of racist housing, education, and employment systems.[13] In addition, the unemployment spells for Black workers are, on average, longer than those of white workers, meaning they are much more likely to exhaust benefits when states reduce the maximum allowable duration.[14]

And Black workers earn lower wages, on average, than white workers, such that they receive fewer benefits from a system that, at best, replaces only half of a low-wage worker's pay.[15]

In addition to these issues of disinvestment by individual states, critics have long noted that the underlying structure of the UI system fails to provide adequate protection to all American workers. Because of eligibility requirements regarding earnings and employment history, many part-time, low-wage, and tenuously employed individuals may not be covered by UI. The requirement that eligible unemployed workers must have lost employment through "no fault of their own" can pit employers against employees and bar unemployed individuals who voluntarily left employment for family, health, or safety reasons from being able to claim benefits. And the rising number of Americans earning a living through the "gig" economy and self-employment, sitting outside of traditional employer-employee relationships, are also largely left uncovered by UI.

It was within this context that we entered the COVID-19 pandemic, when more than 20 million Americans lost work in a single month, through no fault of their own, and the unemployment insurance system was called upon to prevent widespread material deprivation and a descent into a deep economic depression.

UNEMPLOYMENT INSURANCE DURING THE COVID-19 PANDEMIC

Faced with the singular crisis of widespread unemployment due to a pandemic, and in an effort to rescue American households and the U.S. economy, federal lawmakers scrambled to enact a range of emergency programs to compensate for the flaws of the existing UI system. Knowing how few unemployed workers receive UI from state programs, they instituted Pandemic Unemployment Assistance (PUA) to cover millions of American workers not eligible for regular state benefits, including gig and self-employed workers, and those not able or available to work due to the pandemic. Knowing how meager wage replacement rates were in many states and the effect a large drop in household income would have on the U.S. economy, they introduced Federal Pandemic Unemployment Compensation (FPUC), which added $600 per week to the weekly benefit amount for anyone receiving UI benefits. And throughout the pandemic, the federal government continually extended the length of time unemployed workers remained eligible for benefits and federally funded extended benefits through the Federal Pandemic Emergency Unemployment Compensation (FPEUC) program.

Together, these programs temporarily reinvented our UI system, stabilized millions of U.S. households, and rescued the US economy. The number of UI claims nationally jumped from roughly 2 million to roughly 34 million over the course of a couple months. The PUA program — set up to cover all those workers typically left unprotected by traditional UI — was, at its peak, covering roughly 15 million workers, about half of all UI claims at that time.[16] The overall recipiency rate, while still comparatively low relative to previous eras, increased by nearly 10 percentage points.[17] Due to the federal supplement provided by FPUC, the median replacement rate early in the pandemic was worth roughly 130% of prior wages, and median replacement rates remained above 75% of prior wages until well into 2021.[18]

These measures, collectively, enabled the UI system to do what it was intended to do: provide economic security to U.S. households through periods of temporary job loss and stabilize the macro-economy when job loss is widespread. This temporary reinvention of our UI system prevented a slide into a deep recession (officially the pandemic recession lasted only two months) and laid the foundation for a robust economic recovery.

Since these emergency measures ended, however, we have seen a return to restrictive state UI policies, as many states have little appetite to fund a strong UI system on their own.

WHERE DO WE GO FROM HERE?

With this as context, the Ford School UI symposium set out to figure out where we go from here. How do we ensure the UI system covers more workers, with adequate income support, to ensure individual households are supported through temporary job loss and the macro economy is stabilized through economic crises?

The symposium was split into four sessions, focused on: (1) adequately funding the UI system; (2) providing adequate benefits, for an adequate length of time; (3) ensuring the UI system covers more unemployed workers; and (4) ensuring the UI system is closely linked with reemployment services, so unemployed workers receive the support they need to quickly return to a new, and perhaps better, job. While recommendations for reforming our UI system necessarily cut across these categories, for ease of organization we will present the recommendations discussed at the symposium within these categories. It should also be noted that what is presented here are simply ideas proposed by symposium participants and were not necessarily universally endorsed by all participants, though we will note the areas in which we did hear widespread agreement.

