



December 2019 | FACT SHEET

Unemployment insurance and protections are vital for women and families

- Unemployment insurance (UI) is a social insurance program that provides temporary support to unemployed workers who have lost their jobs through no fault of their own and meet additional requirements, which vary by state. UI is particularly important during recessions, when it stabilizes families, communities, and the overall economy. In 2009, in the depths of the Great Recession, UI kept roughly 5 million people out of poverty and saved more than 2 million jobs. Over the course of the recession, UI prevented nearly 1.4 million foreclosures.¹ And UI is good for the overall economy. During the Great Recession, extending UI benefits was the third-highest GDP multiplier out of over 20 other spending programs that were tested², meaning that it helps to strengthen and grow the economy during times of high economic vulnerability.
- UI is a critical support for those who lose their jobs and for their families, even when unemployment rates are relatively low, as they are today. While the overall unemployment rate for women 16 years and older is 3.4 percent,³ the rate is significantly higher for Black (5.9 percent), Latina (4.1 percent)⁴, Asian American and Pacific Islander (6.0 percent), and Native (9.4 percent)⁵ women. In October 2018, UI helped replace lost earnings for nearly 1.4 million unemployed workers, including more than 661,000 women.⁶
- For women—who typically experience lower earnings and a higher risk of poverty than their male peers and are more likely than men to be raising children on their own—this support is particularly vital even when we are not in a recession. In 2017, UI helped keep the incomes of more than 127,000 women above the Federal Poverty Level (FPL).⁷
- According to a nationally representative survey conducted in 2017, 7.2 percent of LGBTQ women reported that they or their family received unemployment benefits, compared to 4.4 percent of straight women and 4.1 percent of straight men.⁸ LGBTQ people face discrimination at work, including being fired just for being who they are.⁹ Nearly one in five transgender women report having lost a job due to their gender identity or expression at some point, according to the national 2015 U.S. Transgender Survey.¹⁰ This makes unemployment insurance especially important for the financial stability of LGBTQ women and their families.

- Unemployment can be even more of a struggle when workers have families and dependents to care for. UI helps to lessen this challenge and improves the well-being of families struggling with involuntary unemployment in several ways. For example, research suggests that UI increases access to health care¹¹ and increases educational outcomes for children.¹² Specifically, there is a link between receiving more generous UI benefits and increased access to health care.¹³ So during a recession, UI leads to an improved self-reported overall health status.¹⁴ In addition, while the stress of unemployment can strain familial relationships and have a negative impact on children, access to UI and other financial resources eases this stress and improves mental health among those who experience unemployment.¹⁵ Research has also shown that children in low- and middle-income families are less likely to repeat a grade level when there is an increase in maximum UI benefits.¹⁶ Ensuring that UI benefits factor in a worker's dependents helps ensure that the UI system works for everyone who needs it.
- As of 2017, one-third of American adults are one \$400 emergency expense away from financial hardship or being unable to pay their monthly bills.¹⁷ And those with less education, as well as racial and ethnic minorities, are even less able to handle unexpected monthly expenses.¹⁸ Coupled with the fact that women are much more likely than men to cite child care and family responsibilities as the reason for not attending or completing college¹⁹, economic supports like UI are particularly crucial for women and their families.

The UI system is not ready for another recession.

