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**ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 01-24**

**TO:** STATE WORKFORCE AGENCIES

**FROM:** BRENT PARTON /s/  
Principal Deputy Assistant Secretary

**SUBJECT:** Equitable Access in the Unemployment Insurance (UI) Program

1. **Purpose.** This Unemployment Insurance Program Letter (UIPL) provides clarity around the U.S. Department of Labor’s (Department) use of the terms “access” and “equitable access,” and further describes how program integrity is impacted by efforts to ensure equitable access to the Unemployment Insurance (UI) program. This UIPL informs states of ways that equitable access can be evaluated and enhanced, including through technical assistance and tools from various Department initiatives and state-based partnerships.
2. **Action Requested.** The Department’s Employment and Training Administration (ETA) requests that State Administrators provide the information in this UIPL to appropriate program and other staff in state workforce agencies to foster continuous improvement in equitable access for the UI program.
3. **Summary and Background.**
  - a. Summary – Ensuring equitable access to the UI program is a longstanding priority of the Department. Providing equitable access is an important part of providing good customer service to all individuals. State UI agencies have been focused on continuously improving their UI programs, and this UIPL provides suggestions to help states achieve a more equitable program with improved access.

Section 4.a. of this UIPL describes access and equitable access, introduces examples of how states can ensure equitable access and provides a framework for how equitable access can support overall program integrity. Identifying and preventing all forms of improper payments – including underpayments and erroneous denials – are critical to ensuring program integrity, and equitable access plays a key role in supporting these efforts.

Section 4.b. of this UIPL describes the states’ existing obligations with respect to equitable access.

Section 4.c. of this UIPL discusses how states should consider equitable access during every step of a UI claim by mapping and evaluating the “claimant journey.” It further

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describes how states can build an “equitable access framework.” Finally, it describes how states should seek feedback from their communities regarding improving access. Attachment I to this UIPL includes a graphical representation of the steps involved in a UI claim (i.e., the claimant journey).

Section 4.d. of this UIPL outlines promising practices for achieving equitable access as states design their technology systems and engage in modernization efforts. This includes refining both claimant-facing materials as well as agency-facing tools. In addition, Attachment II provides information regarding technical assistance and resources available to states, including recommendations for improved technological services and supported alternatives to technology-based touch points.

- b. Background – UIPL No. 02-16, issued October 1, 2015, articulates the requirement under federal law to ensure access to the UI program and provides guidance to assist states with meeting this requirement. UIPL No. 02-16, Change 1, issued May 11, 2020, highlights additional state responsibilities regarding access to UI benefits. Further, the inclusion of equitable access as one of the three goals of Section 9032 of the American Rescue Plan Act (ARPA)<sup>1</sup> and as a national priority in the State Quality Service Plan (see UIPL No. 9-23) emphasizes equitable access as a fundamental requirement of the UI program.

UI reciprocity rates, or the percentage of unemployed workers who receive unemployment benefits, have declined steadily for years. In the quarter ending September 30, 2022, the reciprocity rate was 23.5 percent compared to 40.1 percent for the quarter ending September 30, 2002.<sup>2</sup> Claims-filing systems have evolved from in-person and postal systems to primarily telephone and web-based<sup>3</sup> systems. Technological solutions have improved states’ ability to process claims and have helped many claimants access their benefits; however, these solutions also come with process limitations. Many of these limitations may impact claimants’ ability to access the UI system. States are required to have alternatives to technology-based access points, such as in-person and telephone touch points to ensure access for those unable to use web-based systems. See UIPL No. 2-16.

Declining UI reciprocity is an equity issue. Data indicates that the challenge of low reciprocity has been particularly difficult for historically marginalized groups that experience high rates of unemployment. Young adults and individuals from historically marginalized groups, especially African Americans, have unemployment rates that are consistently higher than the national average. A recent report commissioned by the Department on UI reciprocity found “dramatic disparities between demographic groups, with lower reciprocity rates among racial and ethnic minorities, younger workers, and

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<sup>1</sup> Section 9032 of ARPA provides a \$2.0 billion appropriation to the Secretary of Labor to: (1) detect and prevent fraud; (2) promote equitable access; and (3) ensure the timely payment of benefits with respect to UC programs.

<sup>2</sup> United States Department of Labor, Employment & Training Administration, Unemployment Insurance Data, [https://oui.doleta.gov/unemploy/data\\_summary/DataSum.asp](https://oui.doleta.gov/unemploy/data_summary/DataSum.asp).

<sup>3</sup> Web-based technology includes both internet and phone application-based systems.

less-educated workers.”<sup>4</sup>

The COVID-19 pandemic created an unprecedented demand for benefits and highlighted the need to continue prioritizing, augmenting, and improving support for non-technological access points in state UI programs. Further, the COVID-19 pandemic highlighted the need for states to improve web-based systems with a stronger focus on advancing equity through user experience and customer service improvements. Indeed, the U.S. Government Accountability Office (GAO) issued a report on June 17, 2021, suggesting potential racial and ethnic disparities in the receipt of UI benefits in some states during the COVID-19 pandemic,<sup>5</sup> and another a GAO report issued on June 7, 2022, highlighted the need for state UI systems to improve customer service and timely payment issuance.<sup>6</sup> These GAO reports align with the Department’s position that there is room for improvement in customer service as well as equitable access to UI benefits and services.

