

Employer Contestations and Access to Unemployment Insurance: Implications for Benefit Receipt, Material Hardship, and Administrative Burden

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ABSTRACT Employers have a direct financial interest in the federal-state unemployment insurance (UI) system. Employer taxes, which generally increase when an employer's former employee receives benefits, usually fund UI. Employers may contest workers' eligibility, aided by a growing claims-management industry. Yet scholars know little about this practice's relationship with benefit receipt, in part because we lack publicly available administrative data. To fill this gap, we draw from an original, nationally representative survey of US workers who experienced unemployment between 2019 and 2024. In our national sample, a quarter of jobless workers report contestation—a figure higher than past studies focused on single states. Yet more than a third of these workers go on to claim benefits successfully, suggesting that employers frequently contest likely eligible claims. Further, employers more often contest less-educated workers' claims, which may help explain disparities in access to UI by educational attainment. Workers who report contestations are less likely to claim benefits and report higher rates of material hardship and administrative burden. Our analysis provides a fuller picture of employers' role in UI administration and suggests that policy makers should consider the trade-offs associated with the employer role in UI benefit administration.

INTRODUCTION

Across rich democracies, unemployment insurance (UI) is a critical part of the welfare state, boosting the economy during downturns and providing wage replacement for unemployed workers who have lost their jobs through no fault of their own. The US UI system, created during the

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New Deal, has several distinctive characteristics in a cross-national perspective (Vroman et al. 2017). First, in the United States, each state operates its own UI system within broad parameters set by the federal government but with substantial discretion to set eligibility, generosity, and administration. Second, and more unusually, nearly all states rely exclusively on employer payroll contributions to finance benefits tied to workers' use of UI benefits. The process of tying UI contributions to workers' use of the UI system, called *experience rating*, means that employers whose laid-off workers go on to claim benefits generally pay higher tax rates than do employers with lower benefit use.¹ No other country applies such a method for financing UI benefits. Two major reasons exist for this unique program design (Blaustein, Cohen, and Haber 1993). First, the program's designers thought that the threat of tax increases would increase the cost to employers of employee separations, thus decreasing layoffs. Second, by including employers in the application process, policy makers hoped to improve the accuracy of eligibility determinations—employers have valuable information that can help the state determine whether a worker lost a job through “no fault of their own.”

Past research has found that, at least historically, more stringent experience rating has lowered layoffs and may do the same for erroneous employee claims to benefits, as employers face penalties for layoffs and thus have a financial incentive to police ineligible claims from their workers (Topel 1983; Card and Levine 1990; Feldstein 1978; Anderson and Meyer 2000; Lachowska, Sorkin, and Woodbury 2023). However, we know much less about how employers may be involved in contesting their workers' claims to UI. We lack contemporary evidence on the frequency of employer contestations across the whole country, whether contestation varies systematically across different groups of workers, and how contestation may affect the ability of the UI system to achieve its goals of reducing economic hardship and providing macroeconomic stimulus.

Studying employer contestation of workers' UI claims has become more relevant for policy makers since earlier research on experience rating from the 1980s and 1990s. Since the first decade of this century, a large private-sector consulting industry has emerged to help employers lower

1. One state—Alaska—does not base an employer's experience with UI on benefits claimed by workers but instead uses changes in employers' payrolls.

their UI tax rates, not only by laying off fewer workers but also by more aggressively contesting claims from workers (DeParle 2010). Journalists, worker advocates, and UI policy experts have raised concerns that employers' aggressive use of contestation may be leading fewer eligible workers to receive UI benefits (e.g., Advisory Council on Unemployment Compensation 1996; Darling 2024; Bivens et al. 2021; DeParle 2010). Yet despite these concerns, we know little about employer contestations—including how common such contestations are, which workers are more likely to see their claims contested, whether contestations reduce access to UI benefits among otherwise eligible individuals, how contestations change the application experience, and the impact contestations may have on economic hardship among unemployed workers.

To fill these gaps, we draw from an original, nationally representative survey of US workers, matched to their state of unemployment, who experienced unemployment spells between 2019 and 2024. We asked whether workers had applied for UI, and if so, whether their employer had contested their benefit claim, what their UI application experience was like, whether they had received UI benefits, and whether they experienced indicators of economic hardship during their spell of unemployment. This survey thus gives us unique leverage in exploring the prevalence and correlates of employer contestation—data that are otherwise not available through state or federal administrative records.

We find that employer contestations are common, with about a quarter of applicants for UI benefits reporting a contestation in their last application. Contestations are disproportionately concentrated among workers with lower levels of formal education; those with a college degree were 31 percent less likely to report contestation than workers without a college degree. Although we cannot connect worker reports of employer contestations of claims with the experience rating in place for a worker's past employer, we do find markedly lower rates of employer contestation during the COVID-19 pandemic during the period when states temporarily paused experience rating. Rates of contestation then rose in the following years when experience rating returned. Workers who reported contestation were substantially less likely to report receiving benefits—yet 36 percent of workers who reported contestation still reported eventually receiving benefits, suggesting that contestation may be an imperfect proxy for ineligibility (though we note we cannot measure, with our survey data, workers' underlying eligibility for benefits).

Because of the correlation between contestation and take-up, higher rates of contestation among less-educated workers may help explain educational disparities in UI receipt, in which workers with higher levels of formal education are more likely to receive benefits (Gould-Werth and Shaefer 2012; Gould-Werth and Hertel-Fernandez 2020; Forsythe and Yang 2022). We also explore the relationship between contestation and administrative burden in access to UI benefits, or the collection of onerous experiences that individuals might face when applying for benefits, regardless of whether individuals receive benefits or not (e.g., Herd et al. 2023; Herd and Moynihan 2018). These burdens include learning costs, or the time and effort required to learn about a program and ascertain one's eligibility and associated requirements; compliance costs, or the time and effort required to produce necessary documentation, arrange for in-person visits to government offices, or avoid discretionary demands from program administrators; and psychological costs, or the stigma, stress, frustration, disrespect, or loss of autonomy experienced during onerous government interactions. Focusing on psychological burdens in particular, we find that workers reporting contestation reported higher levels of stress and disrespect in the application process.

Because workers reporting contestation are less likely to receive benefits, we find that contestation is highly correlated with higher levels of material hardship for unemployed workers during their unemployment spells. Material hardship, the inability to meet one's basic needs, is generally measured through self-reports of forgone consumption. The current literature shows no consensus on which needs must go unmet for an individual to experience material hardship, so here we follow many examples in the established literature by looking at challenges meeting food, housing, and medical expenses; on the measurement of material hardship and its strengths and weaknesses, see Beverly (2001) and Sullivan, Turner, and Danziger (2007).

Our findings offer contributions to several literatures relevant for policy makers, including research on UI financing, take-up, and impact on economic hardship (e.g., Anderson and Meyer 2000; Lachowska et al. 2023; Gould-Werth 2016; Dhakal et al. 2023; Carey et al. 2021; Skandalis, Marinescu, and Massenkoff 2023; Kuka and Stuart 2021; Boushey and Wenger 2006; Shaefer and Wu 2011); social policy design, incomplete take-up, and benefit targeting (e.g., Ko and Moffitt 2022; Currie 2004; Finkelstein and

Notowidigdo 2019; Deshpande and Li 2019); and administrative burden (e.g., Herd et al. 2023; Herd and Moynihan 2018).

