



# Making Unemployment Insurance Work for Montana Workers

September 2014

## Unemployment Insurance Plays a Critical Role in Montana's Economy, But Some Workers are Left Out

For workers and their families, the loss of a job can be devastating. Unemployment Insurance (UI) provides partial income replacement to the unemployed while they search for regular work. UI serves multiple important purposes: it keeps workers engaged in the labor market, the economy afloat during recessions, and supports families and their children when work disappears.

Despite the critical role UI plays for workers and the economy, access to the program has been declining over the last several decades. In the current economy, finding and keeping work can be an immense challenge, yet current public systems are failing to provide jobless workers with the support needed to sustain themselves and their families.

Although UI was designed as an insurance program to provide support for jobless, able-bodied workers, the program hasn't adapted to meet the changing needs of the modern workforce nor has it ever adequately reached certain groups of workers. In order to create a support system that works for all of today's workers, we must know who is and who is not receiving the assistance they need.

A myriad of factors influence a worker's access to support when they fall out of the workforce, but current policies for UI have disproportionate effects on different groups of workers by race, ethnicity, gender, education, income and industry. Because the impact of unemployment extends well past the workers themselves, we must ensure our support systems are effective for the sake of our families, our communities and our economy.

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This paper looks at UI use and availability in Montana, a state with relatively high rates of UI use but low benefit rates; a state where recent modernization efforts have made the program more useful for many jobless workers but some groups still miss out on this critical insurance. Gender and racial gaps persist; Montana's women and Native Americans are less likely to qualify for and use UI than their Caucasian, male peers. This paper explores those differences and identifies state policy solutions that would begin to close these gaps. There are concrete steps state policymakers can take that would make an immediate and significant difference in the lives of hard-working Montanans when they become jobless. Ultimately, reemployment is the goal for workers. However, as this is difficult in the current economy and the impacts on their families can be immense, advocates and policymakers must consider building a better UI system.

## Unemployment Insurance Benefits Workers, Children and the Economy as a Whole

UI provides three main benefits. First, it keeps workers engaged in the labor market. Recipients are required to search for work and the partial wages from UI gives them the critical time necessary to find a job that matches their skills and experience.<sup>1</sup> A good job match can benefit both employers and workers by potentially reducing training costs, job search costs and turnover.

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Second, UI helps stabilize the economy during downturns such as the Great Recession as jobless workers tend to spend their benefits immediately and keep demand up for basic goods and services. Much of the pain of a recession is caused by a lack of consumer demand. In 2012, UI benefits helped over 49,000 Montanans pay rent, keep food on the table and pay for other necessities while they searched for work.<sup>2</sup> Payment of these benefits pumped \$207 million into local economies throughout the state. Putting dollars in the hands of those who will spend it right away in their local communities for groceries, gas, daycare and other essential services is a vital step in helping the economy recover. According to a new Department of Labor study of the economic impact of unemployment benefits during

the most recent recession, these benefits had an even bigger effect because they provided \$2 economic bang for every \$1 in benefits paid.<sup>3</sup>

Third, studies demonstrate that inadequate family income and economic uncertainty can negatively affect children physically, socially and emotionally, and academically. Often, low-income parents don't have the resources to provide their children with enriching materials and experiences that middle- and upper-income parents routinely do. Economic insecurity also increases parental stress, which in turn can cause depression and anxiety and increase the risk of substance abuse and domestic violence.<sup>4</sup> These parental risks can compromise parenting and are associated with behavioral problems among children. In some circumstances, UI provides the basic economic supports those who lose their jobs to keep families out of poverty and prevent household disaster. In order to support our economy now and for the next generation, we must find a better system to support workers when they are without work.