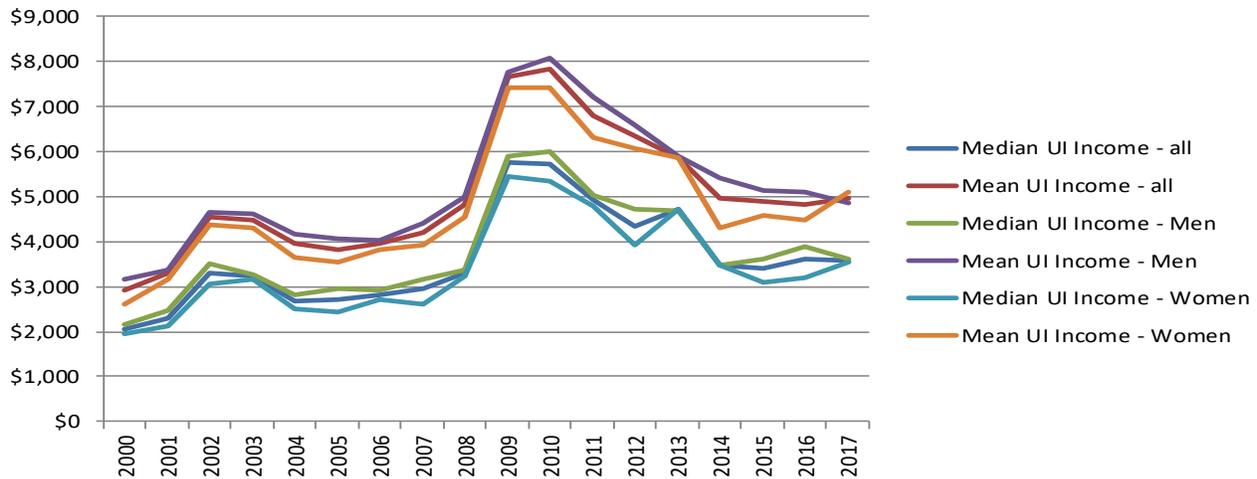
- Since the end of the last recession, many states have decreased UI payouts through dramatic and historically unprecedented reductions in weeks of available benefits, cuts to wage replacement rates, stricter eligibility requirements, direct benefit cuts that reduce how much of workers' prior wages UI can replace, and new disqualifications, instead of increasing the revenue from employer and employee taxes to replenish their trust funds.²⁰ Despite the urgent need to prepare the UI system for the next recession, state policymakers continue to undermine it. As recently as May of 2019, Republican lawmakers in Alabama passed a bill reducing the duration of unemployment benefits below the current 26-week limit.²¹ Reducing the maximum duration of benefits below 26 weeks is particularly counterproductive in terms of preparing for a recession, when people tend to experience longer periods of unemployment. Without reforms to the UI system before a new recession hits, UI benefits likely would have a reduced countercyclical impact on the economy when the stabilizing effect of these benefits is needed most.
- Administrative changes to state UI systems, including online filing or registration requirements, have actually made it harder for some workers to apply for UI.²² The "digital divide" has a disproportionate impact on low-paid workers, older workers, workers with limited English proficiency, rural communities, and communities of color.²³ This makes it even more difficult for those without internet access to navigate an online-only filing system that many states are moving towards.²⁴ And the fact that the administration of UI is already underfunded²⁵ means that states lack the resources to adequately address these issues. The impact of these new administrative burdens would be amplified in the event of a recession, when even more applicants would interact with an underfunded UI system.
- As of February 2019, only 29 states currently have trust fund reserves necessary to meet federal standards for recession preparedness.²⁶ Prolonged high unemployment during the Great Recession contributed to 36 states depleting their UI trust funds and ultimately forced them to borrow from the federal government and private bond markets.²⁷ In most states, this depletion has not been fully restored—a decade after the end of the last recession—bringing us to where we are today.
- A lack of education and outreach about the UI program generally means that many unemployed people do not even know that they can and should apply for benefits.²⁸ During a recession, because UI acts as an economic stabilizer to prevent an even deeper recession, the more unemployed people who know about and are able to receive UI, the better.
- The Great Recession hit Black and Brown communities disproportionately hard.²⁹ Wage and wealth inequality by race and ethnicity grew, and the recovery for these communities has been slower when compared to their white counterparts.³⁰ Homeownership rates dropped 1.9 percent for African Americans and 1.7 percent for

Asian Americans.³¹ On top of a stagnant recovery, the median UI income for Black workers compared to white, non-Hispanic workers has also been steadily declining in recent years—from 2014 to 2017, the median UI income for Black workers decreased nearly 20 percent while at the same time increasing by 3 percent for white workers.³² And because policymakers have not adequately addressed the longstanding structural racial inequalities that helped create these disparities, workers in these same communities will find themselves once again disproportionately disadvantaged when the next recession hits.³³

In addition, the overall UI system could be improved to better support women, families, people of color, and low-paid workers more generally.