An older economics literature has argued that building employers into the administration of UI would increase the accuracy of benefit targeting. Our results suggest the need for policy makers to consider the trade-offs involved in employers' role in UI benefit administration. Although employer contestations may reduce claims among ineligible individuals, contestation may also reduce claims among eligible workers, especially workers with lower levels of formal education, thereby increasing economic hardship. Even among workers who succeed in claiming benefits, employer contestations may increase administrative burdens, especially psychological burdens. Because we cannot measure underlying eligibility for benefits, this study thus invites further data collection, analysis, and policy debate over the appropriate role for employers in access to UI benefits and the balance between type 1 and type 2 errors from a reliance on employer contestation.

The remainder of this article proceeds as follows. The next section discusses related literature and contributions of the present study. We then describe our survey data, followed by a presentation of the empirical results, including the overall distribution of employer contestation, demographic correlates of contestation, contestation and benefit receipt, contestation and economic hardship, and contestation and administrative burden experienced in the application process. The final section concludes by reviewing the results and their implications for policy makers and future research.

UI FINANCING, EMPLOYER INCENTIVES, AND UI BENEFIT RECEIPT

The US UI system has twin objectives: to stabilize the macroeconomy in times of crisis and to protect the financial security of workers who lose a job through no fault of their own (see Isaacs and Whittaker 2023). Since its creation in the New Deal era, the UI system operates as a partnership between the federal government and the states. States have substantial discretion to design and operate their own UI systems within broad parameters established by the federal government. States can generally establish their own rules about benefit eligibility, generosity, administration, and financing.

The federal government requires states to finance their regular UI benefits through payroll taxes that states impose largely on employers (three states also have modest payroll contributions on employees). These payroll taxes are levied on workers' wages, up to a maximum "taxable wage base," which must be at least \$7,000 and in practice varies considerably across states (US Department of Labor 2023; Department of Labor referred to hereafter as DOL). In addition, federal law requires that states use some form of "experience rating" by which employers' taxes vary on the basis of their "experience" with unemployment.² With the exception of Alaska, all state UI systems tie employers' taxes to their workers' UI claims, so that employers with more former workers who claim benefits will pay higher payroll taxes, up to a maximum rate.³ Experience rating is relatively unusual for UI in comparative perspective; the United States is the only rich democracy to use such a method for financing benefits (Vroman et al. 2017).

The Progressive and New Deal-era social scientists and policy advocates responsible for designing the concept of experience-rated UI benefits believed that experience rating would deter employers from making unnecessary layoffs, which would help to stabilize employment, reduce unemployment during recessions, and minimize costly labor turnover (for a review of arguments, see Teple and Nowacek [1955]).⁴ They also believed that experience rating would give employers an incentive to monitor the system and help ensure only eligible workers would claim benefits, arguing that employers, "in the interest of minimizing benefit charges[,] 'police' the system of benefit payments and the appeals process" (Teple and Nowacek 1955, 380).

Historical research on experience rating suggests that it has contributed to lower levels of unemployment and reduced layoffs, smoothing business cycles (Topel 1983; Card and Levine 1990; Feldstein 1978). However, previous work has tended to neglect other channels through which employers could reduce their experience-rating burden, most importantly by deterring or contesting their workers' claims to UI benefits (but see

2. Many states allow for "noncharging" of benefits for certain reasons, such as for workers who qualify for benefits because of compelling personal reasons not attributable to an employer.

3. Instead of measuring changes in an employer's use of benefits, Alaska measures the stability of an employer's payroll.

4. Some scholars and activists argued against experience rating at the time the federal government and states were first implementing UI programs (e.g., Lester and Kidd 1939).

Anderson and Meyer 2000; Lachowska et al. 2023; Auray and Fuller 2020; Gould-Werth 2016). Further, little past research has examined the potential mechanisms through which experience rating could undermine, rather than facilitate, program goals to reduce material hardship and provide economic stimulus.

To receive UI benefits, workers file an application with their state UI agency and must generally meet three criteria for eligibility:

- adequate work history (typically meeting some earnings threshold for a certain number of quarters);
- separation requirements (typically, losing their job through no fault of their own—that is, for economic reasons); and
- search requirements (attesting that they are able, available, and searching for new work).⁵

The state UI agency typically determines the status of the first criterion—adequate work history—by using administrative records on workers' earnings (US DOL 2023). The second criterion—for separation—requires intervention by employers. Usually, workers will describe the circumstances of their separation from their employer in their UI application, and the state UI agency will verify those circumstances with the worker's past employer. If the employer does not respond or agrees with the worker, the agency will process the claim. However, if the employer disagrees with the worker's assessment of their separation, the state UI agency will begin a formal adjudication process to determine the terms of separation, drawing on records from the employer and worker. (The third criterion—availability to work—depends on workers regularly reporting their job search activity to the state UI agency.)

Because employers have a formal role in the process of workers applying for benefits, employers have the opportunity to contest workers' claims for benefits. This process provides an additional opportunity for employers to reduce their experience rating, independent of their decision to lay off workers. Employers that contest more of their workers' claims—and thus reduce successful claims—can directly reduce their experience rating. This incentive has been noted by UI system observers, as by members of the

5. Regulations afford important exceptions, for instance, to workers who leave work voluntarily for a "good cause": <https://oui.doleta.gov/unemploy/pdf/uilawcompar/2023/nonmonetary.pdf>.

1996 UI Advisory Council on Unemployment Compensation: “Some members of the Council . . . believe that experience rating causes employers to make excessive use of the system’s appeal mechanism in an attempt to keep their experience-rated taxes as low as possible” (Advisory Council on Unemployment Compensation 1996, 10).

Similarly, journalists have noted that private-sector management consultants who help employers contest UI claims have become a “boom industry,” potentially leaving many jobless workers without benefits (DeParle 2010). An article in *The New York Times* on claims contestation management quoted legal aid representatives who described contestation as “a war of attrition [for employers]. . . . If you appeal a certain percentage of cases, there are going to be those workers who give up” (quoted in DeParle 2010). Many unemployed workers, the *Times* explained, lack the time, legal know-how, or financial resources to counter employer appeals successfully. The article also noted that workers who win their appeals may already have suffered substantial stress and financial hardship while waiting for benefits because they are, by definition, unemployed throughout the process.

Claims consultants, for their part, argue explicitly that greater contestation can help employers lower their tax burden by reducing employers’ experience rating, noting that the “unemployment tax is one of the few taxes employers are able to lower . . . [by] proactively manag[ing] the unemployment claims process from hire to termination” (Association of Employment Tax Organizations 2025). Equifax, which represents around 20–25 percent of all UI claims for employers, argues in marketing materials that its aggressive contestation practices lead to a win rate for employers of 90 percent, and on average, they have reduced employer taxes by 18 percent (Equifax 2025).