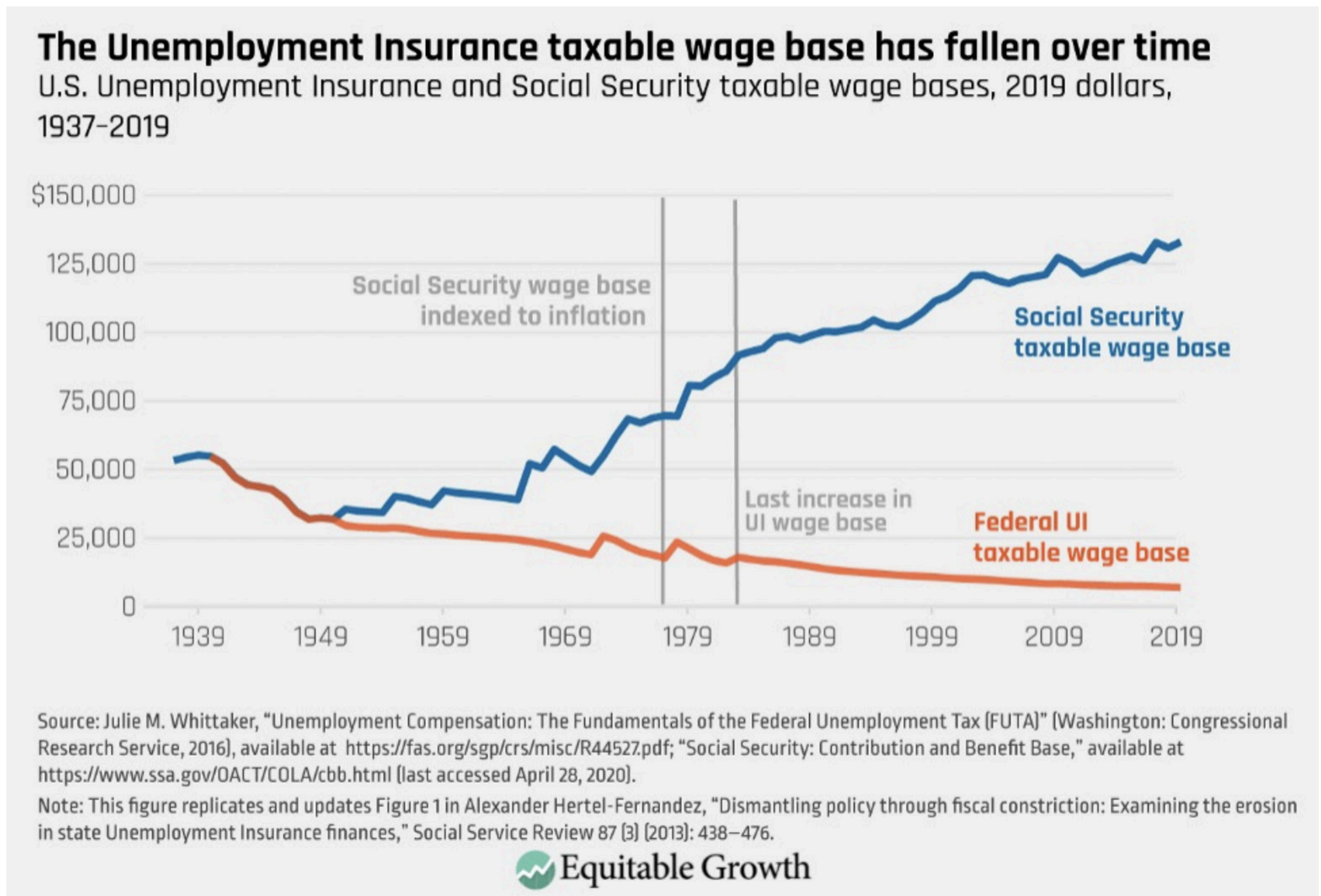
If there was a single theme that ran throughout the symposium, and across recommendations, it was the need for strong federal standards for state UI systems. Devoid strong federal standards, there has been a sort of race to the bottom among some states, leaving little hope of a unified national system and putting the macro economy at risk when confronted with an economic downturn. For any of the recommendations noted below to come to fruition, Congress would need to amend the Social Security Act to impose stricter standards on states and equip the Department of Labor with a broad set of enforcement mechanisms. Alternatively, the federal government could take on a larger role in the operation of the system itself. This latter possibility was not discussed in depth during the symposium, though many recent reform proposals have called for a larger federal role not just in setting standards, but in the operation of the system itself.

TOPIC #1: FUNDING THE UI SYSTEM

UI is a shared state and federal system, in which states pay UI benefits, and the federal government funds administrative costs. These pots of funding – the federal pot to fund administrative costs, and the individual state pots to fund individual state systems – are funded through a tax on employers (and in some cases employees). This tax consists of two factors: the taxable wage base (or the share of an employee's wages that are subject to the tax) and the tax rate on those wages. There are other factors that go into the UI financing system, but at its core, the fiscal health of the UI system depends on just these two factors: the taxable wage base and the tax rate on that base. And over the past 80 years, the failure to appropriately calibrate these two factors has led to the long, slow decline of state UI systems that we outlined above.

In 1939, the federal UI taxable wage base was set at $3,000, to match the taxable wage base of the Social Security program. Since then, however, the wage base for the politically popular Social Security program has been substantially increased multiple times and, in 1977, indexed for inflation. Meanwhile, the UI taxable wage base was left to languish, only nominally increased a few times over the past 80 years, and not indexed to inflation. Today, the taxable wage base for Social Security is over $125,000, while the federal taxable wage base for UI is just $7,000, representing a 90% decline in inflation-adjusted value over the past 80 years.[19]
The decline of the federal taxable wage base is important both for its own sake (inadequate revenue in the federal pot means less money for program administration and emergency benefits) and because it sets a floor for state UI taxable wage bases: states can set their base as high as they wish, but they cannot set it below the federal base. So, the failure to raise the floor at the federal level has resulted in declining revenues in state systems as well, such that half of the U.S. workforce now lives in a state where the taxable wage base is less than $10,000.[20]

FIGURE 1



Source: Presentation by Alix Gould-Werth, Washington Center for Equitable Growth

These taxable wage bases are then taxed at variable rates for individual employers in individual states, based on an employer's "experience rating," which is based on an employer's experience with the UI system. Essentially, this means that employers who don't use the UI system very much (i.e., they retain workers) receive a lower tax rate, and those with high turnover (i.e., many of their former employees utilize UI) receive a higher rate. In theory, this incentivizes employers to retain rather than terminate workers, but research has shown that this system has the unintended effect of increasing UI claim denials, as employers seek to prevent former employees from claiming UI, so as to preserve their experience rating.[21]

In order to create state systems that cover more workers with adequate income support for an adequate amount of time, the ways in which these systems are financed must be reformed. Some states have kept adequate UI programs in place without properly funding these programs by simply borrowing from the federal government during periods of economic strain, but this may not be sustainable, particularly in an era of rising interest rates.[22]

RECOMMENDATIONS FOR ACTION

- **Increase the taxable wage base for the Federal Unemployment Tax Act (FUTA) tax.** By increasing the taxable wage base for the FUTA tax, the federal government could automatically increase the state taxable wage base as well. In a 2021 paper, Andrew Stettner, then director of workforce policy at the Century Foundation and a symposium panelist, recommended raising the base to 50% or 100% of the Social Security

base, which would come to $71,400 and $142,800, respectively. Such a reform would help to narrow the existing gap in taxable wage bases among states, which range from the federal minimum of $7,000 – the base in many states – to $56,500 in Washington state.[23] This reform would need to be accompanied by minimum tax rates; however, even if tax rates were lowered across the board, raising the base would have the effect of removing a disproportionate burden from low-wage employers, who now pay taxes on a larger share of their payroll than higher-wage employers.

