

UNEMPLOYMENT INSURANCE AND WELFARE REFORM: Fair Access to Economic Supports for Low-Income Working Women

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Unemployment Insurance (UI) is not fully accessible to women and low-wage workers, and this unequal access particularly disadvantages welfare recipients. With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, the federal government limited lifetime TANF receipt to five years and mandated that half of all families receiving TANF participate in the workforce by 2002. Because former welfare recipients tend to get unstable jobs, equitable access to unemployment insurance will be critical to preventing excessive hardship between spells of employment. Currently, however, the earnings and eligibility criteria in most states limit access to UI for low-income workers.

Unemployment Insurance is Increasingly Out of Step with the Current Workforce

The Unemployment Insurance system was instituted in 1935 during a period when men were a large majority of the labor force and were typically the "breadwinners" for their families. Conceived during a period of extreme economic turmoil, UI's purpose was to provide temporary income to individuals with strong workforce attachment who lost their jobs through no fault of their own and to bolster the economy by increasing workers' spending. UI's eligibility criteria were designed to benefit full-time workers with incomes large enough to support a family, which means that low-income and part-time workers are typically ineligible. Women are frequently disenfranchised by state eligibility criteria that fail to consider the social and economic issues that affect women's employment patterns and their earnings. For example, many states do not allow workers to receive UI if they left their jobs because of inadequate child care, sexual harassment, or domestic responsibilities. Since former welfare recipients are particularly likely to experience gender-related barriers to employment and self-sufficiency, they are also more likely to be excluded by biases in the UI system.

Unemployment, Job Retention, and Job Cycling Among Low-Wage Workers

Women leaving welfare experience extremely unstable employment due to the poor quality of low-wage jobs, a lack of critical supports, and a lack of access to adequate education and training. A study of 800 AFDC recipients found that 45 percent of employment spells ended within 4 months, and 75 percent ended within one year (Rangarajan, Schochet, and Chu, 1998). Hence, the availability of UI is critical to former welfare recipients' well-being.

Prior to welfare reform, welfare recipients often used AFDC as other workers used UI. A study by the Institute for Women's Policy Research found that while welfare recipients worked a great deal more than expected, they frequently cycled in and out of jobs (Spalter-Roth et al., 1995). Nearly 70 percent of the welfare recipients studied participated in the labor market in some capacity. Almost 30 percent of welfare recipients cycled between work and welfare, approximately 20 percent combined welfare and work, 7 percent relied on AFDC while working limited hours and seeking more permanent employment, and 23 percent relied exclusively on AFDC while seeking work. Thus, the majority of welfare recipients used AFDC as a temporary income support between spells of employment or as a supplement to low-wage jobs, rather than as a permanent source of income. PRWORA diminishes the support that welfare recipients can receive from the welfare system during their bouts of unemployment.

Factors Affecting Job Retention and Unemployment Among Low-Wage Workers

Limited Availability of Jobs for Low-Skilled Workers

Many welfare recipients lack the skills and credentials needed to obtain and retain living-wage jobs, and this problem is likely to grow worse because of the restrictions on

Basic Structure of the Unemployment Insurance System

The Social Security Act of 1935, as interpreted by the federal Department of Labor, sets out the basic guidelines for states' UI systems. For the most part, states determine their own eligibility rules, benefit levels, and tax rates. UI is funded by federal and state payroll taxes paid by employers. Employers pay a lower tax rate if their former employees do not collect UI benefits, so the business community has an incentive to minimize the number of unemployed workers who receive benefits.

pursuing basic education that are inherent in the 1996 welfare reform law. Most jobs require some level of educational achievement and work experience. A 1995 study found that 75 percent of jobs that do not require a college diploma do require a high school diploma, 70 percent require general work experience, 60 percent require specific work experience, and 73 percent require references. These requirements do not correspond with the experiences of most welfare recipients: 46 percent of welfare recipients have not completed high school, and only 43 percent have earned a high school diploma (USDHHS, 1998).¹ The majority of jobs not requiring a college degree involve skills such as dealing with customers in person or over the phone, reading and writing paragraphs, math calculations, and using computers (Holzer, 1995). Lacking these skills, which are attained through on-going workforce involvement or through successful completion of secondary education, many former welfare recipients are inadequately prepared to obtain even an entry-level position.