Despite the central role of employers in access to UI benefits, we know little about the prevalence of employer contestation or its effects on workers. An early seminal work on experience rating examined a natural experiment in the tax rates in Washington state, in which the state moved from a 13-year period of flat rate–financed UI taxes to experience rating in 1985 (Anderson and Meyer 2000). The authors found that the introduction of experience rating in Washington may have lowered the UI claims rate by 10–18 percent relative to the pre-experience-rating era. The authors also found that denials for benefits based on the terms of separation—which employers are in the strongest position to contest—increased by 51–66 percent. These findings, though limited to the context of a single state

and now dated (the data are more than 4 decades old), strongly suggest that the introduction of experience rating led employers to contest more claims and therefore to reduce receipt of UI benefits.

A more recent qualitative study, drawing on interviews with job losers in Michigan (Gould-Werth 2016), highlighted the role that employers play in workers' applications to, and receipt of, UI benefits. The study found that employers tended to cluster in three categories: those who helped their workers apply for benefits (e.g., by providing information about eligibility or the application process), those who actively deterred workers from applying (e.g., by telling workers they would not be eligible for benefits or contesting their claims), and those who did not take one stance or another toward worker claims. This study affirmed the importance of employers in the UI application process.

A newer study, using matched employee-employer wage and UI claim administrative data from Washington state, further affirmed the importance of employers in access to UI benefits. That study documented large employer effects in both worker applications and contestations; after adjusting for worker characteristics, certain firms were less likely to have otherwise eligible workers apply for benefits and were more likely to contest benefits (Lachowska et al. 2023). That study also found important variation in contestation by worker wages, with employers more likely to contest claims from low-wage workers.

Questions about the potential effect of employer contestations on reciprocity have become increasingly salient given a low and declining proportion of unemployed workers receiving UI benefits. According to US DOL data, reciprocity of UI benefits among all unemployed workers fell from a high of around 50 percent in the 1950s to around 30 percent in the 1980s and 1990s to around 25 percent before the pandemic (US DOL 2025a). This decline does not simply represent a decline in the eligibility of workers for UI benefits. According to estimates by Forsythe, UI reciprocity among likely eligible workers was just 30–40 percent between 1990 and 2010 and fell to less than 20 percent in the recent years before the pandemic (Forsythe 2023; Forsythe and Yang 2022). Nor is the decline in reciprocity necessarily driven solely by the failure of eligible workers to apply; Auray and Fuller (2020) examine improper denial rates and UI reciprocity, finding that states with higher rates of improper denials, as measured through the DOL's benefit accuracy measurement program, have lower reciprocity rates, suggesting a potential role for denials—possibly

because of employer contestations—in driving low levels of UI reciprocity in recent years.

Questions about employer contestations are also relevant in light of persistent disparities in UI receipt by race, education, and age. Multiple studies have documented, using both survey and administrative data, that non-white workers, workers with lower level of formal education, and younger workers are substantially less likely to receive UI benefits—even conditional on likely being eligible to receive benefits—compared with white workers, workers with higher levels of formal education, and older workers (e.g., Forsythe and Yang 2022; Bell et al. 2023; Gould-Werth and Shaefer 2012; Skandalis et al. 2023; Gould-Werth and Hertel-Fernandez 2020). An older literature has also found unemployed single mothers have not accessed the UI system in the wake of welfare reform as much as might be expected given their increased eligibility for the program (see Shaefer and Wu 2011; Boushey and Wenger 2006). These disparities are particularly concerning when considering UI program goals. The demographic groups least likely to access benefits are often most in need of the consumption smoothing that the UI program provides. Relatedly, these demographic groups have comparatively high marginal propensities to consume, giving their UI take-up rates a disproportionate effect on macroeconomic stability (Ganong, Noel, and Vavra 2020; Ganong et al. 2022).

Existing research thus leaves open important questions about employer contestations and access to UI benefits, which we address in this article. How many workers across the United States—not just Washington state—have their UI applications contested by their employer each year? Which workers are more likely to see their claims contested? By how much does contestation reduce the likelihood of actually receiving UI benefits? In light of the qualitative accounts from journalistic reporting on claims contestation described above, how does contestation change the experience of applying for UI benefits—including the administrative burdens, such as stress, experienced by applicants? How might employer contestation affect the UI program’s ability to meet its goals for macroeconomic stability and economic well-being?

DATA AND METHODS

To answer these questions, we turn to a survey of workers with recent spells of unemployment—an approach that shows both strengths and limits. Administrative data carry important strengths, with typically near-universal

coverage and greater accuracy than survey data. However, the US DOL does not currently collect or publish national administrative data on employer contestations, let alone tabulations of contestations and benefit receipt by worker demographics. We accordingly designed and fielded an original survey, partnering with the online polling firm YouGov. The survey received institutional review board approval from Columbia University (protocol AAAV1731).

YouGov recruited respondents from its online panel matching the demographic characteristics of individuals who had been unemployed at some point between 2019 and 2024 using data from the monthly Current Population Survey pooled from January 2019 through July 2024 (Flood et al. 2024). In this matching, YouGov used the joint distributions of education (high school or less, some college, bachelor's degree [BA], post-BA), race (white, Black, Hispanic, Asian American, other), age (18–29, 30–44, 45–54, 55–64, or 65 and older), and gender (those who identify as male and those who do not). YouGov then developed survey weights based on gender, age, race or ethnicity, education, and US Census region with information drawn from voter registration lists, the US Census American Community Survey, and the US Census Current Population Survey, as well as 2020 presidential vote (Census data used for demographic targets and voter file used for presidential vote in 2020). The weights range from 0.23 to 2.79 with a mean of 1 and a standard deviation of 0.36. We apply these survey weights in all results that follow. The survey resulted in 1,508 respondents matched to their state of unemployment.

The survey asked about a range of experiences for unemployed workers, who were describing their most recent spell of unemployment. These experiences included whether respondents had applied for UI benefits; if they applied, whether their claim was contested and whether they received benefits; the psychological experience of applying for benefits; and any material hardships they experienced during the spell of unemployment. Respondents also provided a range of demographic characteristics, as well as characteristics of their previous job. In most of the analysis that follows, we focus on the subset of 526 survey respondents who reported applying for benefits in their most recent spell of unemployment.⁶

6. Survey item: "Still thinking about the most recent time you were unemployed over the past 5 years, did you apply for unemployment benefits (also called unemployment insurance)?" Options: yes, no, do not remember.

To measure the prevalence of employer contestation of UI claims, we used the following item: “Thinking about your most recent application for unemployment benefits, did an employer contest your claim for unemployment benefits? That means you filed for UI benefits and your employer argued you were not eligible to receive benefits.” Respondents could indicate yes, no, or that they were not sure. We code yes as 1 and other options as 0.

To measure whether applicants had received UI benefits, we used the following item: “Thinking about the most recent time you applied for unemployment benefits over the past 5 years, what happened to your application?” Respondents could indicate that they received benefits, that their application was denied, that their application was still pending, that they did not know what happened, or none of the above. We code “received” as 1 and other options as 0.

To measure the administrative burdens associated with UI benefit receipt, we focus on the psychological burdens associated with stress and disrespect, using items similar to those developed in recent research (Jilke et al. 2024; Hertel-Fernandez 2024). We focus on psychological burden, given that these measures are less well studied compared with learning and compliance costs (Hertel-Fernandez 2024). We asked respondents to use a Likert-like scale from “strongly agree” to “strongly disagree,” with a “not sure” option for the following question: “How much do you [agree or disagree] with the following statements?” The statements included “Applying for unemployment insurance benefits was stressful” (our measure of stress) and “I was treated with respect when I was applying for benefits” (our measure of disrespect).