- **Introduce a federal "reinsurance" program.** Symposium panelist Rob Pavosevich, a former actuary division chief with the U.S. Department of Labor, raised the idea of instituting a federal reinsurance program for the UI system, in which the federal government would pay regular state UI benefits during periods of high unemployment. Such a system would be funded through an increase to the FUTA tax, which would increase payroll taxes for all employers nationally. Another option would be for states to pay a premium to have their state UI trust fund insured, whereby the federal government would pay out benefits if the trust fund falls to zero. This is not unlike what currently happens in some states who deficit-finance their UI system; only in the case of trust fund reinsurance, the rescue mechanism would be forward-funded.

- **Institute federal requirements regarding recipiency, benefit amount, and benefit duration.** Program performance standards could compel states to adequately finance their UI programs or otherwise borrow to meet the demands of the system. At present, the UI trust funds of many low-benefit states are healthier than those of some high-benefit states, precisely because those low-benefit states don't provide sufficient assistance. For example, based on 2021 data, the "reserve ratio" – the trust fund balance compared to total wages paid in a state – in low-benefit North Carolina was at 1.45, a range the DOL considers healthy. Meanwhile, in California, which has relatively high recipiency and replacement rates, the reserve ratio sits at zero and the state owes the federal government nearly $18 billion in repayment of loans issued to support its UI system.[24]

  The reason for this discrepancy, of course, is that California is trying to maintain an adequate UI system, while North Carolina is not. Neither state has a well-funded system, but North Carolina is able to maintain a healthy trust fund balance by not paying out benefits.

  If Congress were to pass uniform standards regarding recipiency rates, benefit amount, and benefit duration (discussed below), states like North Carolina would be forced to fund these benefits, either by reforming their state financing system or deficit financing their system like California has done.

- **Federally finance the entire UI system.** This proposal did not receive much discussion during the symposium. However, in light of the rapid disintegration of UI systems in many states and the inability of states paying out adequate benefits to sustainably fund their systems, several recent proposals have proposed shifting UI to a fully federalized system.[25] The logic for such a proposal makes a good deal of sense, given that states have a strong incentive to keep taxes on employers low in the name of creating an attractive business environment. Given this incentive structure, it's unlikely states will ever adequately self-finance their UI systems absent strong federal standards. Even if strong federal standards are put in place, states may be tempted not to comply, choosing instead to accept any noncompliance penalties.

  Under a federally financed system, all employers could face a uniform and sufficient tax rate, and states would not have to compete with one another to lower employer tax burdens. The federal government could monitor recipiency rates, replacement rates, and state UI trust funds, intervening with additional funds in times of economic need and increasing taxes on employers in a particular state if that state is out of compliance.

- **Expand federal support for the Extended Benefits (EB) program.** While full federalization did not receive significant attention at the symposium, many seemed in favor of the federal government taking on a larger role in funding the extended benefits (EB) program. The EB program grants eligibility for additional weeks of unemployment insurance during periods of high unemployment, with costs covered by a 50-50 split between the federal and state government. Despite the federal support, under the current system states may still be reluctant to "trigger" on the EB program, given that it will further drain their UI trust fund. Reforming the EB program to be fully federally funded might make the program more reliable, and negate the need for sweeping federal intervention in the form of new programs during periods of economic crises.

TOPIC #2: ADEQUATE BENEFITS AND DURATION

Assuming the system receives adequate funding, one way or the other, what should that funding go towards? How much should eligible workers receive in benefits? And for how long? As previously noted, this question gets to the heart of the purpose of UI: to ensure households are supported through temporary job loss and the entire economy is supported in times when job loss is widespread. We need to ensure the UI system offers adequate benefits for an adequate amount of time to ensure these goals are met.

At the same time, some may be concerned that if wage replacement rates are too high, or unemployed workers are able to receive benefits for too long, this could slow their return to work. Therefore, benefits must be "right sized" to balance income support on the one hand and potential work disincentives on the other.
The recommendations below offer a set of guidelines for accomplishing this dual goal. All of these recommendations would require congressional action to amend the Social Security Act to set universal standards for the UI system as well as a set of enforcement mechanisms the Department of Labor could deploy.

RECOMMENDATIONS FOR ACTION

- **Mandate all states maintain or resurrect a 26-week eligibility period in normal economic times.** A 26-week eligibility period, which was the norm for decades prior to the Great Recession, was established during a time when spells of unemployment were relatively short. Today, when unemployment spells tend to be longer, the 26-week eligibility period is that much more important.[26] Research also shows that 26-weeks is the duration at which fewer than 25% of claimants will exhaust their benefits before finding a job, which has led to a general consensus among UI scholars that 26 weeks is the right target for a maximum duration period.[27] Strong federal requirements around benefit duration are also particularly important to combating racial inequities, given that Black workers tend to experience longer spells of unemployment following job loss, a result of structural racism in our employment, education, and housing systems.[28]