In urban areas, competition for positions requiring low skills or little work experience is extremely intense, as only 5-10 percent of open positions that do not require a college degree are suitable for individuals with so few work skills. Although most employers endorse the practice of hiring welfare recipients, they are unlikely to hire individuals with the characteristics common among welfare recipients, such as an unstable work history (Holzer, 1995). This can make job search and periods of unemployment last longer for these low-skilled workers.

Lack of Basic Work-Family Policies

A lack of family-friendly policies and programs for low-income workers may play a strong role in perpetuating employment instability. When welfare recipients find employment, they are unlikely to have benefits such as paid sick leave and vacation time that allow them to balance their family and employment responsibilities. A recent study found that 24 percent of low-income adults with young children lack access to family health insurance and 31 percent lack paid vacation time (Galinsky and Bond, 2000). These workers are more likely to lose their jobs when they must take

time off work because of family emergencies, medical needs, and lack of child care. Even attending to children's routine needs, such as medical care and school involvement, may lead to job loss for employees with no leave benefits. Sixty-four percent of single parents with children under six do not have access to paid time off to attend to sick children and 57 percent have difficulty taking time off during the day to deal with family issues (Galinsky and Bond, 2000).

Lack of Transportation

Difficulty with transportation can contribute to unemployment among former welfare recipients. There is often a "spatial mismatch" between available jobs and the geographic concentration of low-skilled job seekers, as entry-level jobs in the suburbs are often inaccessible to women moving from welfare to work in urban areas. Spatial mismatch may be fueled by inadequate public transportation or a lack of access to personal transportation among welfare recipients. A 1998 Massachusetts study found that *none* of the employers in areas of high growth for entry-level jobs could be reached within a half-hour by public transit; in Atlanta, only 46 percent of entry-level jobs were accessible using the public transportation system (Johnson, 1998). Research in Michigan found that over 50 percent of available entry-level positions were located in the suburbs (Holzer, 1995).

Earnings Requirements for Receiving UI Benefits

Each state sets its own earnings requirements for UI, and these requirements tend to shut low-wage workers out of the system. In most states, income qualifications are based on overall earnings rather than the number of hours worked. Thus, individuals with a higher hourly wage qualify for UI after working fewer hours than low-wage workers. Earnings criteria average \$1,681 across the United States, ranging from a low of \$130 in Hawai'i to a high of \$3,400 in Florida. This average level of earnings represents 326 hours of work in the base period for minimum wage workers (USDOL, 2000a).

The definition of the earnings period for these requirements negatively impacts low-income and part-time labor-

ers and the former welfare recipients who occupy these positions disproportionately. The base period, defined as four consecutive calendar quarters, usually excludes the current and the most recently completed calendar quarters, or up to six months of a claimant's work history. This disregard of recent earnings may pose a serious barrier to former welfare recipients with sporadic work histories or those entering the labor market for the first time. Recent income may be the only income within a former welfare recipient's work history; disregarding up to six months of a former welfare recipient's income may prevent her receipt of UI entirely.

High-quarter earnings requirements, which stipulate that claimants must earn a minimum amount within one of the four quarters of the base period (in addition to meeting the overall earnings level), may also present an impossible hurdle for former welfare recipients whose average incomes are below the poverty line. Similarly, the two-quarters requirement, mandating that workers earn wages in at least two of the four base-period quarters, may impede access to UI for former welfare recipients who cycle in and out of work.

Former welfare recipients who are able to secure stable employment will encounter difficulty meeting the earnings requirements because of the poor quality and low wages of available jobs. A 1995 report from The Working Poor Project found that a three-person family (a single mother with two children) would need a minimum annual income of \$23,424 to achieve a decent standard of living in metropolitan Chicago. This would require a before-tax income of \$27,415, or \$13.71 per hour for someone working 40 hours a week, 50 weeks per year. The highest-paying job available for a worker in Chicago with only a high school diploma at the time of this study provided earnings of \$16,740, or \$8.36 an hour. The bulk of jobs available for persons lacking post-secondary education were in the service industry and paid an average of only \$5.40 per hour, or \$10,800 a year. None of the occupations requiring only a high school diploma paid a living wage (Shankman, 1995). For the 55-65

percent of former welfare recipients who enter the labor market, average hourly earnings of only \$5.60 to \$6.60 will make UI inaccessible (USGAO, 1998).