We consider the material hardship that individuals experienced during their most recent spell of unemployment (on the measurement of material hardship, see Beverly [2001]). We asked respondents to indicate whether they had felt any of the following experiences during unemployment, using the following prompt: “Thinking about the most recent time you were unemployed over the past 5 years, did you experience any of the following issues?” Options included “Had trouble getting enough for myself or my family to eat” (our measure of food insecurity), “Fell behind on mortgage or rent payments” (our measure of housing insecurity), and “Had trouble paying for medical expenses” (our measure of health insecurity). We analyze these three items individually (as binary outcomes), as well as using an additive index ranging from 0 to 3.

Aside from these substantive variables, in results that follow, we also assess results by worker demographic and job characteristics (full survey item text available in app. 1 [appendix available online]). These include dummies for education, race, gender, age, past union status, preunemployment weekly earnings, preunemployment organization of employment, preunemployment occupation, state of unemployment, and year of unemployment. We summarize these variables and their coding in table 1 (see app. 1 for summary statistics of these variables).

In appendix 2, we benchmark the survey to Bureau of Labor Statistics and DOL administrative data on state UI programs in several ways to validate survey responses. First, we compare DOL-reported reciprocity rates by state and year with survey reports of reciprocity. Note that these two quantities are not identical measures; the DOL reciprocity rate reflects average annual claims divided by average annual unemployment, and individual unemployed workers may file multiple claims in a single year. In addition, there may be cases (as in the pandemic) where individuals would not appear in the denominator (unemployed) but would receive benefits. By comparison, the survey reported on UI reciprocity by unique unemployed

TABLE 1. Control Variables Included in Study

Category	Variable	Coding (All Entered Categorically)
Demographic	Education	High school or less, some college, college, postgraduate
Demographic	Race and ethnicity	White, Black, Hispanic, other
Demographic	Gender	Male, female, nonbinary, other
Demographic	Age	18–29, 30–44, 45–54, 55–64, 65, and older
Job characteristics	Past union status	Previously in union (0/1)
Job characteristics	Preunemployment weekly earnings	\$200 or less, \$201–\$400, \$401–\$600, \$601–\$900, \$901–\$1,200, \$1,201–\$1,800, \$1,801–\$2,400, \$2,401, or more, not applicable, not sure
Job characteristics	Preunemployment organization	Government, private for-profit, nonprofit, private household, self-employed or independent contractor, family business, was not working, not sure
Job characteristics	Preunemployment occupation	Management; business and financial; computer and mathematical; architecture and engineering; life, physical, or social science; community and social service; legal; educational instruction and library; arts, design, entertainment, or sports; health-care practitioners and technical; health-care support; protective services; food preparation and serving; building and grounds cleaning and maintenance; personal care and service; sales and related; office and administrative support; farming, fishing, or forestry; construction and extraction; installation, maintenance, or repair; production; transportation and material moving; not sure

individuals. For these reasons, during the pandemic, DOL reported reciprocity rates that exceeded 100 percent, whereas, by construction, our survey reports cannot exceed 100 percent.

Notwithstanding these caveats, we find a positive relationship between the two variables: In an ordinary least squares (OLS) regression, each percentage point increase in the survey-reported reciprocity rate is associated with a 0.11 percentage point increase ($p < .01$) in the DOL reciprocity rate. This outcome suggests that our measure of reciprocity tracks the DOL reciprocity rate, though at lower levels than the DOL reports. Figure 1 shows a binned scatterplot between our survey reports of reciprocity (on the vertical axis) and DOL-related reciprocity (on the horizontal axis). We have also indicated in a solid black line a 45-degree angle for reference.

In addition to benchmarking reciprocity, we compare the DOL-reported average weekly benefits as a proportion of average weekly wages by state and year (a common measure of benefit generosity) with a survey item asking if UI applicants reported that they felt benefit amounts were inadequate for them. We find a strong negative relationship: States that had higher benefits as a share of wages tended to have fewer respondents

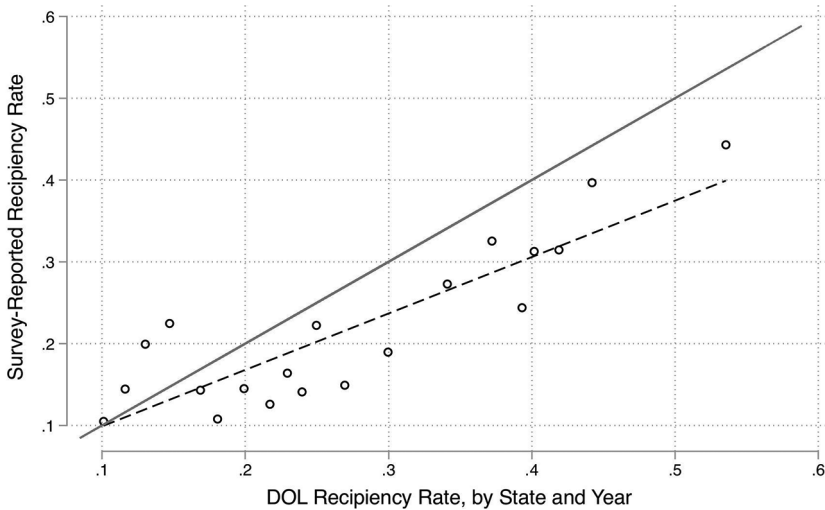


FIGURE 1. Survey-reported unemployment insurance (UI) reciprocity tracks DOL-reported UI reciprocity. Binned scatterplot, survey weights applied. Solid line indicates a 45-degree reference line; dashed line indicates the line of best fit for the binned averages. Twenty identically sized bins included. COVID-19 years (2020 and 2021) excluded. DOL = US Department of Labor.

reporting that they felt benefit amounts were inadequate. In an OLS regression, a standard-deviation increase in state UI benefit replacement rates is associated with a 5 percentage point decrease in the proportion of workers saying benefits are inadequate ($p < .01$).

We compare the DOL-reported timeliness of benefits (the percentage of state benefit payments made within 3 weeks) and a survey item asking if UI applicants experienced delays in receiving benefits. We find a strong positive relationship: States with less timely benefits had more applicants reporting that they had experienced delays in receiving benefits. In an OLS regression, a standard-deviation increase in the proportion of workers receiving benefits within the first 21 days of an application is associated with a 5 percentage point decrease in the proportion of workers saying they experienced a delay in receiving their benefits ($p < .01$).

We compare DOL-reported denial rates by state and year and a survey item asking if UI applicants experienced denials. We find a strong positive relationship: States with higher denial rates had more applicants reporting that they had experienced denials. In an OLS regression, a standard-deviation increase in the annual DOL denial rate is associated with a 4 percentage point increase in the likelihood that workers reported a denial ($p < .01$). These four exercises help provide validity for the survey responses, indicating that the responses track state-level administrative data on UI operations.