- Because social insurance programs like UI have been built to support traditional jobs and work arrangements, women workers continue to face barriers to access economic security programs.³⁴
- For example, the states that base eligibility for UI benefits on earnings rather than hours worked³⁵ may tend to exclude more women and women of color, whose salaries and wages are typically lower than those of white, non-Hispanic men,³⁶ in part because they are disproportionately represented in the low-paid workforce.³⁷
- Twenty states also categorically deny UI benefits to part-time workers who would otherwise qualify,³⁸ a policy that also disproportionately affects women. Women are four times more likely to be working part-time during their prime earning years than men³⁹ — often because they are more likely than men to face caregiving responsibilities and the issues associated with them, such as high child care costs and inflexible work schedules.⁴⁰
- Women are more likely than men to need to turn to UI for “compelling family reasons,” but states do not always allow workers who leave their jobs for those reasons to claim UI benefits. For example, women are much more likely than men to have to leave a job due to domestic abuse-related issues or work-family conflicts (such as spousal job relocation or the loss of child care)⁴¹—but currently only 19 states provide UI for those who have to leave their jobs due to compelling family reasons.⁴²
- Many low-paid jobs, in which women and people of color predominate, are also characterized by insufficient and volatile hours and inadequate benefits that make balancing work and family responsibilities difficult. Such precarious and unstable jobs in fields like home health care and food service are projected to grow exponentially in the coming decades.⁴³ Additionally, despite the fact that temporary workers make up a significant portion of U.S. employment⁴⁴, many state laws do not consider the end of a temporary work assignment as an “involuntary termination of employment.”⁴⁵
- So-called “gig workers” and independent contractors are often not eligible for UI benefits under the current system. This creates an unsustainable future of work for too many women workers, particularly household employees and caregivers.⁴⁶ And while household employees are required to be covered under UI,⁴⁷ they are at heightened risk of being misclassified as independent contractors⁴⁸ and are overwhelmingly women.⁴⁹
- On average, when women do receive UI, their benefit amounts have tended to be lower than men’s, due in large part to the gender wage gap. While there have been points at which women’s median UI income—among all those who receive UI—catches up with men’s, they separate again. From 2000 to 2017, the median UI income for men was, on average, 10 percent greater than the median UI income for women. In 2010, during the height of the recession and recovery, the median UI income for men was 12 percent higher than the median UI income for women.⁵⁰ Given this recent history, it is important that reforms are made to ensure that the UI system stays consistently strong for women as it has for men, especially during a recession.

Median Unemployment Insurance Payments by Gender



Source: U.S. Census Bureau, Current Population Survey, 2018 Annual Social and Economic Supplement, Table PINC-08

We must take steps now to improve UI for when we need it

- A recession is inevitable: we are currently in the second longest economic expansion in U.S. history. While we don't know when the next recession will hit, we do know that expansions are not permanent.⁵¹
- We need to be prepared: the impact of federal UI improvements under the American Recovery and Reinvestment Act of 2009 (ARRA) on the economy was as robust as it was only because Congress was able to act swiftly at the beginning of the last recession and because UI benefits were extended even before ARRA was passed.
- For millions of people with precarious work arrangements - including many struggling to make ends meet in low-paid jobs, gig work, or independent contracting - expanding protections against the economic impact of unemployment is especially critical.
- The good news is that Congress and state legislatures can address many of the issues with the UI system to make it both more efficient and inclusive for all workers. The proposals outlined below would improve the overall UI system and help safeguard against the potentially disastrous effects of the next recession. They would also tackle the many barriers that women, low-paid workers, and workers with precarious jobs or independent contractors face when trying to access unemployment benefits.