- **Mandate states peg their weekly maximum benefit amount to two-thirds of the average weekly wage in that state.** As is the case with a 26-week UI eligibility duration, research suggests that the long agreed-upon norm of a 50% wage replacement rate is also roughly the right target for right sizing UI and providing enough resources for households to "smooth" their consumption after losing employment, while not providing a disincentive to actively seek out a new job.[29] However, as noted above, in order to maintain that average replacement rate of 50%, states need to allow their weekly maximum benefit amount to be set as a proportion of weekly wages, allowing it to rise over time, rather than fixing their maximum benefit, which many states have done. Chris O'Leary, a senior economist at the Upjohn Institute for Employment Research and a panelist at the symposium, proposed that to maintain a 50% wage replacement rate, states could peg their weekly maximum benefit amount to two-thirds of the average weekly wage in that state, which research suggests will ensure that 80% of beneficiaries receive a 50% replacement rate. This two-thirds

target was included in a UI reform proposal authored by Senators Ron Wyden (D-OR) and Chris Bennet (D-CO) in April 2021, as well as past bipartisan commissions.

- **Mandate states also set some minimum benefit amount to ensure low-wage workers are well supported.** While adjusting the maximum benefit amount is critical to achieving a high overall average replacement rate, it's worth bearing in mind that a 50% wage replacement rate does not mean the same thing to all workers. If you're a relatively high earner, and your state has a relatively high maximum benefit, you might be able to get by on 50% of prior wages for a number of weeks, relying on savings and other sources of consumption smoothing; if you are living paycheck-to-paycheck, on the other hand, and that paycheck is cut in half, hardship may follow.

  Therefore, many scholars recommend not only raising the maximum, but also instituting a minimum benefit level, a policy that is currently on the books in only a handful of states.[30] In a 2021 report, Arindrajit Dube, a labor economist at the University of Massachusetts, Amherst, recommended a progressive wage replacement scheme, in which the percentage of prior wages replaced tapers down as wages rise. Under Dube's proposal, low-wage workers would receive 100% of prior wages, with the next tier receiving 80%, and so on, until the replacement rate falls to 50% for weekly wages above $700. It should be noted that this proposal envisions average replacement rates well above 50%, which Dube argues is needed both to protect lower-wage households from material hardship and to enable UI to properly serve its macroeconomic stabilization function by providing more generous income support to low-income households, who have a higher propensity to use that income for consumption.[31]

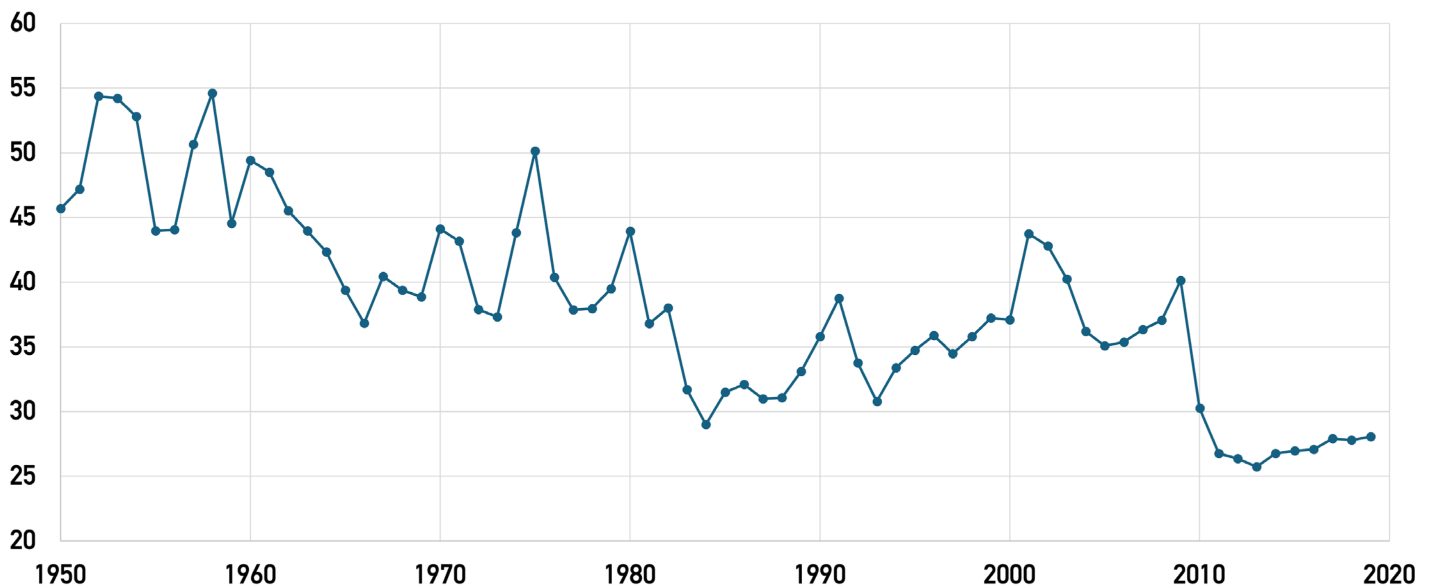
Precise replacement rates and appropriate length of benefit duration are up for debate. But what was not up for debate among almost all symposium participants was some form of enforceable federal standards. For decades, until relatively recently, there was at least some semblance of uniform standards across states, though some states have always been more generous than others. Strong federal standards would ensure that no matter where you happen to lose your job, you receive adequate support and an economic downturn in one region of the country does not lead to broader economic destabilization. To do this, Congress would have to amend the Social Security Act and could also alter the ways in which the Department of Labor can use the FUTA tax (discussed below) to ensure these standards are enforced.[32]