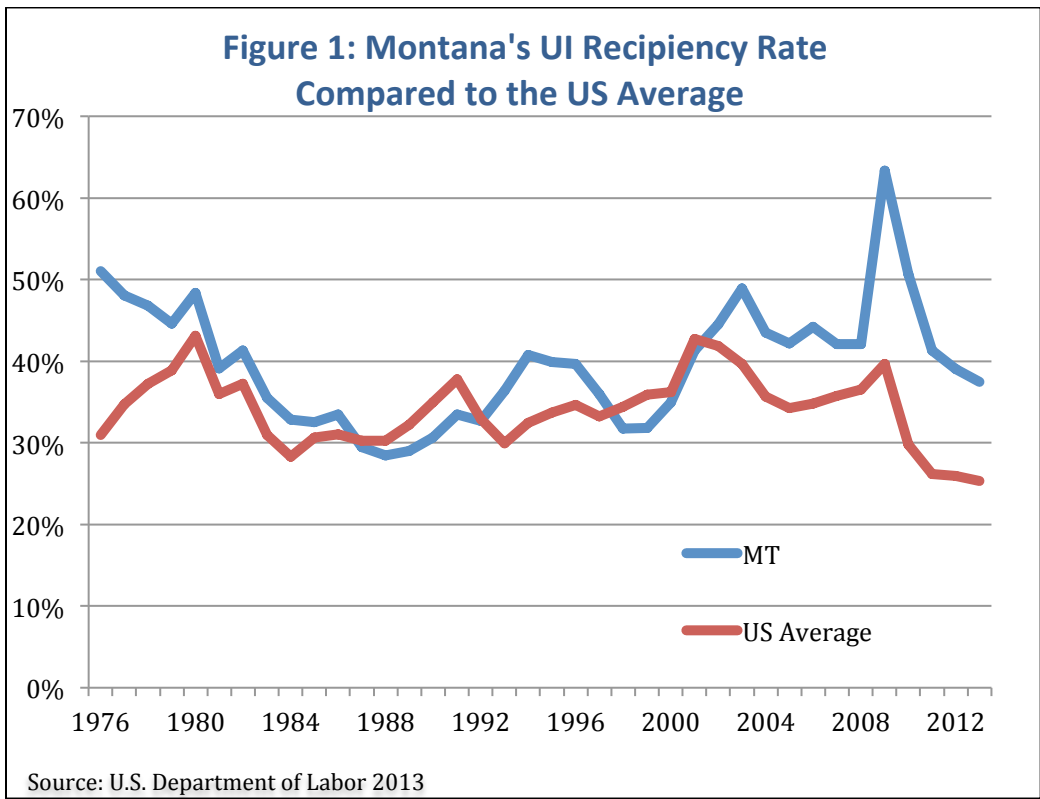
### The Challenge: Most Jobless Workers Don't Receive Unemployment Insurance

Designed to address the needs of the 1930's labor market, UI originally targeted blue-collar industrial workers who lost their jobs for structural reasons, such as a plant closing or decline in production. UI was meant to help workers who became jobless through **“no fault of their own.”** However, as the nature of the labor market and family arrangements have evolved, many people encounter barriers to work or separate from work for reasons not recognized by UI.

Montana has a relatively strong and solvent UI program. It has not faced recent funding difficulties that have plagued many other states. In addition, a higher percentage of unemployed workers receive assistance than in other states (Figure 1). While Montana's reciprocity rate is the fourth highest in the country, still fewer than half of jobless workers in Montana receive UI.