Non-Monetary Criteria for Receiving UI Benefits

Non-monetary eligibility criteria, like some aspects of the monetary UI eligibility criteria, exclude women, former welfare recipients, immigrants, and disabled individuals. Many common non-monetary eligibility requirements reflect assumptions about workers that are increasingly out of step with the American workforce.

Labor Market Status

The unemployed population is divided into four categories: job losers, job leavers, reentrants, and new entrants. Job losers – most frequently men – are most likely to benefit from UI, while job leavers – most frequently women – must establish a “good cause” for resigning. New entrants and reentrants, also most frequently women, are usually ineligible for UI. Due to intermittent or nonexistent work histories, a large percentage of welfare recipients will undoubtedly be defined as reentrants or new entrants and thus be deprived of income support through the UI system.

“Good Cause” Clause for Leaving a Job

In thirty-eight states, “good cause” for leaving employment is defined as circumstances linked to the employer or the employment relationship. Workers who leave jobs in response to family obligations that are beyond their control are excluded from UI benefits. Since women tend to leave and reenter the labor force at a higher rate than men to fulfill familial duties such as child care, care for a relative, pregnancy, or moving to follow a relocated spouse, these restrictions are especially problematic. Linking “good cause” legislation to employers prevents the 25 percent of women leaving their jobs for care-giving responsibilities from obtaining UI in 32 states (AFSCME, 1999). Victims of

Recent Improvements to UI in Wisconsin

Last year, advocates in Wisconsin were instrumental in the state's decision to extend UI to victims of domestic violence and sexual harassment and to parents experiencing difficulty in securing child care after a change in shift assignment. These changes expanded the definition of “good cause” for workers attempting to secure UI compensation. Wisconsin also adopted the alternate base period, which counts workers' recent earnings in determining UI eligibility. The maximum weekly benefit was increased from \$297 to \$305 in April 2000 and to \$313 in October 2000. In addition, a commission was established to explore part-time workers' access to UI.

For more information on recent victories and current advocacy in Wisconsin, contact the Institute for Wisconsin's Future at (414) 384-9094.

Massachusetts – The Cadillac of UI Systems

Massachusetts has one of the friendliest UI systems for low-wage and part-time workers, immigrants and women. The state has the longest duration of benefits in the country (30 weeks) and one of the most generous weekly benefit amounts (\$402 plus up to \$200 of dependency allowance). Issues disproportionately affecting women, such as lack of child care, leaving work to join a spouse, pregnancy and domestic violence, are all defined as “urgent, compelling and necessitous” reasons for leaving a job. Low-wage and part-time workers benefit from an alternate base period (ABP) and the absence of a high-quarter earnings requirement, as well as from incumbent worker training focused on low-wage, low-skilled workers. Immigrants have access to multilingual offices and interpreters, and laws mandate that claimants receive forms in their native language or have some of the UI requirements waived. Additionally, all unemployed workers have access to health insurance benefits through the UI system.

Many of these provisions are the result of an advocacy coalition between low-income community organizations represented by Greater Boston Legal Services and the Massachusetts AFL-CIO. Due to this coalition’s efforts, many former welfare recipients entering the Massachusetts UI system will find a temporary income support system that is responsive to their needs.

For more information on the Massachusetts Unemployment System, contact Monica Halas, Senior Attorney at Boston Legal Services, at (617) 371-1274 ext. 621 or Linda Johnson, Executive Director of the Women’s Statewide Legislative Network, at (617) 426-1878.

domestic violence and individuals experiencing undocumented sexual harassment may also be denied UI benefits. Welfare recipients’ lack of access to affordable child care and disproportionate victimization from domestic violence can limit their access to UI.