FREQUENCY OF EMPLOYER CONTESTATION OVER TIME AND ACROSS STATES

From 2019 to 2024, around a quarter—26 percent—of UI applicants reported that their employer contested their benefit claim. This contestation frequency is much higher than estimates from the recent study of Washington, which suggest that employers formally contested only about 4 percent of claims in that state (Lachowska et al. 2023, 9) and also higher than the older study on Washington from the 1985–97 period that found an 8 percent denial rate for separation issues (Anderson and Meyer 2000, table 4).

One reason for the higher rate in our study is that it is possible that our survey item picks up on a broader set of contestation practices that employers might use to deter benefit claims—such as verbally discouraging UI claims by workers—in addition to the formal contestation of a UI

claim. Another related reason for the difference is that workers who are confronted with the threat of informal employer contestation may simply choose to give up on their application, consistent with qualitative reporting and research (Gould-Werth 2016; DeParle 2010), so the claim no longer appears in administrative data. A final important reason for the difference is that Washington is known to be a very proclaimant state and may not be representative of the country as a whole. According to the most recent DOL data, Washington ranks as the ninth-highest state in terms of UI reciprocity and is the state with the highest UI benefits paid out per week, on average. The Washington state UI agency has also taken a number of steps in recent years to expand access to UI benefits, especially among underserved workers, and in written correspondence, one UI expert described the state as “exceptionally claimant-friendly”; for a summary of the state’s recent efforts to expand benefit access, see Washington State Employment Security Department (2025). Together, these factors may help explain the difference between our finding and the Washington state study, and they also point to the importance of national data on employer contestations—especially survey data that can speak to informal employer practices for contesting benefits that might not be picked up in administrative records.

We found significant year-to-year variation in contestation, generally tracking business cycles. In general, we identified a negative correlation between state unemployment rates and employer contestation: Employers were more likely to appeal workers’ claims during periods of lower unemployment, and contestation rates were especially low during 2020, the peak of COVID-19 unemployment. Examining the general correlation between annual state unemployment rates and worker reports of employer contestation, we find that every percentage point increase in the state unemployment rate is correlated with a reduction in the probability of employer contestation of around 1.4 percentage points (correlation significant at $p = .09$).⁷ Rates of employer contestation during 2020 were 11 percentage points lower than in all other years in our sample (difference significant at $p = .02$).

7. The relationship is stronger, but no longer statistically significant, excluding 2020. When we do so, each percentage point increase in the state unemployment rate is correlated with a reduction in the probability of employer contestation of around 2.6 percentage points but only significant at $p = .29$.

These findings make intuitive sense; in general, separations made during recessions and periods of higher unemployment are likely to be mass layoffs due to economic losses, which are clearer-cut cases for worker eligibility than one-off separations. A worker can more easily prove their separation eligibility for UI if they are laid off during a recession along with dozens of other workers; in addition, employers have more difficulty contesting multiple layoffs at the same time.⁸ Moreover, during the COVID-19 pandemic, all states waived experience-rating charges for employers and specified that UI claims attributable to the COVID-19 pandemic would not be chargeable back to employers (US DOL ETA 2020). These two steps greatly weakened employers' financial incentives to contest worker claims. Although we cannot directly connect the experience rating faced by an employer to worker reports of contestation, the finding that contestation was so much lower in 2020, when states waived experience rating, suggests that experience rating may increase employers' incentives to contest claims.

We also find a very strong correlation between state reciprocity rates, as measured by DOL, and reports of employer contestation (shown in fig. 2). In the binned scatterplot line of best fit, each percentage point increase in the rate of employer contestation is correlated with a decline in UI reciprocity rates of 8 percentage points ($p < .01$). This finding suggests that contestation may contribute to lower state reciprocity rates, which we examine in more detail in the following sections. (Note that because fig. 2 uses DOL reciprocity rates, values on the horizontal axis may exceed 100 percent because of multiple claims from the same individual within a given year, as well as individuals claiming benefits who do not appear as unemployed in labor-force data, which were both common during the pandemic.)

Consistent with the idea that employer contestation may reduce claims by increasing benefit denials, we identify a positive correlation between state denial rates, as measured by DOL, and reports of employer contestation (shown in fig. 3). Each percentage point increase in the denial rate shown in the binned scatterplot is associated with a 5 percentage point increase in the rate of employer contestation ($p = .06$). (Note that DOL data

8. Interviews with UI experts also suggested another potential mechanism for the lower rate of contestation during recessions: greater sympathy from managers and supervisors for laid-off workers, especially during the pandemic.

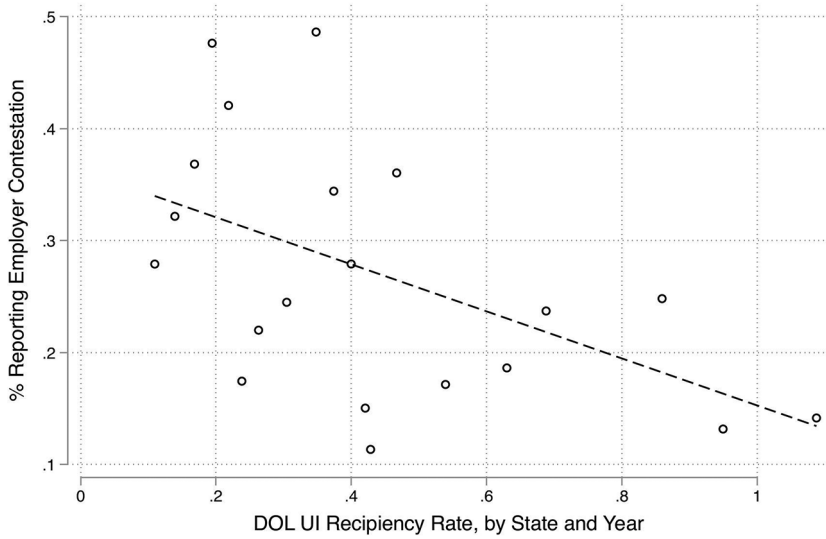


FIGURE 2. Employer contestation is negatively correlated with state unemployment insurance (UI) reciprocity rates. Binned scatterplot, survey weights applied. DOL = US Department of Labor.

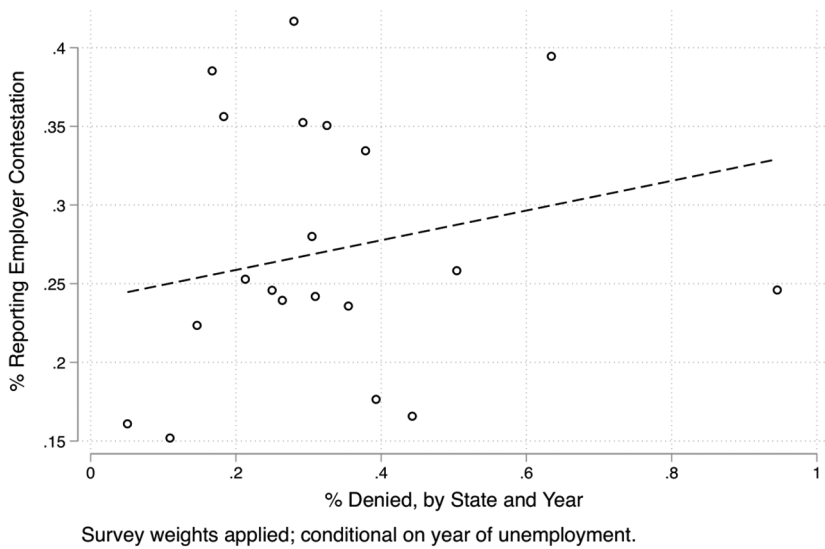


FIGURE 3. Employer contestation positively correlated with state unemployment insurance denial rates. Binned scatterplot, survey weights applied.

on denials can exceed 100 percent because of multiple claims from the same individual within a given year, as well as individuals claiming benefits who do not appear as unemployed in labor-force data.)