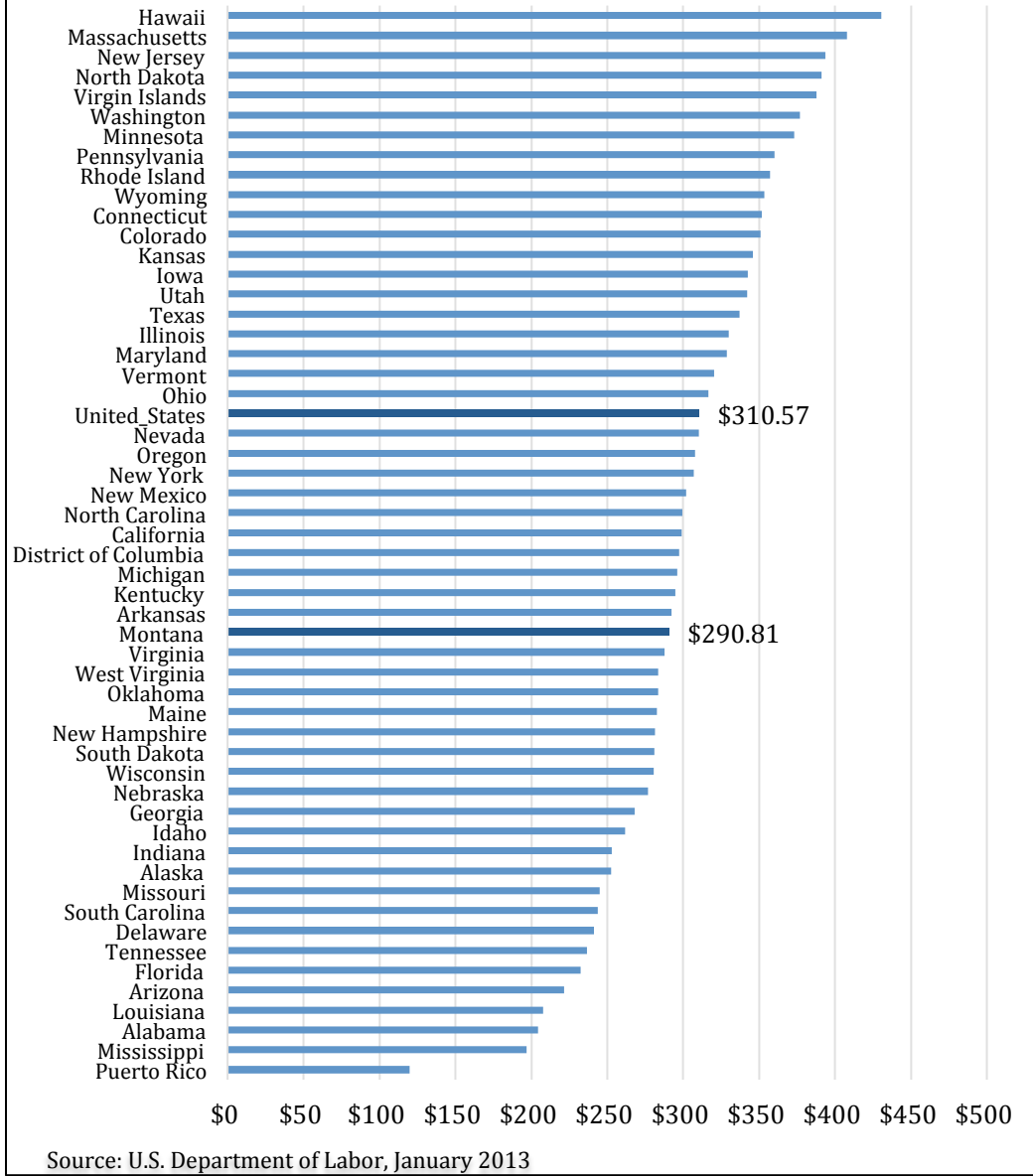
**Reciprocity Rate:**  
 The number of individuals receiving unemployment insurance divided by the number of individuals who are unemployed and actively looking for work.

Reciprocity rates (see box) measure the utilization of the UI program. Montana's UI reciprocity rate was 37.5% in 2013, compared with 25% for the U.S. as a whole.<sup>5</sup> Montana's rate peaked at 61% in 2009 during the Great Recession. This increase was not uncommon, since more workers lose jobs due to economic reasons -- "no fault of their own" -- during a recession. The reciprocity rate rises when the economy is in a downturn and falls when the economy recovers (Figure1).



However, the actual amount paid to jobless Montanans is too low. The benefit rate lags behind neighboring states like Wyoming or North Dakota and is well below the national average (Figure 2). This paper focuses on ways to expand use and eligibility to reach workers who do not receive payments. Yet, Montana should also address its low payment rate for qualifying jobless workers as well.

**Figure 2: Montana is Behind the US Average in Average Weekly Benefit Paid**



In the unemployment insurance reciprocity or use rate calculation, only individuals actively seeking work within the past four weeks officially count as unemployed.<sup>6</sup> While reciprocity rates are a useful measure, they do not capture those who want to work but for various reasons are not currently seeking work. The reciprocity rate would be lower if it included a broader definition of unemployment.

Some jobless workers give up looking for employment due to a lack of available jobs or because they have been unemployed for a long time. Since these discouraged workers are not actively

seeking employment, they are ineligible for UI even though many of these individuals would work if given the opportunity. Jobless workers who are technically not currently available to work are also ineligible for UI benefits.

But many of these jobless workers are not seeking employment due to circumstances beyond their control. They may have family care responsibilities that would make it difficult to find a job that fits their schedule. Many students face similar constraints and do not look for work. So while they may not be seeking work or have limited availability, the reason they are unemployed may be due to a structural mismatch between available jobs and non-work responsibilities rather than individual “fault.” Although these workers are unemployed, they are not protected by the UI system. Therefore, this program designed to serve workers without work does not reach discouraged workers who want and need employment.

Certain workers face even greater disadvantages in accessing UI. Those who are young, Native American, black, or Latino experience less access to unemployment insurance. In addition, single mothers, individuals who are foreign born, or those lacking a high school diploma find similar difficulties. A full sixty-five percent of workers can be characterized as “disadvantaged” in the labor market, and as a result, are 33% less likely than the general population to qualify for UI.<sup>7</sup>

There are four main reasons why unemployed workers do not receive UI:

1. They do not apply,
2. They do not make enough money to meet requirements, \$2540 in the past year,<sup>8</sup>
3. The reason for separation does not meet the ‘no fault of their own’ standard, or
4. They are not able and available for work, or not actively looking for work.