TOPIC #3: EXPANDING UI COVERAGE

If benefit levels and duration of benefits are two important features of the UI system, a third is determining who is eligible for UI benefits in the first place. Even when the UI system is functioning as intended, only about half of unemployed workers at any given time are eligible to receive UI benefits. This still relatively low potential recipiency rate is a function of the basic structure of UI. To be eligible for the program, workers need to be employed in a job with a traditional employer/employee relationship, thereby excluding independent contractors, those who are self-employed, and much of the growing ranks of "gig" workers. Unemployed workers also must have lost employment "through no fault of their own" in order to be eligible for UI, thereby disqualifying workers who were fired "for misconduct" or who voluntarily left their jobs. And unemployed workers must also have sufficient work history at sufficient pay in order to qualify for UI, thereby disqualifying new entrants to the labor market, some tipped workers, some low-wage workers, and those who were perhaps only working sporadically, with uneven pay. For all these reasons, the de facto maximum recipiency rate is around 50%, which was achieved at various points in the 1950s and 1970s.

However, in recent years, we have been far from even that seemingly modest goal of providing support to roughly half of unemployed workers. As of 2019, the recipiency rate sat below 30%, a threshold not surpassed since the end of the Great Recession. Indeed, the national recipiency rate took a dive following the Great Recession, as states reduced access to shore up UI trust funds. They did this by increasing earnings or work history requirements, imposing burdensome work search requirements, and failing to update administrative and customer service systems. Broader disinvestment in the UI system, resulting in lower benefits and benefit duration, also contribute to lower recipiency rates, as more unemployed workers exhaust benefits prior to finding a new job,[33] and fewer apply in the first place given meager benefit levels or presumption of ineligibility.[34]

FIGURE 2



Source: U.S. Department of Labor, Employment & Training Administration, Office of Unemployment Insurance, Regular Program Insured Unemployment as a Percent of Total Unemployment [A12], retrieved from Unemployment Insurance Chartbook, October 18, 2021. Available at: https://oui.doleta.gov/unemploy/chartbook.asp.

Our panelists discussed implementing the following recommendations to ensure a far greater share of unemployed U.S. workers receive unemployment insurance benefits:

RECOMMENDATIONS FOR ACTION

- **Require states to utilize the "ABC test" in determining if a worker should be treated as a contractor or employee.** The growth in gig work in the U.S. economy has been in part fueled by the expansion of technological platforms that enable new kinds of relationships between employers, employees, and customers. But the growth of gig work also reflects, in part, the growing practice of employers misclassifying their workers. By classifying workers as independent contractors, rather than employees, employers can avoid paying into the UI system, leaving a worker without a UI wage record. Several panelists recommended the federal government require all states to utilize the "ABC test," a set of three conditions – worker is free from employer control; work done is outside the realm of typical work done by that employer; and the worker is engaged in an independent trade – that must be met to classify a worker as an independent contractor. This reform could potentially bring many more workers under the UI umbrella.

- **Require large 1099 payers to pay unemployment taxes.** To further reduce the incentive an employer may have to pay an employee as a contractor rather than a full-time employee, the federal government could also require large employers who pay a large number of their workers as contractors to pay unemployment taxes on those workers' wages (employers who pay sufficient wages to contract workers must issue them a form 1099 to report that income). Under such a scheme, tax rates on these workers could be somewhat lower than traditional UI taxes, and only those employers that surpass a given threshold of revenue or 1099 employees would be subject to the tax.[35]

- **Rethinking "through no fault of their own."** A core feature of the UI system is the social insurance nature of the system. Like other forms of insurance, unemployment insurance is designed to protect a worker from circumstances beyond their control. This is why so much attention is paid to the cause of separation from a job in determining an individual's eligibility for unemployment insurance.

  However, upon deeper inspection, this core tenet of the system is also deeply problematic. In many states, workers who leave employment because of domestic or sexual violence or to care for a sick or disabled family member are not eligible for UI benefits because they "voluntarily" left work. In these cases, the reasons for their separation are certainly outside of their control, but they are left without insurance protections because the cause did not originate from the employer's need to, for instance, cut labor costs in the face of low consumer demand. While it should be noted that many states with strong UI systems do consider these good causes for leaving employment and will cover these workers, strong enforceable federal standards can mandate all states provide UI benefits to those who quit their job for "good cause," which would reduce the share of workers denied coverage for non-monetary reasons.[36]

- **Institute a new federal program to support those who do not receive support from state UI systems.** In addition to those who voluntarily leave work for reasons outside of their control, there are many other unemployed workers left unsupported by the UI system. These include new labor market entrants, those returning to the labor market after taking time off to care for family members, those returning to the labor market from incarceration, and independent contractors unable to find work. During the symposium, Andrew Stettner, then director of workforce policy for the Century Foundation, floated the idea of a permanent federal program modeled after Pandemic Unemployment Assistance that would provide some level of support for those not covered under traditional UI programs. Past reform proposals have recommended a similar idea, sometimes billed as a "jobseeker's allowance."[37] Though there are surely differences in the design of and eligibility for these kinds of programs, the general idea is that the federal government would provide a modest, time-limited supplement to those actively seeking work but not eligible for traditional UI due to monetary or non-monetary reasons. Advocates for this type of program contend that it not only provides support for unemployed workers, but it also keeps those unemployed workers engaged in the labor market through work-search requirements. This could be a permanent program that is always available to those unable to find work or perhaps only be triggered in cases of high unemployment at the state or national level. But the essential idea is that such a proposal would leave the core social insurance function of the traditional state-federal UI system intact, while providing a separate, parallel program for those not eligible for traditional UI.