Overall, trends in the national denial rate track our rates of employer contestation, averaging about 35 percent in prepandemic years from 2019 to 2020, a low of 9 percent in 2020 (when we find rates of employer contestation to drop as well), and then returning to a higher average of 44 percent in the postpandemic period from 2021 to 2024. In the sections that follow, we explore further at the individual, survey-respondent level whether contestation is correlated with greater rates of UI claim denial and lower reciprocity rates.

DEMOGRAPHICS OF EMPLOYER CONTESTATION

We find that contestation rates, as reported by workers, were higher for workers with less formal education, Black and Hispanic workers, workers with lower pay, younger workers, and unionized workers, though only the differences by education are statistically significant at conventional levels of significance (see table 2). These findings suggest that employer contestation may play a role in explaining the disparities in UI receipt by education identified in past research, with workers with higher levels of formal education reporting higher rates of UI application and reciprocity as compared with workers with lower levels of formal education, even net of other demographic characteristics (e.g., Gould-Werth and Shaefer 2012; Forsythe 2023; Gould-Werth and Hertel-Fernandez 2020).

EMPLOYER CONTESTATION AND RECEIPT OF UI BENEFITS

We find that workers reporting employer contestation of their UI claims were much less likely to report ultimately receiving UI benefits. Most workers whose employers contested their claims—more than 60 percent—did not receive benefits. Even so, perhaps surprisingly, 36 percent of workers did manage to receive benefits despite having their employer contest their claim—suggesting that employer contestation is not a perfect proxy for eligibility and that a number of employers may be contesting in cases where the worker should, in fact, be receiving benefits. Indeed, qualitative work and journalistic accounts suggest that this figure would be a lower bound for the percentage of contestations that are applied to eligible

TABLE 2. Employer Contestation Rates (%) by Demographic Groups (UI Applicants Only)

Education:	
Less than college (reference)	29
College or more	20*
Race:	
White (reference)	25
Black	28
Hispanic	31
Other	24
Gender:	
Male (reference)	26
Female	26
Age:	
18–29 (reference)	30
30–44	30
45–54	27
55–64	21
65+	18
Unionization:	
Not past union member (reference)	25
Past union member	37
Previous earnings tercile:	
Lowest (reference)	29
Second	28
Highest	27
Previous occupation:	
Manufacturing, production, installation, transportation	30
Low-wage service	24

Note.—UI = unemployment insurance. Survey weights applied.

* Difference with reference category is significant at $p < .05$.

claims, given that some eligible workers stop pursuing their claims due to the administrative burden associated with a contested claim (Gould-Werth 2016; DeParle 2010). Still, we cannot gauge individuals' underlying eligibility for UI, so our data cannot speak to the “correct” percentage of workers who should be receiving UI benefits conditional on their employer contesting their claim—an important limitation of our data.

To benchmark this estimate, however, we can look to several different sources of administrative data. Our estimate is similar to data collected by the DOL on the proportion of workers who successfully won appeals of their UI claims. According to the most recent DOL data, 41 percent of workers whose claims were initially denied successfully appealed their decision (US DOL 2025*b*). Another way of evaluating our estimate of the improperly contested workers in our survey is with the Benefit Accuracy

Management (BAM) program data from the DOL. BAM uses a sampled set of claims for close examination to identify improper payments and denials. According to the most recent BAM data from 2023, states improperly denied 11 percent of claims for separation reasons—representing the kind of denials most likely to be informed by employer contestation (US DOL 2025c). That figure is lower than our estimate, and lower than the percentage of claims won on appeal. Our estimate of 36 percent of workers with contested claims receiving benefits could be higher because it includes ineligible individuals who are improperly receiving benefits or because we are capturing a broader concept than denial (because our measure could include a range of activities employers might deploy to dissuade workers from filing benefits). The field of study needs more research that combines administrative data with survey-based approaches to reconcile these different measures.

The negative relationship between employer contestation and receipt of benefits persists even adjusting for other worker characteristics as well as state and year fixed effects (see OLS linear probability regression results summarized in fig. 4). In our preferred specification with full controls, employer contestation is correlated with a 33 percentage point reduction in UI benefit receipt for a given spell of unemployment (see app. 3 for full results). This difference is meaningful, representing a 51 percent reduction in the average rate of reciprocity among UI applicants observed in our survey.

Because employer contestation is concentrated among workers with less formal education, we hypothesized that employer contestations may play a role in explaining educational disparities in UI reciprocity, with workers with more formal education reporting higher levels of UI receipt than workers with lower levels of formal education. We can estimate the upper-bound effect that employer contestation might have in our data by assuming that all workers who applied for UI and whose employer contested their benefits ought to have received UI benefits. Doing so increases the reciprocity rate of workers with a high school degree or less by 39 percent, by 17 percent for workers with some college, and by 17 percent for workers with a college degree or more. Again, we emphasize that we cannot know whether lower reciprocity rates among workers whose employers contest their claims is evidence of employers keeping ineligible workers from claiming benefits or dissuading eligible workers from receiving benefits to which they are entitled. With that said, the observational data

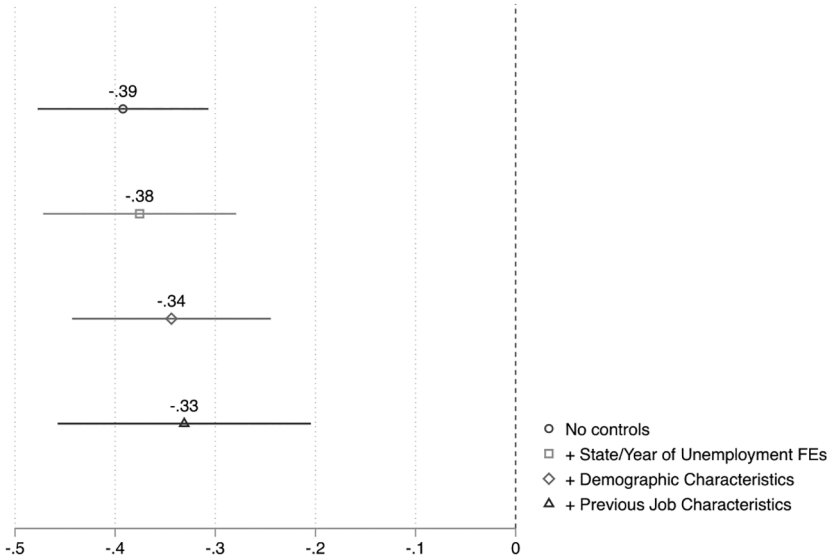


FIGURE 4. Employer contestation negatively correlated with unemployment insurance (UI) reciprocity at the individual level. Each line represents an ordinary least squares linear probability model regression specification with varying controls. The outcome is receipt of UI benefits, conditional on application (measured as a binary outcome). Standard errors clustered by state of unemployment; 95 percent confidence intervals shown. Survey weights applied. State/year of unemployment FEs = fixed effects for state of unemployment and year of unemployment. Demographic characteristics: education, race, gender, age. Job characteristics: past union status, preunemployment weekly earnings, preunemployment organization of employment, and preunemployment occupation. See main text for variable coding.

suggest that the incidence of employer contestation is a plausible contributor to educational disparities in UI receipt.