In addition, some kinds of work are not eligible for UI benefits, including those who are elected officials or individuals employed by a church for religious purposes. For details about the eligibility requirements see **Montana Budget and Policy Center’s report—[Policy Basics: Unemployment Insurance](#)**.

### Who Is Eligible for UI?

In order to qualify for unemployment insurance benefits, an individual must:

- Have lost a job through no fault of his own,
- Be able to work, available for work and actively seeking work, and
- Have earned at least a certain amount of money in the last year-year and a half prior to becoming unemployed.

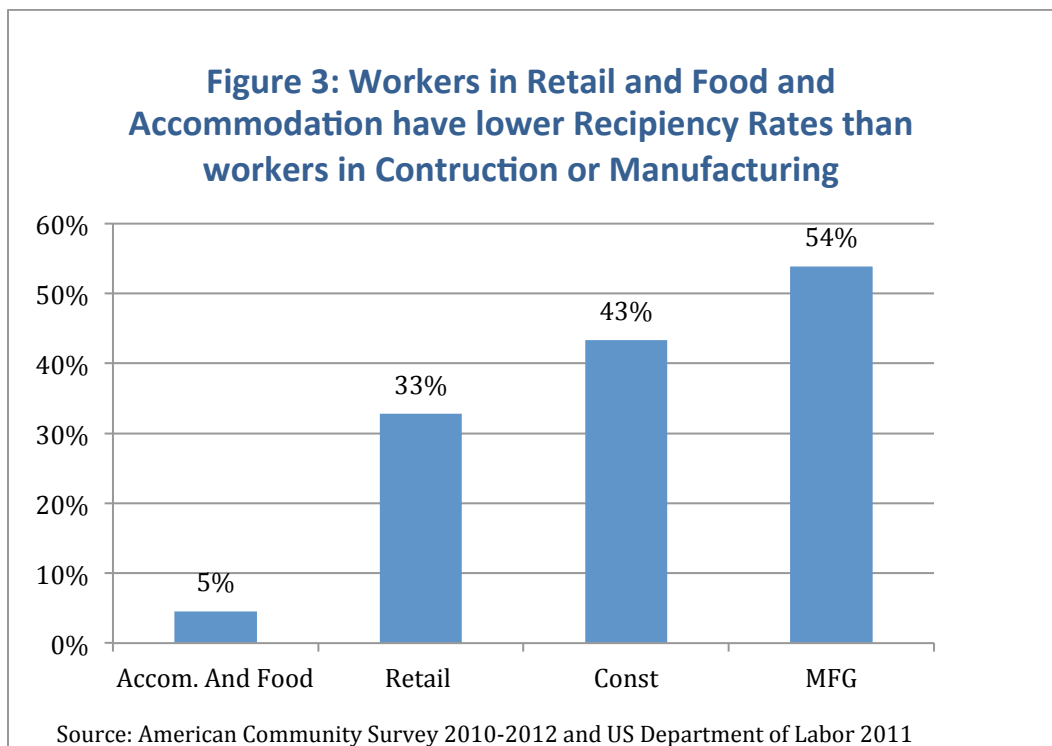
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## Why Some Jobless Workers Are Excluded from UI in Montana

Low-wage workers, including low-wage working mothers, and Native Americans are often left out of the important benefits that UI provides because of the mismatch between UI eligibility requirements and the nature and scarceness of available work. Many Montana workers and their children would benefit from expanding eligibility for UI.

### Low-Wage Workers

The research has long been clear: low-wage workers are less likely to receive UI even though they are among the workers who need it most.<sup>9</sup> More than a third of Montana workers, 36%, are employed in low-wage work.<sup>10</sup> Work conditions vary by industry in ways that affect UI eligibility. For example, retail, food, and accommodation industries pay lower, unpredictable wages by frequently and without notice changing work hours and schedules.<sup>11</sup> Additionally, these jobs rarely provide sick leave for the employee themselves or to care for a sick family member. The characteristics of these industries make it less likely that workers will meet the minimum hour and wage requirements necessary to qualify for UI so it is not surprising that employees are less likely than the state average to receive UI if they become unemployed. Conversely, manufacturing has a very high recipiency rate, with over 50% of unemployed workers receiving UI (Figure 3).