Child Care

When states fail to recognize lack of child care as a “good cause” for leaving a job, single mothers and their families become financially vulnerable. The high cost of child care is a particularly serious obstacle to sustainable employment for single mothers who receive welfare. An IWPR study of AFDC recipients found that working welfare recipients spent 34 percent of their earnings, or \$1.86 per hour of employment, on child care (Spalter-Roth et al., 1995). Even child care delivered by family members and unlicensed providers can be prohibitively expensive. Among working AFDC recipients, 33 percent paid for grandparent care, 71 percent paid for child care from other relatives, and 83 percent paid for unlicensed non-relative care.

The lack of child care during the times that low-income women work creates another barrier to sustained employment. Former welfare recipients moving into the labor market often occupy positions requiring shift, evening, and/or weekend work, further hindering their access to safe and dependable child care options. The inconsistency of infor-

mal care, the most common type of care used by welfare recipients, may jeopardize work efforts and force women to resign from their jobs.

Domestic Violence

Women who leave jobs because of sexual harassment or domestic violence often find that their job loss is not covered by UI. Up to 65 percent of welfare recipients are currently victimized by domestic violence (American Psychological Association, 1999). Domestic violence erodes women’s efforts to attain self-sufficiency. The National Workplace Resource Center on Domestic Violence found that almost three-quarters of employed domestic violence victims were harassed by their abuser at their place of employment. Over 50 percent were late for work at least five times a month or missed three full days of work a month due to domestic violence, while 28 percent were forced to leave early five or more days per month to maintain their safety (see Kaplan, 1997). Poor attendance or job performance resulting from domestic violence may ultimately lead to a victim’s termination, or a victim may be forced to resign to preserve her safety. Yet, women leaving or losing their jobs due to domestic violence are barred from UI receipt in 34 states.

Domestic violence victims may be excluded from UI receipt not only by the nature of their resignation or termination,

but because UI policy requires that UI recipients be “willing and able” to accept full-time work. Abusers may sabotage a woman’s attempt to move into the labor market by preventing her from leaving home to attend training or work, renege on a promise to provide child care, consistently showing up at a victim’s employment or training site to harass her, or battering a victim so that she is physically unable to work. An abuser’s destructive behavior may force a victim to abandon her endeavors to reenter the labor market, thus undermining her ability to demonstrate that she is seeking employment and preventing her from obtaining UI (Lloyd, 1998).

Part-Time Workers

Those seeking part-time work are typically ineligible for UI, because most states interpret “seeking employment” as a search for full-time jobs. This stipulation is usually maintained even for workers who have historically worked part-time, as well as for individuals whose obligations, such as child care, interfere with a full-time work schedule, and individuals responding to employers’ demands for flexible work. Since the precarious economic position of former welfare recipients may exacerbate their child care challenges, meeting the “full-time work” requirement can be difficult. One-fourth of all unemployed women are looking for part-time jobs and may be ineligible for UI (USDOL, 2000b).

Policy Recommendations

Modify Non-Monetary Eligibility Requirements

Non-monetary eligibility requirements should be changed to acknowledge job quits that are related to domestic circumstances. States’ UI systems should recognize that women’s domestic responsibilities sometimes restrict their ability to maintain employment. While these conflicts are not specifically related to a particular employer or employment relationship, they are also not the same as voluntarily leaving a job without good cause. If a woman must be at home to care for an ill child or other family member and her job does not provide adequate sick leave for that purpose, her, and her child’s, only option may be for the mother to temporarily leave the workforce.

Similarly, women dealing with sexual harassment or domestic violence should be temporarily provided for by the UI system. And unemployed individuals seeking part-time work, whether to accommodate their domestic duties or in response to employer demand, should be allowed to collect UI benefits. In recent years, several states have modified their UI eligibility rules to cover domestic violence survivors, individuals unable to secure child care, and lower-wage workers. These provisions expand the definition of “good cause” for workers attempting to receive UI compensation. Throughout the states, similar expansions would enhance the UI system for TANF recipients enter-

ing the workforce, as well as for other women, low-wage workers, and part-time workers. (See Wisconsin and Massachusetts text boxes for examples of progressive UI reforms.)