EMPLOYER CONTESTATION AND MATERIAL HARDSHIP

Recognizing that, in observational data, employer contestation appears to greatly reduce the probability that applicants receive UI benefits, we explore the differences in reported material hardship during an applicant’s unemployment spell by whether employers contested workers’ claims. We look at three hardships experienced by respondents in their most recent spell of unemployment: difficulty affording food, difficulty paying for housing (mortgage or rent), and difficulty paying for medical expenses. We examine these individually and aggregate them into an additive index running from 0 to 3. We find that applicants reporting employer contestation

were substantially more likely to report experiencing all three forms of material hardship during their unemployment spell, and these results persist when adjusting for other worker demographic and job characteristics, as well as state and year fixed effects (see fig. 5). These controls are important to include, as it may well be the case that underlying measures of disadvantage—for example, low wages, lower levels of formal educational attainment, or race—might explain both financial insecurity and a failure to receive UI benefits. Even with the most extensive set of controls, we find in our preferred specification with full controls that employer contestation is related to a 0.31 increase in material hardship on the 0–3 scale, representing 31 percent of a standard deviation in the index observed in our survey (see app. 4 for full results).

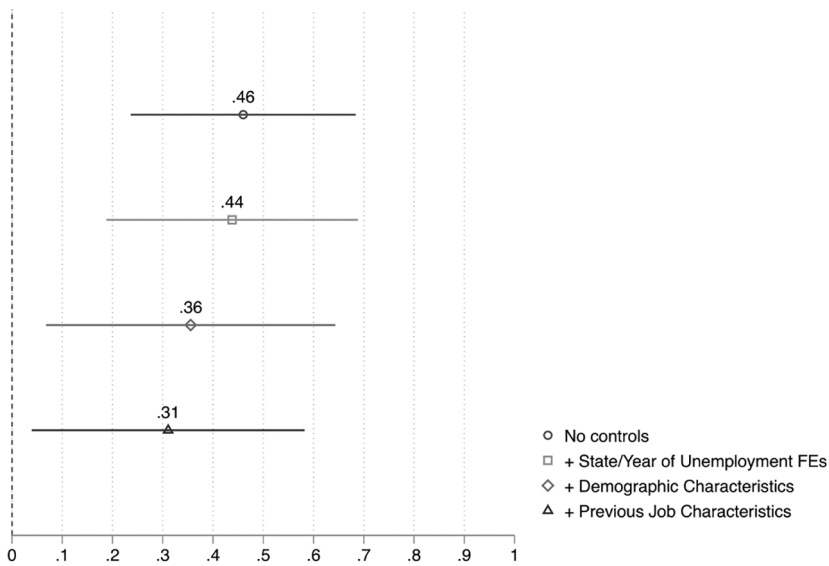


FIGURE 5. Employer contestation positively correlated with material hardship during unemployment spells, adjusting for worker and job characteristics. Each line represents a different ordinary least squares regression specification with varying controls. Standard errors clustered by state of unemployment; 95% confidence intervals shown. Outcome is a 0–3 scale of material hardship. Survey weights applied. State/year of unemployment FEs = fixed effects for state of unemployment and year of unemployment. Demographic characteristics: education, race, gender, age. Job characteristics: past union status, preunemployment weekly earnings, preunemployment organization of employment, and preunemployment occupation. See main text for variable coding.

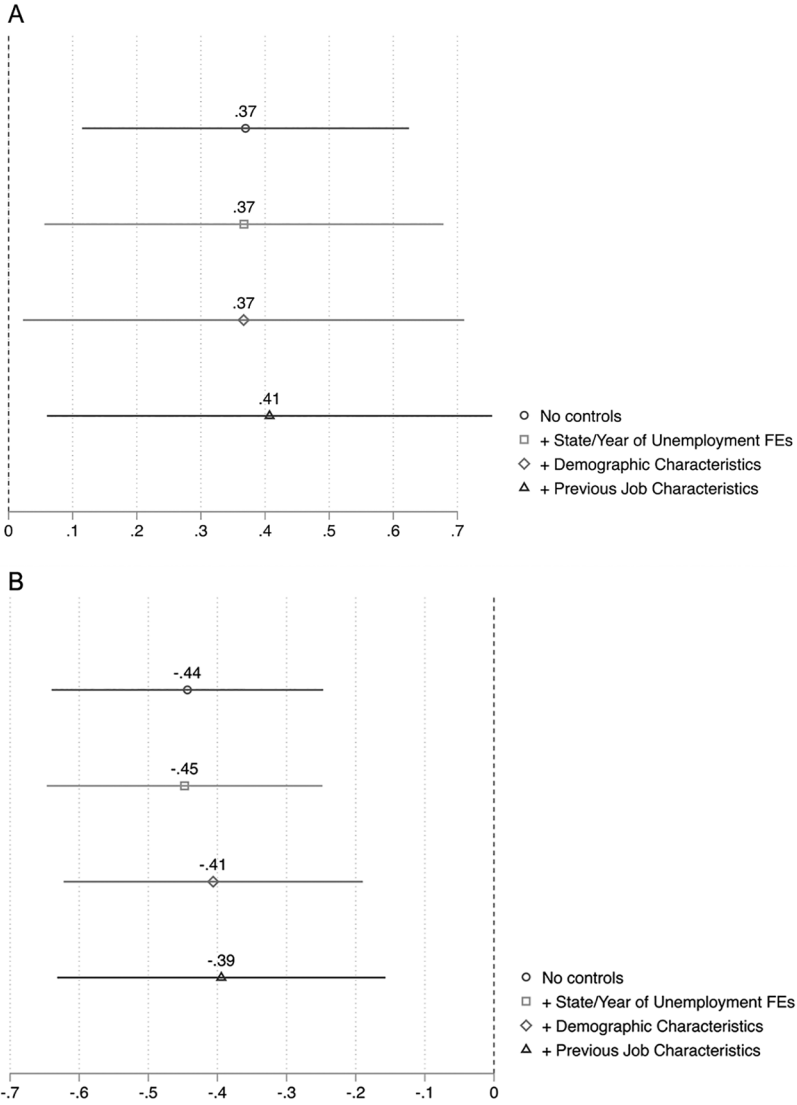


FIGURE 6. Employer contestation positively correlated with stress and disrespect in the unemployment insurance (UI) application process, adjusting for worker and job characteristics. The panels show ordinary least squares regression results analyzing the relationship between employer contestation and stress (panel A) and disrespect (panel B) reported in the UI application process. Both outcomes are measured on the full 1-5 scale, where higher values indicate more stress and more respect, respectively. Standard errors clustered by state of unemployment; 95% confidence intervals shown. Survey weights applied. State/year of unemployment FEs = fixed effects for state of unemployment and year of unemployment. Demographic characteristics: education, race, gender, age. Job characteristics: past union status, preunemployment weekly earnings, preunemployment organization of employment, preunemployment occupation. See main text for variable coding.