Proposals to improve unemployment insurance and other resources to support workers and boost the economy in the event of a recession, and beyond.

Ensure that more unemployed workers have access to re-employment and training tools

- Make legislative changes on the state and federal level to reinvigorate UI re-employment programs and services
 - Not all workers have fared equally well in the economic recovery after the Great Recession. Congress and state legislatures can make simple changes that would reinvigorate and expand UI's effective re-employment programs and services, connect workers with a greater variety of job opportunities, improve outdated technological systems, and eliminate burdensome administrative requirements that make access to UI benefits more difficult.
 - Complementary filing options can ensure that those with certain limitations, such as a limited English proficiency, limited computer fluency, or lack of internet access, can easily apply for UI benefits.⁵²
- Encourage states to bolster tools, such as work sharing programs, that help keep workers in the jobs they already have.
 - During economic downturns—when employers face reduced demand—work sharing gives employers

the option of reducing the number of work hours for all or some of their employees as opposed to laying off a large group of employees.⁵³ The affected employees would then receive UI benefits to partially offset any lost income from having their hours reduced.⁵⁴ Reducing the number of layoffs can ease the depth and length of a recession.⁵⁵ The federal government can and should encourage states to bolster their work-share programs.

- Prioritize expanding these tools and training to reach more women, immigrants, and people of color throughout the economy.
 - Our UI system should be accessible to everyone. Our workforce is comprised of a wide array of work arrangements—temporary, part-time, seasonal, independent contractors, and more—but many state UI systems do not reflect nor support this diversity. And because women, immigrants, and people of color disproportionately make up these types of work arrangements, it’s especially important to make sure that these re-employment tools and trainings are accessible for all types of workers, and that re-employment systems do not entrench occupational segregation by steering marginalized workers to lower-paying fields.

Provide more workers with protections against the shock of unemployment

- Reform and expand eligibility for UI to cover low-paid workers with more sporadic schedules⁵⁶
 - To be eligible for UI, workers must have sufficient recent work history.⁵⁷ But many people employed in temporary and/or low-paid jobs with volatile hours are ineligible for UI because the methods for determining their work history, known as the “base period,” leave out many recent months of hours worked. Requiring states to use the most recent work history and adopting a federally-mandated extended period of 18 months—including the quarter in which a worker files—would cover more workers with sporadic work schedules whose earnings and hours worked during a given base period would otherwise make them ineligible for UI.
- Extend eligibility to part-time workers
 - Because part-time workers are disproportionately women, requiring all states to extend UI eligibility to part-time workers would significantly benefit women and their families.⁵⁸

- Complementary to extending eligibility, federal law should require states to allow for a “significant life change” exception that would permit workers who qualify for UI on a full-time basis to transition to part-time work after, for example, the birth of a child,⁵⁹ and remain eligible for UI benefits.
- Expand definitions of “good cause” reasons for leaving work
 - Women would significantly benefit if all states expanded what qualifies as “good cause” reason for leaving work to include, but not be limited to: unreasonable scheduling practices; personal or family reasons; escaping domestic or intimate partner violence; caring for themselves or a family member; caring for children when child care is lost; and relocating when a spouse must relocate for work.⁶⁰
 - In addition, expanding definitions of “good cause” to include involuntary unemployment after temporary work assignments would also benefit temporary or seasonal workers.⁶¹
- Increase UI benefit adequacy
 - Since the end of the recession, 10 states have reduced maximum benefit durations below 26 weeks,⁶² yet, unsurprisingly, workers tend to need benefits for lengthier periods during economic downturns. Requiring all states to provide a maximum duration of benefits of at least 26 weeks would increase UI’s effectiveness during the next recession.⁶³
 - UI benefits should be sufficient to replace more than 50 percent of a typical worker’s wages, and based on how benefits are calculated in 30 states, many low-paid workers do not receive benefits that equal at least 50 percent of their recent lost wages.⁶⁴ Research suggests that, when taking into account wages, consumption, and job loss, just above 50 percent is the ideal amount a worker’s wages should be replaced and would better account for lower-paid workers who have less job stability.⁶⁵
 - Additionally, while some states already provide dependent’s allowances,⁶⁶ the remaining states should factor in an unemployed worker’s number of dependents and provide adequate benefits accordingly. This would particularly benefit single

mothers or those with other dependent caregiving responsibilities.