- **Institute an Unemployment Insurance tax on employees.** In order to provide more insurance for more workers, several panelists also raised the possibility of instituting an employee Unemployment Insurance tax. Currently, the United States is something of an outlier compared to other wealthy western nations, in that all UI taxes in the U.S. system are paid by employers; many other countries institute an employee tax.[38] Some argue that the U.S. system of taxing only employers contributes to the unpopularity of the program, given that the constituency paying into the program does not see any direct benefit from the program. An employee tax could provide a mechanism for covering workers who might have an unclear cause of separation from work as well as self-employed individuals. Many think this could also make the program

more politically popular: if you see the tax on your paystub, you might be more likely to take advantage of the program when you need it and conceptualize the program as universal in nature, rather than simply for those in need. Social Security is structured in much this same way – with most workers both contributing to and benefiting from the program – which may help to explain the broad popularity of that program.

- **Reform monetary eligibility and part-time work search requirements.** If the set of circumstances outlined above – often deemed "non-monetary eligibility" standards – is in need of reform, so too are the systems for monetary eligibility in many states. States have varying standards around monetary eligibility, mandating the number of hours one must work or the pay one must earn, or both, over a given period in order to qualify for UI. This excludes from coverage many low-wage or part-time workers. Here again, strong federal standards can mandate a set of rules governing monetary eligibility, including the requirement that all states use a worker's most recent earnings (traditionally benefits have been calculated using the first four of the previous five calendar quarters, which disadvantages workers who may have higher earnings in the quarter immediately preceding their unemployment[39]) in determining eligibility and allow for eligibility based on hours worked in addition to pay.[40]

  Work-search requirements can also hinder access to UI benefits. In many states, UI recipients are required to be available to take full-time work, which means those who may only be seeking part-time work due to caretaking responsibilities, for example, may not be eligible to receive benefits.[41] In many states, workers who take part-time work as they continue to seek full-time work can also see their UI benefits reduced steeply, thereby presenting a strong work disincentive and potentially damaging long-term labor force engagement. Evidence also suggests that burdensome work search requirements instituted in many benefits-reducing states in the wake of the Great Recession were responsible for declining access to UI benefits.[42] Again, strong federal standards around allowable work-search requirements and allowable earnings from part-time work can help create a system that actively encourages participation in the modern labor market.

- **Enable undocumented workers to claim UI benefits.** At present, undocumented workers are categorically excluded from the UI system, despite the fact that employers are often contributing to the system on behalf of wages paid to undocumented workers and a majority of undocumented workers pay taxes on their income.[43] Bringing undocumented workers into the system raises a range of concerns around broader immigration reform and the privacy of undocumented workers, but given the centrality of undocumented workers to many industries and the overall health of the U.S. economy, a strong case can be made for finding ways to include undocumented workers in unemployment insurance protections.

At the core of many of these reform ideas is the central tension that our modern economy looks very different from the one in which our UI system was founded. Critics of some of the reform ideas outlined above might argue that these reforms move UI away from its social insurance function. However, in reimagining a UI system that fits our modern economy, versus one that fits the U.S. economy of the mid 20th century, we may also need to re-envision what we mean by social insurance and better recognize the more precarious nature of modern work, the ways that modern work fits into other household responsibilities, and the increased likelihood that all taxpayers may need to avail themselves of the UI system at some point in their lives.

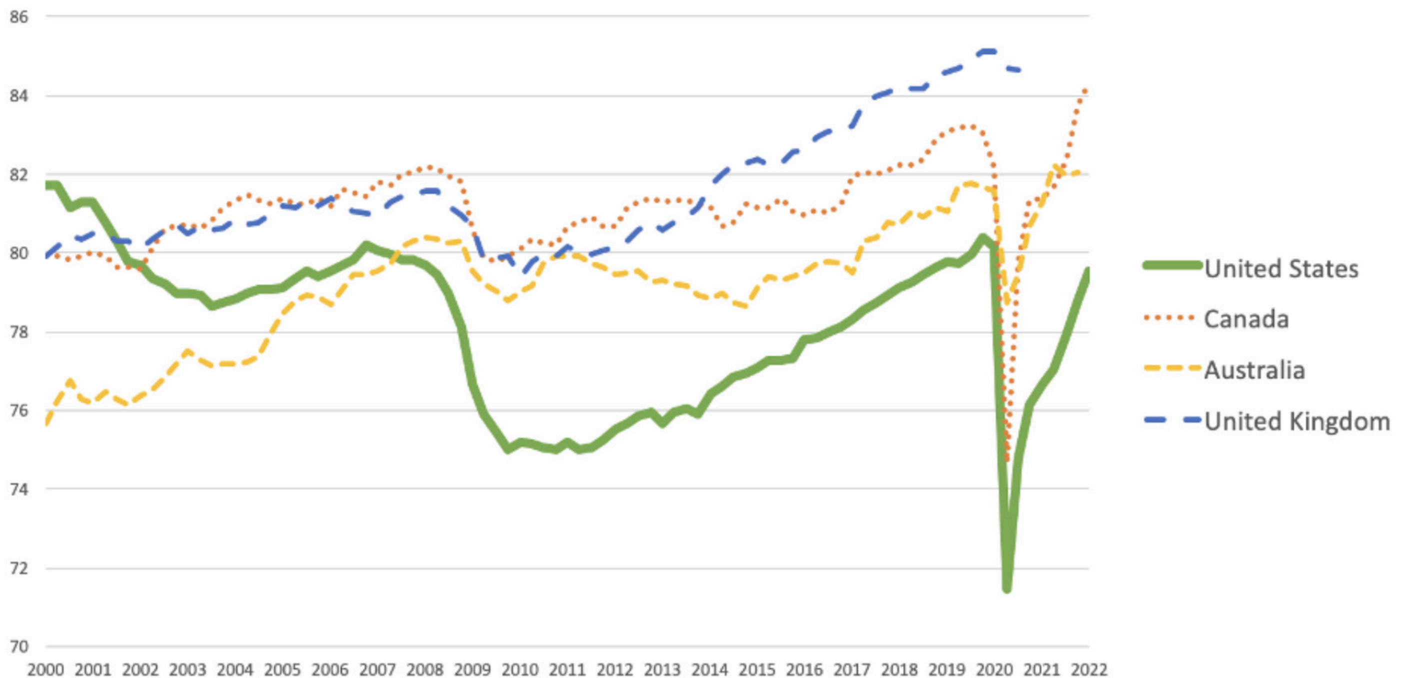
TOPIC #4: EMPLOYMENT SERVICES (ES)