The UI eligibility system disadvantages workers earning low incomes. Workers earning lower wages per hour often have to work more hours to be eligible for UI benefits compared to higher paid workers. Workers with irregular schedules, regardless of whether they work full-time or part-time, have volatile earnings and may earn too little to qualify.

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The consistent work history aspect of UI’s monetary requirement often disqualifies jobless workers because they do not have consistent earnings in the past year. The consistent work history component is particularly onerous to those who work in industries with unpredictable hours and high turnover rates, such as retail, food, and accommodations. The percent of work separations (quits, terminations, etc.) for all non-farm workers was 37% in 2012, whereas retail was 45%, and leisure and hospitality, which includes food and accommodations, was 63%.<sup>12</sup>

Workers must also meet non-monetary requirements for UI, one of which is based on the reason they became jobless. UI is designed to protect workers who lose their job through “no fault of their own.” For example, when a factory lays off workers during a recession, the laid-off employees would meet the non-monetary requirement for receiving UI. However, many workers lose their jobs due to other circumstances outside of their control. For example, last minute and inflexible scheduling practices and lack of paid leave may interfere with an employee’s ability to secure childcare or transportation, care for a sick child or elder family member or seek needed medical care. When such conflicts arise, employees may be fired if they are late or miss a shift or they may quit.<sup>13</sup> In either case, these types of job loss disqualify unemployed workers from receiving UI even though they did not “voluntarily” quit their job.

Employers pay a tax into this insurance program so that funds are available for workers when they become unemployed. The tax rate that employers pay to finance the UI system are partially based on the amount of benefits paid out to former employees, so employers may lack incentive to inform workers about eligibility. However, employers are required to maintain a workplace poster that states “Your employment is covered by Unemployment Insurance.” Anecdotal evidence indicates that some employers actively discourage separated workers from applying and/or provide them with inaccurate information. Unions help inform workers about UI eligibility and rules, but as union membership has declined, so has the availability of information.<sup>14</sup>

Furthermore, research shows that low-wage workers are disproportionately employed in industries that tend to avoid formal layoffs.<sup>15</sup> Workers are often notified about UI benefits through a formal layoff process. Workers separating from a job, regardless of the reason, may not know that benefits are available to them.

## Women

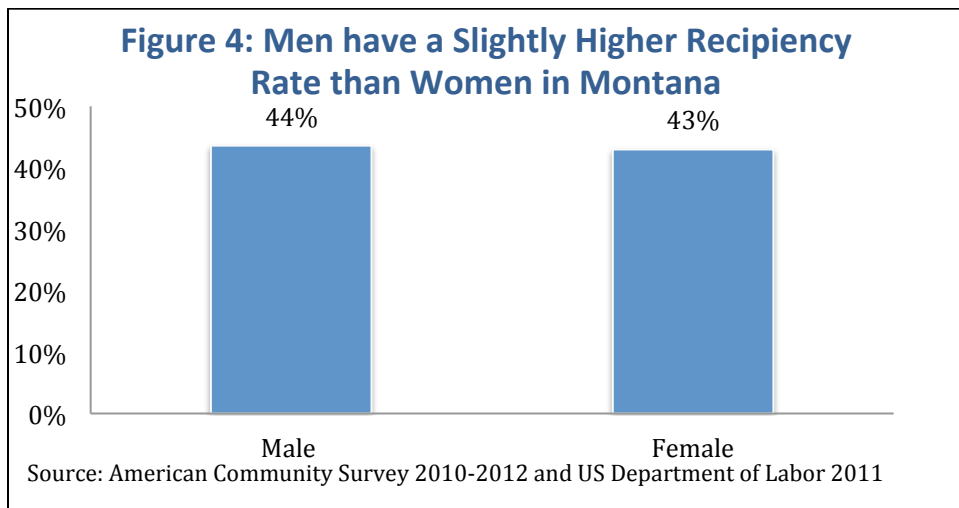
Montana’s women bear the risks associated with unemployment more than men, although men have a much higher unemployment rate (7.2%) than women (4.8%).<sup>16</sup> Although unemployed men

are only slightly more likely than unemployed women to receive UI (Figure 4), further research indicates that there are systemic barriers that prevent women – particularly low-wage mothers - from receiving UI.