- Create a Jobseeker's Allowance (JSA)
 - JSA is a small, short-term weekly allowance equal to about 50 percent of wages of a typical low-paid worker, combined with job search and re-employment services.
 - Adopting a JSA would have a beneficial impact on low-paid workers who face job market volatility and lack the precautionary savings/income-smoothing protections that higher-income workers tend to have.
 - A JSA would also cover the many gig workers and independent contractors who don't fall into traditional employer-employee work arrangements.⁶⁷
 - It would also help recent graduates who have not been in the workforce long enough to be eligible for UI, as well as those who depend on SNAP benefits and need supplemental income during a job search.
 - A JSA would also particularly help labor market re-entrants, such as mothers returning from long periods of caregiving and individuals leaving incarceration.⁶⁸

government needs to set up parameters for a fully federally funded Extended Benefits (EB) program that would automatically go into effect during the next recession and any future recessions.

- EB automatically extends maximum UI benefits when state economic conditions decline during a recession without having to wait for Congress to enact an extension.⁷⁰
- With the recent Great Recession as our guide, to be fully prepared for the next recession, a strengthened EB program proposal should be generous and flexible, offering many additional tiers that reflect how deep and uneven a recession can be across the country.⁷¹

It's critically important for women and their families to strengthen and improve UI benefits.

Prepare states for the inevitable next recession

- Introduce solvency requirements for state trust funds
 - Adequately financing state trust funds is a necessary investment to ensure that the other critically important improvements mentioned above are made. States' UI trust funds need to have the reserves necessary to provide optimal benefits to those experiencing unemployment when the next recession hits.
 - Establishing federal solvency requirements or targets in which states that exceed those targets would be rewarded via reimbursement or higher interest payments would incentivize states to boost their reserves and be prepared for the next recession.⁶⁹
- Strengthen the permanent Extended Benefits program
 - As it did before the Great Recession hit, the federal