The final topic tackled during the symposium was employment services, an important but often underappreciated feature of the UI system. When an unemployed worker receives Unemployment Insurance, that worker is required to undergo certain job search requirements. Because of these requirements, those in the UI system remain active labor market participants, seeking out their next job and avoiding a prolonged period

of stasis, in which valuable employment skills could atrophy. In addition, access to robust employment services represents a great opportunity for the worker to find a new and perhaps better job or retool for a new career. And for those worried about an overly generous UI system, the requirement that unemployed individuals be actively looking for work serves as additional assurance that unemployed workers are not sitting idly by while receiving benefits.

While employment services are, in theory, intended to maintain active labor force participation, in practice they appear to play a less central role. The employment rate for prime-age workers (25–54 year olds) in the United States fell from roughly 82% in 2000 to 75% during the Great Recession, before rising back to roughly 80% prior to the pandemic. In contrast, the employment rates for prime age workers in Australia, the UK, and Canada have all risen since 2000, falling only slightly during the Great Recession years, and now all sit two to four points above the U.S..[44]

FIGURE 3



Source: Presentation by Matt Darling of the Niskanen Center

There are likely many reasons for the U.S.'s poor performance in prime age employment in comparison with peer countries, but one potential culprit is the U.S.'s comparative underinvestment in active labor market policies. In 1985, U.S. spending on active labor market policies (e.g., job search assistance, job training) was over 0.25% of GDP; since then, it has fallen to just 0.1% of GDP.[45] Austria, Denmark, and Finland, meanwhile, which have prime age employment rates three or more percentage points above the U.S. rate, spend more than three times what the U.S. does on active labor market policies as a proportion of GDP.[46]

The Employment Service was established through the Wagner-Peyser Act of 1933, in the midst of the Great Depression, to help match unemployed individuals with public services jobs.[47] Indeed, UI and ES were developed as tandem programs – unemployed workers would visit unemployment offices to apply for UI and simultaneously receive employment services to find work.[48] And given the public interest in low unemployment and ensuring those receiving UI are actively seeking work, the need for continued integration of these two programs seems just as important today as it was during their founding.

However, beginning in the 1990s, in large part to protect federal UI resources for administration, the U.S. Department of Labor moved the bulk of UI operations to call centers and online, and placed ES staff in the nation's public employment offices, now known as American Job Centers or Career One-Stop centers.[49] In addition to this physical separation, funding for the Employment Service has declined considerably over the past 40 years, with funding today roughly half of what it was in 1984, when adjusted for inflation.[50]
Over this same period, the ES was given new programs to administer that focused services on the hardest to employ, resulting in less capacity to serve UI claimants and perhaps damaging the ability of American Job Centers to serve as a more universal hub of labor market exchange used by a large share of unemployed workers and employers.[51] The link between ES and UI remains formally in place, given that ES performs the "work-test" for UI recipients, verifying that recipients are able and available to perform full-time work and are actively seeking work. And evidence suggests that this function shortens unemployment duration and results in overall cost-savings to the UI system.[52] However, declining funding for ES has meant fewer resources to provide robust reemployment services, turning the work-test into a bureaucratic formality rather than a genuine opportunity for UI recipients to receive professional assistance in finding their next job.[53] And when we zoom out beyond UI claimants, we see an overall underutilization of American Job Centers, with just one-fifth of job seekers and less than one-third of employers using available services.[54]

What this all means in practice is that the job matching function envisioned as the central purpose of the Employment Service at its founding is severely diminished. The Employment Service does not serve as a reliable place for all unemployed workers to turn to when looking for a new job, and for those on UI, the work-test appears to serve simply as another administrative hurdle.

The panelists all referenced the varying consequences of a diminished ES. Matt Darling, an employment policy fellow at the Niskanen Center, noted that based on his research, most people don't know that American Job Centers even exist and people generally only avail themselves of these services after they have been unsuccessful looking for a job on their own, are low on savings, and need a job quickly. Mary Gable, a public policy analyst for the American Federation of State, County, and Municipal Employees (AFSCME), noted that American Job Centers are severely understaffed, meaning that ES workers are unable to provide quality, individualized services to jobseekers. Amy Simon, a former official in the Employment and Training Administration at the Department of Labor, talked about the political and organizational hurdles currently preventing greater collaboration between UI and ES. And William Spriggs, a professor at Howard University and the assistant secretary of labor for policy in the Obama Administration, noted that the lack of attention on this job matching function means that we don't have a true labor market in this country, where all jobseekers have adequate access to information about all available job openings. Some recommendations for addressing these issues include:

RECOMMENDATIONS FOR ACTION

- **Expand funding for the Employment Service.** A clear area for action is to restore ES funding to 1983 levels, adjusted for inflation, which would mean nearly tripling current funding for ES grants to states, from the $663 million allocated in 2023 to roughly $1.8 billion.[55] Currently, only about one-third of UI claimants – generally those most disadvantaged and most likely to exhaust benefits – receive job search services; analyses suggest restoring program funds to 1983 levels could push the share of UI claimants receiving services to over 75%.