Compared to men, women are much more likely to be low-wage workers, which particularly disadvantages the children of single mothers. Forty percent of mothers are breadwinners for their families,<sup>17</sup> and the vast majority of these breadwinners are single moms earning poverty-level wages.<sup>18</sup> Losing a low-wage job can cause women to become only “loosely attached” to the labor force, lacking any regular income support.<sup>19</sup> Single mothers report a lack of affordable child care and transportation issues (long commutes, unreliable transportation) as primary reasons for this type of economic and labor market disconnection.<sup>20</sup> As a result, women who are only loosely connected to the formal labor force often work “off the books,” catching work as they can to help support their families; some also receive benefits through the Supplemental Nutrition Assistance Program (formerly food stamps).<sup>21</sup>

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“Disconnected women,” in many instances, not only do not seek UI, but also UI is not equipped to support them. UI does not provide subsidized childcare. Temporary Assistance to Needy Families (TANF) provides subsidized childcare, though waiting lists are often long.<sup>22</sup> Evidence suggests that many of the single mothers who are systemically excluded from the UI system end up receiving TANF.<sup>23</sup> The programs are structured quite differently and provide different services, but the payments for UI are much more generous and therefore more likely to keep a family out of poverty. UI payments average \$275 per week in Montana,<sup>24</sup> while TANF payments are only about \$127 per week,<sup>25</sup> or 31% of the federal poverty level.<sup>26</sup>

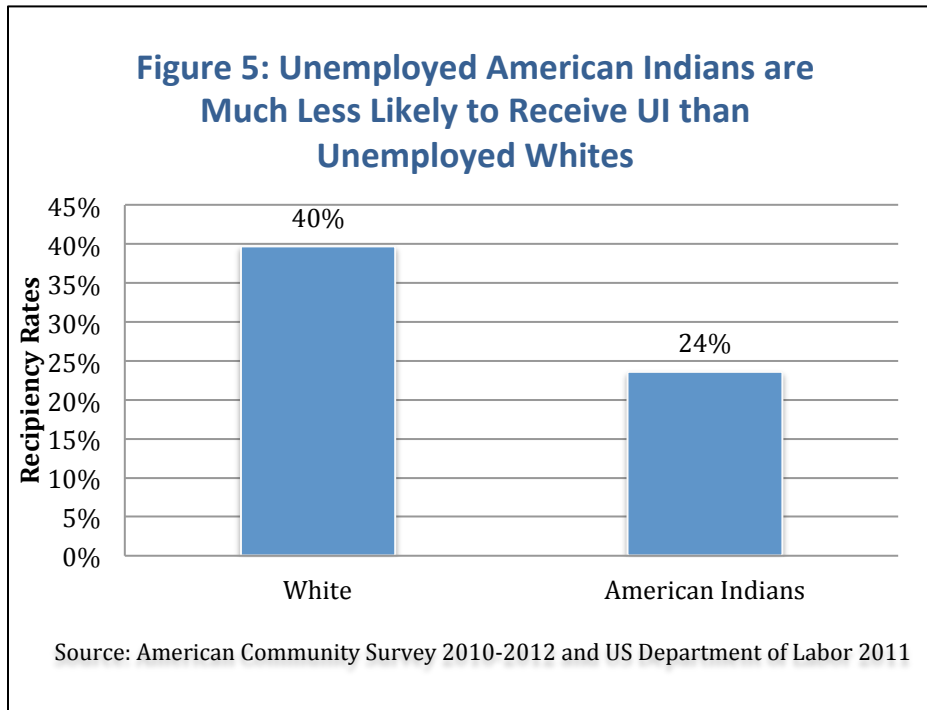




The gender pay equity gap is wider in Montana than other states. Women earn 65% of the median earnings of male workers, and the state is in the bottom five states for gender pay equity for year-round full-time workers.<sup>27</sup> Women with only a high school education earn only 60% of what men, with the same level of education, earn.<sup>28</sup> Women in Montana are also disproportionately employed in industries with lower rates of UI reciprocity such as education, food, and accommodation services, while men are disproportionately employed in high UI reciprocity industries such as construction.<sup>29</sup>

### Native Americans

Montana is home to a significant Native American population, including seven Indian reservations as well as a state-recognized tribe. Yet, Native Americans are half as likely to receive UI as Caucasians. (Figure 5). This huge racial disparity suggests systemic barriers to access to UI for Native Americans.



In addition, the already low reciprocity rate for Native Americans is likely overestimated. With few employers on Indian reservations besides tribal and federal governments, many of those who are out of work do not continually look for employment in a small labor market. As a result, jobless workers on Indian reservations are less likely to be officially considered unemployed because they are not “actively seeking work” – even though it might make little rational sense to do so given the structure of the labor market in Indian Country. A worker who has given up looking for work is referred to as a “discouraged worker.”