Change the Earnings Requirements

States would avoid the inequities perpetuated by earnings-based eligibility requirements by defining labor force attachment in terms of hours worked rather than income. This would make more low-wage workers eligible for UI receipt. Alternatively, minimum earnings requirements could be reduced. High-quarter and two-quarter earnings requirements that are often imposed in addition to minimum earnings levels should be eliminated, not only so that low-wage and part-time workers may qualify for UI, but so that seasonal workers, composed overwhelmingly of immigrant farm laborers and construction workers, are able to qualify as well.

A significant policy reform affecting low-income workers would be the adoption of the alternate base period (ABP). The ABP incorporates the customarily disregarded most recently completed quarter into the earnings calculation for workers who would otherwise not qualify for UI. Instituting an ABP would broaden the constituency served by UI to include more former welfare recipients, women, low-income workers, part-time workers, people of color, and seasonal workers, at a cost of only 4-6 percent over the system’s current costs (Vroman, 1995).

Increase Benefit Levels

Low educational attainment, lack of work experience, a lack of low-skill living wage jobs, and a number of other barriers often prevent welfare recipients from obtaining jobs that pay well. Even with monetary and non-monetary policy changes that would enable more welfare recipients to qualify for UI, UI benefit levels are too low for most welfare recipients to support themselves and their families, since benefits are calculated in relation to earnings. In some states, weekly benefits can be as low as \$5, and on average, weekly benefit levels for women are about \$42 less than those for men (USDOL, 1999). Raising wage replacement levels and providing dependent allowances for those receiving UI benefits would alleviate some of the challenges of supporting a family during a bout with unemployment.

Income Support for Working Mothers and Low-Wage Workers

Reliable worker supports are necessary for individuals who cannot maintain continuous full-time employment at above-poverty wages. Given the new policy emphasis stressing full employment among low-income individuals, the UI system must support former welfare recipients and other low-

wage workers as fully as it supports other workers during periods of unemployment. To successfully accomplish this, policymakers must incorporate the reforms discussed above into the UI system. Public policy is changing and now demands that all women not supported by a husband or other family member enter the workforce and support themselves and their children. The UI system must also change and remove the barriers low-income women face in receiving income support during periods of joblessness.

Endnote

1 Educational levels for 11 percent of welfare recipients have not been documented.

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Resources on UI and TANF

IWPR provides research and technical support to UI advocates who are working to improve access for low-wage, part-time, and women workers. Reports on the UI systems in Texas and Georgia are currently available, and a similar report on Florida's UI system is being completed. The project has also provided technical assistance and support to advocacy networks in several other states, including California and Wisconsin. IWPR and the National Employment Law Project co-sponsored a forum in September 1999 in which advocates, researchers and policymakers exchanged information and strategy ideas about reforming state UI programs. The forum proceedings can be ordered from the IWPR website, <http://www.iwpr.org>, or by calling IWPR at (202) 785-5100.

The Information Technology Support Center (ITSC) Unemployment Insurance Website is sponsored by the U.S. Department of Labor. It has all the U.S. Department of Labor guidance issued to the states, periodic summaries of state legislation, and state statistics collected on trust funds, taxes, reciprocity rates, and UI claims and appeals. <http://itsc.state.md.us>

The Interstate Conference of Employment Security Agencies (ICESA) is a trade group that represents all the state UI and Employment Service agencies around the country. ICESA's website contains current information on federal legislative and agency developments, press releases from the states, and other helpful information focusing on issues of special concern to the state agencies. <http://www.icesa.org>

The Unemployment Insurance Institute sponsors a website of the business community "dedicated to an equitable and affordable Unemployment Insurance system." Although most information is restricted to its members, accessible information includes summaries of federal legislation that the business community supports and opposes, as well as breakdowns on state UI tax rates. <http://www.uiinstitute.com>

The National Employment Law Project website provides fact sheets on state and federal developments of special interest to advocates, as well as manuals and publications on issues of significance to low-wage workers. <http://www.nelp.org>

The National Bureau of Economic Research offers sophisticated analysis of many economic issues. The Labor Studies program area of the NBER website offers lists of working papers related to low-income workforce issues. <http://www.nber.org/papers/>

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