- 1 Rachel West, Indivar Dutta-Gupta, Kali Grant, Melissa Boteach, Claire McKenna, and Judy Conti, Ctr. for Am. Progress, *Where States Are and Where They Should Be on Unemployment Protections* (Jul. 7, 2016), available at <https://www.nelp.org/wp-content/uploads/Issue-Brief-State-Unemployment-Protections.pdf>.
- 2 MOODY'S ANALYTICS, *Bolstering the Economy: Helping American Families by Reauthorizing the Payroll Tax Cut and UI Benefits* (Feb. 7, 2012) at page 7, available at <https://www.economy.com/mark-zandi/documents/2012-02-07-JEC-Payroll-Tax.pdf>.
- 3 U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, *The Employment Situation: May 2019, Table A-1 (Apr. 2019)*, https://www.bls.gov/news.release/archives/empst_05032019.htm (last visited June 26, 2019).
- 4 BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, *Unemployment Rate: Black or African American Women and Latina Women, 16 years and over (2019)*, available at <https://data.bls.gov/pdq/SurveyOutputServlet>. Figures are from April 2019.
- 5 Nat'l Women's Law Ctr. calculations based on 2017 American Community Survey 1-year estimates using IPUMS, available at <https://usa.ipums.org/usa/sda/>.
- 6 U.S. DEP'T OF LABOR, EMPL. & TRAINING ADMIN., *Characteristics of Unemployment Insurance Claimants*, available at <https://workforcesecurity.doleta.gov/unemploy/content/chariu2018/2018Oct.html> (last visited Dec. 17, 2018).
- 7 Nat'l Women's Law Ctr. calculations based on U.S. CENSUS BUREAU, *Current Population Survey, 2018 Annual Social and Economic Supplement Table Creator*, <https://www.census.gov/cps/data/cpstablecreator.html> (last visited Dec. 18, 2018).
- 8 LAURA E. DURSO, CAITLIN ROONEY, & CHARLIE WHITTINGTON, Ctr. for Am. Progress, *Protecting Basic Living Standards for LGBTQ People 8 (Aug. 2018)*, available at <https://cdn.americanprogress.org/content/uploads/2018/08/10095627/LGBT-BenefitCuts-report.pdf>.
- 9 SARAH HASSMER AND CAITLIN ROONEY, Ctr. for Am. Progress and the Nat. Women's Law Ctr., *Programs that Support Basic Living Standards for LGBTQ Women Should Be Strengthened – Not Cut (Mar. 2019)*, available at https://nwlc-ciw49tixgw5lbbab.stackpathdns.com/wp-content/uploads/2019/03/MP_LGBTQ-WomenPublicPrograms-FS.pdf.
- 10 ANAFI, M., HERMAN, J. L., JAMES, S. E., KEISLING, M., MOTTET, L., AND RANKIN, S., Nat'l Ctr. for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey (2016)*, available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.
- 11 ELIRA KUKA, IZA Inst. Of Labor Econ., *Quantifying the Benefits of Social Insurance: Unemployment Insurance and Health* (Jun. 2018), available at <http://ftp.iza.org/dp11629.pdf>.
- 12 KRISHNA REGMI, W. Econ. Ass'n Int'l, *Examining the Externality of Unemployment Insurance on Children's Educational Achievement* (Jan. 2019), available at <https://onlinelibrary.wiley.com/doi/full/10.1111/ecin.12733>.
- 13 ELIRA KUKA, *supra* note 11, at 24.
- 14 *Id.* at 24.
- 15 AM. PSYCHOL. ASS'N, *Special resource: The facts on emergency unemployment insurance (EUC)* (Jan. 2014), <https://www.apa.org/pi/ses/resources/indicator/2014/01/unemployment-insurance>.
- 16 REGMI, *supra* note 12, at 184.
- 17 BOARD OF GOVERNORS OF THE FED. RES. SYS., *Report on the Economic Well-Being of U.S. Households in 2017* (May 2018) at 22, available at <https://www.federalreserve.gov/publications/files/2017-report-economic-well-being-us-households-201805.pdf>.
- 18 *Id.* at 22.
- 19 *Id.* at 41.
- 20 GEORGE WENTWORTH, Nat'l Emp. Law Project, *Closing Doors on the Unemployed: Why Most Jobless Workers Are Not Receiving Unemployment Insurance and What States Can Do About It* (Dec. 2017), available at https://s27147.pcdn.co/wp-content/uploads/Closing-Doors-on-the-Unemployed12_19_17-1.pdf.
- 21 ALABAMA RETAIL, *\$42.3 Million in Annual Unemployment Comp Savings Begin in 2020* (May 21, 2019), <https://alabamaretail.org/news/unemployment-comp-weeks-weekly-benefits/>.
- 22 WENTWORTH, *supra* note 20, at 19-24.
- 23 *Id.* at 21.
- 24 *Id.* at 21.
- 25 NAT'L ASS'N OF STATE WORKFORCE AGENCIES, *Legislative Priorities 2019* (2019) at 2, available at https://www.naswa.org/sites/naswa/files/document/2019_legislative_priorities_1.pdf.