EMPLOYER CONTESTATION AND ADMINISTRATIVE BURDEN

Last, building on the literature on administrative burden, we explore whether reports of employer contestation were related to the psychological burden that applicants reported when filing for UI benefits. Past research has found that psychological burdens are an important barrier to benefit take-up and can impose substantial costs on applicants who succeed in accessing benefits; for a review, see Herd and colleagues (2023). We focus on two measures of psychological burden that past research and policy makers have indicated are especially important: stress and disrespect (Jilke et al. 2024; Hertel-Fernandez 2024; Executive Office of the President of the United States 2023).

Examining our survey data, we find that employer contestation may increase the administrative burden, especially the psychological burden, faced by workers in the application process. Workers reporting employer contestation said that the application process was more stressful, and they were less likely to be respected in the process. These results also persist when adjusting for other worker characteristics and state and year fixed effects (see fig. 6; also see app. 6 for full results). In our preferred specification with full controls, workers reporting employer contestation described an increase in stress in the application process of 0.41 units on the 1–5 scale, or about 33 percent of a standard deviation. When workers reported a contestation, again using our preferred specification with full controls, we also found a decrease of 0.39 units in the item measuring respect, or about 33 percent of a standard deviation.

CONCLUSION

Employers play a distinctive role in the federal-state UI system in the United States as compared with UI systems in other countries. In the United States, employers have a direct financial stake in the system through experience-rated contributions that generally tie employer taxes to their workers' UI claims. As more of an employer's unemployed workers claim UI benefits, that employer's UI contributions will generally rise, up to a maximum tax rate. In addition, in the United States, employers can formally contest their workers' claims, arguing that the separation stemmed from the worker's own fault, not the employer's. Despite the distinctiveness of these arrangements in a cross-national perspective, little past research

has examined the relationship between employers and UI reciprocity, and our knowledge of employer contestations is especially limited to the practices in one proclamaunt state (Washington).

Our findings about the national prevalence of employer contestations and its strong relationship to UI benefit denials and material hardship, its uneven distribution across workers (and concentration among less-educated workers), and its strong relationship to greater administrative burden all suggest that the role of employers in the UI system deserves much more attention from policy makers and researchers alike. A strength of our research design using worker survey reports is its ability to capture a wide range of employer contestation practices—ranging from formal contestations to informal efforts to dissuade workers from applying or completing their applications.

On average, 26 percent of UI applicants reported having their applications contested by their employer, with workers with lower levels of formal education most likely to see their claims contested. We also find that contestation appears to reduce the probability of workers claiming benefits; when an employer contests a worker's claim, we observe a 51 percent decrease in the likelihood of benefit receipt. Contestation also appears to increase applicant reports of stress and decrease reports of feeling respected during the process—two important measures of psychological burden.

Together, these findings bring up the question of whether the strong role for employers in the UI system may undermine, rather than support, the UI system's original goals: to smooth consumption for workers who lose jobs through no fault of their own and to bolster the economy as a whole during economic downturns. Past research has found that, historically, employers may have responded to experience rating by limiting their use of layoffs during economic downturns. However, given the rise of UI claims-management firms that market their ability to reduce employer taxes through contestation, employers may now seek to reduce their experience rating not by limiting layoffs but by more aggressively contesting worker UI claims. Although our survey data do not permit us to link experience rating to employer contestation directly, we do find evidence consistent with the threat of greater experience rating leading to more contestation. During the COVID-19 pandemic, when state governments waived experience rating for employers, contestation rates fell dramatically. When experience rating resumed after the pandemic, contestation rates rose.

To the extent that employers are responding to experience rating through contestations, our findings suggest that fewer unemployed workers may be receiving the UI benefits needed to bolster their financial security and stabilize the economy during downturns. Indeed, we find that employer contestation is associated with an increase in reports of material hardship, including difficulties paying for food, medical costs, and housing. These hardship findings are indicative not only of unemployed workers' inability to satisfy material needs but also of a missed opportunity to stimulate the economy through those workers' consumption of needed goods during downturns. In addition, we find that the differential rates of contestation across demographic groups may help explain observed disparities in UI access for workers with lower levels of formal education. As we have emphasized, an important limitation of our analysis is that we cannot observe workers' underlying eligibility for benefits, so it may well be the case that employers are correctly dissuading ineligible workers from receiving benefits. Without knowing underlying eligibility, we cannot gauge how employer contestation might change the balance between type 1 and type 2 errors in UI benefit receipt.

Given how little we know about employer contestations in the UI system, our study presents an important initial descriptive picture of suggestive patterns and implications. However, the field needs more research, especially projects that merge survey and administrative data in ways that could consider both formal and informal strategies of employer contestation more specifically (with more disaggregation than we have done in this article). Scholars might also increase statistical power for measuring the distribution of contestation across different workers, connect the experience rating individual employers face with UI access and worker outcomes, and gauge the likely eligibility of workers to better understand the accuracy of employer contestation and its contribution to type 1 and type 2 errors in the UI system. Such merged data could also help identify opportunities for stronger causal inference designs based on changes in UI policy over time. In addition, further research might probe the other strategies, identified by past qualitative work, that employers may use to reduce workers' UI claims. For example, some studies suggest that some employers may informally discourage workers from applying prior to the claim and contestation process. A comprehensive survey effort could examine the informal channels through which employers affect claimant experiences and could attempt to determine worker eligibility using survey data

matched with administrative records on UI wage records to better understand the degree to which employers impede benefit access for eligible workers.

Notwithstanding the need for further research, our findings also have implications for state and federal policy makers. Policy makers might experiment with different approaches to UI financing that move away from experience rating based on worker UI claims to changes in employer payroll, which would directly target employer layoff behavior. Currently, only one state—Alaska—uses an experience-rating formula based on employer payroll rather than worker UI claims. Such experimentation could help shed light on how the financial incentives created by experience rating shape employer contestation practices. Similarly, policy makers might also experiment with policies to limit the grounds for employer contestation of benefits, which researchers could then study to see how such policies change UI reciprocity as well as the balancing between type 1 and type 2 errors in benefit targeting. Above all, our results call for more attention to the trade-offs of experience rating and the incentives that experience rating may introduce for employers to challenge workers' access to UI benefits. Our findings suggest that, for those who aim to ensure that the UI program fulfills its dual mandate to smooth consumption and stabilize the macroeconomy, the employer role in the application process is a ripe area for further study and intervention.

NOTE

Alexander Hertel-Fernandez is Herbert H. Lehman Professor of Government at Columbia University. His teaching and research focus on the intersection between politics and markets in the United States, the politics of policy making, and the design of social policy. He is a codirector of the Consortium on the American Political Economy and the Columbia Labor Lab.

Alix Gould-Werth is the chief of programs and strategy at Demos, a nonprofit research and advocacy organization working at the intersection of democracy reform, economic justice, and racial justice. She is trained as a sociologist with expertise in unemployment insurance, paid family and medical leave, schedule stability, transportation insecurity, and other issues affecting low-wage US workers and their families.

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