Employment opportunities vary greatly on the seven Native American reservations in Montana.<sup>30</sup> Many tribal members work for the tribal, state or federal governments or businesses owned by the tribe.<sup>31</sup> Private entities provide more jobs on some reservations than others.<sup>32</sup> In all cases, unemployment is higher on reservations than in other parts of the state.<sup>33</sup> On the reservation, the limited employment opportunities that do exist are likely to be lower wage jobs.<sup>34</sup> Limited employment opportunities can mean higher levels of part-time work and irregular work that would impede eligibility for UI. Native Americans experience disadvantages similar to those discussed above, particularly regarding low wage jobs that limit access to UI.

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## Recent Modernization Efforts Increased Eligibility for UI in Montana

National attention turned toward improving access to unemployment insurance as the country tried to climb out of the Great Recession. As part of the 2009 American Recovery and Reinvestment Act (ARRA), states were given the opportunity to expand access to UI for part-time and low-wage workers as well as those who leave a job for compelling family reasons such as illness, domestic violence, and to relocate for a spouse’s new job.

Research suggests that universal adoption of the ARRA modernization recommendations would have increased eligibility to 70% of the unemployed.<sup>35</sup> These changes would have particularly benefited women, who are more likely to be low-wage and part-time workers or need to quit their jobs for compelling family reasons.

The federal government provided one-time incentive dollars for states that chose to modernize their programs. Montana received the full amount of incentive funding (\$19.5 million) for reforms intended to expand eligibility for low-wage and part-time workers.<sup>36</sup>

Montana enacted two modernization provisions that improve low-income peoples’ access to unemployment insurance. First, Montana loosened the consistent work history requirements, which enabled more low-wage and part-time workers to qualify. Montana also changed eligibility rules so that workers were able to look for part-time work and still be eligible to receive UI.<sup>37</sup> In the past, the rules required that workers look for full-time work in order to be eligible.

Even prior to the UI modernization efforts during the Great Recession, Montana allowed workers who leave a job to escape domestic violence to access UI for up to ten weeks (but not the full 28 weeks).<sup>38</sup> But the state did not adopt reforms that allowed workers to leave a job to care for a sick family member or relocate with a spouse and still be eligible for UI. Twenty-one states, however, did extend eligibility to workers whose job loss was due to compelling family reasons.<sup>39</sup> While Montana did not adopt the provision to extend eligibility to workers who quit to move with a relocating spouse, the state has allowed eligibility for spouses of military members who are relocated.

Montana also had the option to increase benefits for individuals with dependents and ultimately did not adopt this reform.<sup>40</sup> The proposal would have increased weekly benefits by \$15 per dependent (up to \$50)<sup>41</sup> and could have helped ease the burden placed on families with dependent children when a parent becomes unemployed.

### **Lack of Information Impedes Access to UI Among Eligible Workers**

Perceived ineligibility is the most common reason that jobless workers do not apply for UI.<sup>42</sup> Nationally, racial and ethnic minorities are less likely to apply.<sup>43</sup> UI rules are complicated, and workers may not apply because they do not understand the program. As a result, jobless workers may gravitate toward programs that are more familiar. Examples on Indian Reservations include TANF and General Assistance (GA).

Given enormous disparities in UI receipt, Montanans may benefit from increased information and outreach about and application for benefits.<sup>44</sup> Little evidence exists about the best type of outreach to improve understanding of UI to encourage greater application and receipt of earned benefits. Some evidence suggests that outreach must be carefully tailored to the audience and encourage application when appropriate.<sup>45</sup> Increasing the number of jobless workers who apply will only be possible if the process is simple and accessible.

In addition, information about possible benefits could be made more available through employers, particularly when a job separation occurs. For example, employers are required to post notices about workers compensation and minimum wage rules at job sites. Information about unemployment insurance could also be required to be posted. States can require employers to inform employees about their possible eligibility for benefits upon separation from a job. Connecticut, New Jersey and Massachusetts have already implemented such provisions.<sup>46</sup>

### **Additional Reforms are Needed to Protect Disadvantaged Workers and Their Children**

Montana's Unemployment Insurance program is stronger than many other programs around the country --- no state currently has a UI program that adequately meets the needs of all workers. The federal structure of the program has not been sufficiently updated to address changing work and family arrangements. Although the modernization efforts made possible by ARRA recognized the need for adaptation and many states made important progress, ultimately the most vulnerable workers will continue to be disproportionately excluded from the UI system until it is more systematically overhauled at the federal level.