- 26 U.S. DEP'T OF LAB., OFFICE OF UNEMPLOYMENT INS., DIVISION OF FISCAL AND ACTUARIAL SERVICES, *State Unemployment Insurance Trust Fund Solvency Report 2019* (Feb. 2019), available at <https://oui.doleta.gov/unemploy/docs/trustFundSolvReport2019.pdf>.
- 27 WENTWORTH, *supra* note 20.
- 28 *Id.* at 19.
- 29 CONNIE RAZZA, The Ctr. for Popular Democracy, *Break glass in case of emergency* (Apr. 18 2019) at 10, available at <https://www.epi.org/files/uploads/ConnieRazzaNextRecession.pdf>.
- 30 *Id.* at 10.
- 31 *Id.* at 16 fn 23.
- 32 NWLC calculations based on U.S. Census Bureau, *Current Population Survey, 2018 Annual Social and Economic Supplement, Table PINC-08*, <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pinc/pinc-08.html>. Data are for persons 15 years and older.
- 33 Razza, *supra* note 29, at 10.
- 34 LESLIE HODGES, U. OF MO., *Gender Differences in Eligibility for Unemployment Insurance* (2016) at 1, 21-2, <https://paa.confex.com/paa/2016/meetingapp.cgi/Paper/5343>. Hodges goes on to aptly point out the importance of access to programs such as UI and states that “jobs largely determine our ability to meet essential material needs, and they provide many nonmaterial social and psychological benefits.”
- 35 MELISSA BOTEACH, JUDY CONTI, INDIVAR DUTTA-GUPTA, KALI GRANT, CLAIRE MCKENNA, AND RACHEL WEST, Ctr. for Am. Progress, *Strengthening Unemployment Protections in America: Modernizing Unemployment Insurance and Establishing a Jobseeker's Allowance* (Jun. 2016) at 44, available at https://cdn.americanprogress.org/wp-content/uploads/2016/05/31134245/UI_JSAreport.pdf. Washington and Oregon tie UI eligibility to hours worked.
- 36 See, e.g., NAT'L WOMEN'S LAW CTR., *The Wage Gap: The Who, How, Why, and What to Do* (2018), available at <https://nwlc-ciw49tixgw5lbbab.stackpathdns.com/wp-content/uploads/2017/09/The-Wage-Gap-The-Who-How-Why-and-What-to-Do-2018.pdf>. Women working full-time, year round are typically paid only 80 cents for every dollar paid to their male counterparts. The wage gap is even wider for women of color: Black women make 61 cents for every dollar paid to white, non-Hispanic men, Latinas make 53 cents, and Native women make 58 cents.
- 37 NAT'L WOMEN'S LAW CTR., *Interactive Map: Women and Men in the Low-Wage Workforce* (Jul. 20, 2018), <https://nwlc.org/resources/interactive-map-women-and-men-low-wage-workforce/>. Women make up nearly two-thirds of workers in low-wage jobs that typically pay \$11.50 per hour or less.
- 38 BOTEACH, ET AL., *supra* note 1, at 7-8. Alabama, Alaska, Arizona, Connecticut, Illinois, Kentucky, Michigan, Mississippi, Missouri, New Mexico, North Dakota, Ohio, Oregon, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin all categorically restrict part-time workers from UI eligibility.
- 39 NAT'L EMP. LAW PROJECT, *Why Unemployment Insurance Matters to Working Women and their Families An Important Tool in the Work-Family Balance* (2015), available at https://www.nelp.org/wp-content/uploads/2015/03/Fam-Friendly-short.ais_edits3_.pdf.
- 40 ANNE MORRISON AND KATHERINE GALLAGHER ROBBINS, Nat'l Women's Law Ctr., *Part-Time Workers Are Paid Less, Have Less Access to Benefits—and Two-Thirds Are Women* (2015), available at https://www.nwlc.org/wp-content/uploads/2015/08/part-time_workers_fact_sheet_8.21.1513.pdf. Women are seven times more likely than men to cite “child care problems and nearly four times more likely than men to cite “other family/personal obligations” as a reason for working part time.
- 41 NAT'L EMP. LAW PROJECT, *supra* note 39; HODGES, *supra* note 34, at 7.
- 42 See BOTEACH, ET AL., *supra* note 35.
- 43 MEIKA BERLAN, MORGAN HARWOOD, AND KAYLA PATRICK, Nat'l Women's Law Ctr., *Low-Wage Jobs Held Primarily by Women Will Grow the Most Over the Next Decade* (Aug. 2018), available at <https://nwlc-ciw49tixgw5lbbab.stackpathdns.com/wp-content/uploads/2016/04/Low-Wage-Jobs-Held-Primarily-by-Women-Will-Grow-the-Most-Over-the-Next-Decade-2018.pdf>.
- 44 KAREN KOSANOVICH, U.S. Bureau of Lab. Stat, *A Look At Contingent Workers* (Sept. 2018), <https://www.bls.gov/spotlight/2018/contingent-workers/home.htm>. Nearly 6 million contingent workers, or workers who did not expect their jobs to last, in 2017.
- 45 BOTEACH, ET AL., *supra* note 35, at 49.