  Greater investment in ES would not only provide better services to UI recipients and turn the loss of a job into an opportunity to pursue economic mobility, but it should also mollify critics of the program who may claim UI recipients receive benefits for too long without looking for their next job. Research shows that robust ES services lower the length of UI receipt and therefore benefits paid.

- **Integrate and Cross-train UI and ES staff.** Many panelists called for greater integration between UI and ES. Prior to reforms in the 1990s, these services were better integrated, and UI and ES staff were cross trained to enable the same people helping someone file an unemployment claim to then help them get a new job. Since then, the UI application process has largely been done online or by phone, with ES workers often barred from providing assistance on UI at the American Job Centers.

- **Enforce the Vietnam Era Veteran's Readjustment Assistance Act (VEVRAA).** Professor Spriggs noted that when unemployed workers seek new employment, they are doing so in a labor market with limited information, one in which they cannot view all available job openings that they could potentially fill. To remedy this issue, Spriggs said we could start by simply enforcing current law. Under the Vietnam Era Veteran's Readjustment Assistance Act (VEVRAA), all federal contractors are required to post all open jobs with the Employment Service Delivery Systems, though at present only a fraction of available jobs are listed.

CONCLUSION

From 1994 to 1996, an advisory council on unemployment compensation (ACUC) formed to give annual reports to the President and Congress about needed reforms to our Unemployment Insurance system. The recommendations that emerged from these reports, which were written by a bipartisan advisory council and had broad bipartisan agreement, are largely the same as the ones that emerged from our symposium held more than 25 years later. The final ACUC report called for better triggers for a more robust extended benefits program; expanding the FUTA tax base; pushing states to forward fund their UI trust funds through federal incentives and high interest rates on federal loans; allowing UI recipients to pursue part-time work; ensuring maximum benefits were pegged to two-thirds of the average weekly wage, to ensure a 50% wage replacement rate; and expanding the federal government's role in relaying transparent data on recipiency and replacement rates by state.

Yet while these reforms were seen as commonsensical in the mid-90s, today they are viewed as partisan and unattainable. In many states, recipiency and replacement rates have declined to a tiny fraction of historical norms, and the consensus seems to be that we can't do anything about it.

But this, of course, is not true. We can do something – a lot, in fact – to ensure more Americans are supported during a time of job loss and that our macro economy is supported through periods of economic recession. Through the imposition of strong federal standards on state systems or through the federal government taking on a larger role in the funding and implementation of the system itself, we can once again ensure our UI system fulfills its core functions of supporting economic stability for U.S. households and macroeconomic stability for the U.S. economy.

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The authors would like to acknowledge the contributions and career of William Spriggs, professor of economics at Howard University and chief economist at AFL-CIO, who passed away in June 2023.

APPENDIX: CONFERENCE SESSIONS AND PARTICIPANTS WITH THEIR TITLES AND AFFILIATIONS AT THE TIME OF THE SYMPOSIUM IN JUNE 2022

SESSION 1: INVESTING IN UI

- **Alix Gould-Werth**, director of family economic security policy, Washington Center for Equitable Growth
- **Robert Pavosevich**, retired actuary division chief, Department of Labor
- **Stephen Wandner**, research fellow, W.E. Upjohn Institute for Employment Research; nonresident fellow, Urban Institute; senior fellow, National Academy of Social Insurance
- **Stephen Woodbury**, professor of economics, Michigan State University, and senior economist at the W.E. Upjohn Institute for Employment Research
- *Moderated by **H. Luke Shaefer**, Hermann and Amalie Kohn Professor of Social Justice and Social Policy, University of Michigan, Gerald R. Ford School of Public Policy, and faculty director of the Poverty Solutions Initiative*

SESSION 2: RIGHT SIZING UI

- **Asha Banerjee**, economic analyst, Economic Policy Institute
- **Michele Evermore**, interim director of Disability Economic Justice and senior fellow, Century Foundation
- **Jenna Gerry**, senior staff attorney, National Employment Law Project
- **Rachael Kauss**, senior tax policy advisor, Senate Finance Committee
- **Chris O'Leary**, senior economist, W.E. Upjohn Institute for Employment Research
- **William Raderman**, employment policy analyst, Niskanen Center
- *Moderated by **Indivar Dutta-Gupta**, president and executive director, Center for Law and Social Policy*

SESSION 3: FILLING IN THE GAPS

- **Ben Gitis**, associate director, Economic Policy Project, Bipartisan Policy Center
- **Nick Gwyn**, consultant, Center on Budget and Policy Priorities
- **Elda Solomon**, policy manager, Unemployed Workers United
- **Andrew Stettner**, director, Office of UI Modernization, U.S. Department of Labor
- **Amy Traub**, senior researcher and policy analyst, National Employment Law Project
- *Moderated by **Alix Gould-Werth**, director of family economic security policy, Washington Center for Equitable Growth*

SESSION 4: WORKER TRAINING AND RETRAINING

- **Matt Darling**, employment policy fellow, Niskanen Center
- **Mary Gable**, public policy analyst, American Federation of State, County, and Municipal Employees (AFSCME)
- **Amy Simon**, principal, Simon Advisory; former acting deputy assistant secretary for the Employment and Training Administration (ETA), U.S. Department of Labor
- **William Spriggs**, professor of economics, Howard University; chief economist, AFL-CIO
- *Moderated by **H. Luke Shaefer**, Hermann and Amalie Kohn Professor of Social Justice and Social Policy, University of Michigan, Gerald R. Ford School of Public Policy, and faculty director of the Poverty Solutions Initiative*

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