Nonetheless, there are many positive steps that Montana can take in the short- and medium-term to improve the performance of the state's UI system to benefit workers, their children and the state's economy. Improving access to UI among Montana's low-wage workers, mothers and Native Americans should be a priority so that Montanans are not disproportionately and systemically excluded from UI benefits by race, sex, income and industry. To be equitably available to all Montanan workers, our UI system must continue to evolve and improve.

Montana can help bolster its UI system by:

- Expanding access to UI for those who leave their jobs for compelling family reasons, including:
  - Eligibility for workers who leave a job to care for a sick family member or for personal illness,
  - Eligibility to the full 28 weeks available to other qualified applicants for workers who leave a job because of domestic violence,
  - Eligibility for workers who leave a job because a spouse relocates (currently only available when the spouse is a member of the military).
- Increase benefits for UI recipients with dependents. Montana could join the fourteen other states that increased benefits for recipients with dependents.<sup>47</sup> An increased benefit when work stops would help reduce the detrimental effects the parent's unemployment has on their children.
- Expand outreach efforts and enrollment assistance focused on improving the UI reciprocity rates on the seven Indian reservations in Montana.

These changes would likely shrink the differences for women, Native Americans, and workers in industries with high turnover rates. Supporting workers when work stops is vital to our workers, families and economy.

**This report is a joint project of the Montana Budget and Policy Center and the Securing Our Future Initiative. The report was authored by Sarah Wilhelm, PhD.**

### **Montana Budget and Policy Center (MBPC)**

The mission of the Montana Budget and Policy Center is to advance responsible tax, budget, and economic policies through credible research and analysis in order to promote opportunity and fairness for all Montanans.

### **Securing Our Future: Promoting Economic Security in a 21st Century Labor Market**

Securing Our Future is a multi-year, multi-state initiative which aims to help design and promote a new social compact for the 21st century. We envision a new generation of social insurance policies and labor standards that better balance risk between workers and employers and that accommodate the reality that the majority of workers are also caregivers. Principals include Sarah Wilhelm, PhD; Nancy K. Cauthen, PhD; Annette Case, MPA.

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For the last 10 years, Sarah has worked providing public policy analysis and lobbying for shared prosperity, fair taxation and adequate revenue generation at Voices for Utah Children, the MBPC, and as an independent consultant. She has conducted research on a range of economic issues including wages, policy impacts and economic development. This research has resulted in academic journal articles, book chapters, policy reports and presentations.

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- <sup>36</sup> Funds could also be used for job training for unemployed workers.
- <sup>37</sup> National Employment Law Project, "Modernizing Unemployment Insurance: Federal Incentives Pave the Way for State Reforms 39 States Claim \$4.4 Billion in Recovery Act's UI Modernization Funds," May 2012.
- <sup>38</sup> 39-51-2111 *Unemployment Benefits for Victims of Domestic Violence, Sexual Assault, or Stalking* (Montana Code Annotated 2013, July 24, 2014), <http://leg.mt.gov/bills/mca/39/51/39-51-2111.htm>.
- <sup>39</sup> U.S. Department of Labor, *UI Modernization Incentive Payments - Approved Application*, September 14, 2011, <http://workforcesecurity.doleta.gov/unemploy/laws.asp>.
- <sup>40</sup> National Employment Law Project, "Modernizing Unemployment Insurance: Federal Incentives Pave the Way for State Reforms 39 States Claim \$4.4 Billion in Recovery Act's UI Modernization Funds."
- <sup>41</sup> Ibid.
- <sup>42</sup> Alix Gould-Werth and H. Luke Shaefer, "Unemployment Insurance Participation by Education and by Race and Ethnicity," *Monthly Labor Review* 135, no. 10 (2012): 28-41, <http://search.ebscohost.com/login.aspx?direct=true&db=buh&AN=83819388&site=ehost-live>; H. Luke Shaefer, Liyun Wu, and Elizabeth Phillips, *Unemployment Insurance and Low-Educated Single Working Mothers Before and After Welfare Reform* (W.E. Upjohn Institute for Employment Research, 2011).
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- <sup>45</sup> Shaefer, H. Luke, Alix Gould-Werth, Alex Hertel-Fernandez, and Claire McKenna. Making Unemployment Insurance Work Better for Low-Income Working Families. National Poverty Center, Self-Sufficiency Research Clearinghouse, August 19, 2013.
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- <sup>47</sup> US Department of Labor, *Chapter 3 Monetary Entitlement*.