46 *Id.* at 41-42.

47 U.S. DEP'T OF LAB., EMP. & TRAINING ADMIN., *Unemployment Insurance Tax Topic* (Mar. 29, 2004), <https://oui.doleta.gov/unemploy/uitaxtopic.asp>.

48 FRANÇOISE CARRÉ, Econ. Pol'y Inst., *(In)dependent Contractor Misclassification* (Jun. 8, 2015), <https://www.epi.org/publication/independent-contractor-misclassification/>.

49 U.S. DEP'T OF LAB., WOMEN'S BUREAU, *Employment and Earnings by Occupation* (2017), https://www.dol.gov/wb/occupations_interactive.htm.

50 NWLC calculations based on U.S. Census Bureau, *Current Population Survey, 2018 Annual Social and Economic Supplement, Table PINC-08*, <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pinc/pinc-08.html>. Data are for persons 15 years and older.

51 WENTWORTH, *supra* note 20.

52 WENTWORTH, *supra* note 20, at 18.

53 BOTEACH ET AL., *supra* note 35, at 28.

54 *Id.* at 28.

55 *Id.* at 28

56 BOTEACH ET AL., *supra* note 1.

57 BOTEACH ET AL., *supra* note 35, at 37. This is generally evaluated over a base period spanning the four or five calendar quarters prior to filing a claim. Many temporary and low-wage workers are ineligible for UI under the standard base period (SBP) used to determine eligibility. Requiring all states to adopt the alternative base period (ABP) would eliminate the SBP's "one-quarter lag" which often excludes low-wage workers. Additionally, a federally-mandated extended base period (EBP) would complement the ABP.

58 *Id.* at 44.

59 *Id.* at 44.

60 *Id.* at 45.

61 *Id.* at 49; KOSANOVICH, *supra* note 44. The Bureau of Labor Statistics (BLS) generally refers to temporary workers as "contingent" workers. It defines a contingent worker as "people who do not expect their jobs to last or who report that their jobs are temporary." According to BLS, Asian and Latino workers were slightly more likely to be contingent workers than White and Black workers.

62 WENTWORTH, *supra* note 20; ALABAMA RETAIL, *supra* note 21.

63 BOTEACH ET AL., *supra* note 35, at 60.

64 *Id.* at 55.

65 *Id.* at 55; RAJ CHETTY, Nat'l Bureau of Econ. Res., *Optimal Unemployment Insurance When Income Effects are Large* (2004), available at <http://www.nber.org/papers/w10500>.

66 BOTEACH ET AL., *supra* note 34, at 37.

67 *Id.* at 6-9; 88-102.

68 *Id.* at 93.

69 BOTEACH ET AL., *supra* note 1, at 9

70 BOTEACH ET AL., *supra* note 35, at 79.

71 *Id.* at 84. The Center for American Progress provides more information and a more detailed analysis of exactly how a tiered EB program would work.