4. **Guidance.** The Department is committed to supporting states in ensuring and sustaining equitable access to UI benefits for all eligible workers, including workers who are a part of historically underserved and marginalized communities. This includes ensuring eligible claimants can access and maintain benefits in a timely and fair manner, regardless of their background. Providing equitable access requires states to, at a minimum, adhere to applicable nondiscrimination laws such as Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations set forth at 29 CFR part 38. State UI agencies should start by ensuring they are familiar with and are properly enforcing existing nondiscrimination laws. Equitable access, however, involves more than just compliance with federal antidiscrimination requirements. It demands a systematic approach to analyzing all aspects of the program, including all points at which claimants interact with the UI system during their claim. This UIPL first discusses state requirements to provide equitable access in compliance with existing laws and regulations in Sections 4.a and 4.b. Next, it outlines several ideas and steps that states can leverage to further embed equitable access throughout the UI program in Sections 4.c. and 4.d.
  - a. **Understanding UI Program Access, Equitable Access, Integrity, and the Related Requirements.** Under Section 303(a)(1) of the SSA, a state’s laws must provide for “methods of administration” that are “reasonably calculated” to ensure full payment of unemployment benefits “when due” in order to receive a UI administrative grant. See UIPL No. 02-16. The Department interprets this language to include the requirement that states provide sufficient access for all individuals who seek to file for UI benefits and related services within the UI program so that eligibility can be determined, and benefit

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<sup>4</sup> Eliza Forsythe and Hesong Yang, “Understanding Disparities in Unemployment Insurance Reciprocity,” prepared for the U.S. Department of Labor Chief Evaluation Office, November 12, 2021 <https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/University%20of%20Illinois%20-%20Final%20SDC%20Paper.pdf>.

<sup>5</sup> GAO-21-599R, *Management Report: Preliminary Information on Potential Racial and Ethnic Disparities in the Receipt of Unemployment Insurance Benefits during the COVID-19 Pandemic*, published June 17, 2021, <https://www.gao.gov/products/gao-21-599r>.

<sup>6</sup> GAO-22-105162, *Unemployment Insurance: Transformation Needed to Address Program Design, Infrastructure, and Integrity Risks*, published June 07, 2022, <https://www.gao.gov/products/gao-22-105162>.

payments can be made promptly. Embedding equitable access principles into each step of the UI process can help a state meet their obligation of providing sufficient access for all populations.

- i. **“Access.”** In UIPL No. 02-16 and UIPL No. 02-16, Change 1, the Department previously defined **access** as it relates to the UI program for the purposes of conforming to Section 303(a)(1) of the SSA to mean an individual’s ability to complete, submit, and obtain information about their initial and continued claims, adjudication, appeals, reemployment services, overpayments, waiver of overpayments, underpayments and other improper payments, and any other information, program functions, or services available for all claimants.

UI benefits are by law an individual entitlement and states have an obligation to make sure that eligible individuals can access them. Access is facilitated through methods of administration that states establish to effectively enable eligible claimants to get the benefits to which they are entitled. Under the “when due” provision of Section 303(a)(1) of the SSA, the Department previously defined “access” in UIPL No. 02-16 to require states to ensure that all individuals have the opportunity to be informed of, and take appropriate action(s) to complete the following **without facing undue burdens or barriers** related to their claim:

- apply for UI benefits;
- maintain their entitlement to UI benefits; and
- access services.

See Section 4.A. of UIPL No. 02-16.

- ii. **“Equitable Access.”** **Access** refers to whether claimants are able to participate in the UI program generally. **Equitable access** as used in this UIPL refers to whether the UI system is meeting the needs of all populations such that they can obtain their benefit entitlement. Equitable access is a concept derived by the Department from prior guidance. It represents an opportunity to frame access initiatives and clarify best practices in providing access to all claimants. Equitable access means that state UI agencies are ensuring that all individuals have an effective and meaningful opportunity to obtain the benefits to which they are entitled.

The Department describes equitable access in the UI context as: the consistent and systematic fair, just, and impartial treatment of all beneficiaries of, applicants to, and participants in the UI program. This includes providing all individuals with an effective and meaningful opportunity to apply for, receive, and maintain UI benefits and services, no matter their background, including but not limited to their race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, sexual orientation, and gender identity), national origin (including limited English proficiency), age, disability (including effective communication and the provision of auxiliary aids

and services), level of education, level of technology access or proficiency, socioeconomic status, or geographic location.

The non-exhaustive list of demographic groups in the previous sentence is drawn from prior guidance, laws, and regulations about groups that may struggle to access the UI program.<sup>7</sup> As noted above, Section 303(a)(1) of the SSA requires that states have “methods of administration” that are “reasonably calculated” to ensure full payment of benefits “when due.” Just as *access* required states to provide services without undue burdens or barriers, *equitable access* requires states to review how their processes affect different populations to ensure that the state’s operations are not creating undue burdens or barriers for any particular group who would otherwise be entitled to benefits. States are required to provide appropriate assistance to individuals who have challenges accessing the UI program and its benefits, even if they are not necessarily in a protected class, including, for example, individuals with low literacy levels (specifically with respect to reading comprehension), or individuals living in rural areas. See UIPL No. 02-16. States should endeavor to understand which other populations in their state may be facing disproportionate barriers when trying to access benefits. Particular barriers may have a disparate impact on certain populations, even if they are not expressly implicated or targeted for different treatment. Striving to continuously improve equitable access can help states reduce discrepancies in access to benefits among different populations over time, ensure that benefit payments can be made promptly and accurately to all claimants, and proactively resolve issues within their own UI programs.

Through more equitable services and processes, states are better positioned to reduce confusion along with reducing both agency-based and claimant-based errors. This can have the subsequent effect of reducing improper payments (see Section 4.a.iv. of this UIPL) and also reducing the burden on state agencies

- iii. ***Implementing Equitable Access.*** Achieving equitable access requires that states continuously consider the potential adverse impacts of agency access points, processes, and other methods of administration across diverse populations. Importantly, access needs vary among people. Providing only one process for all claims does not conform to existing nondiscrimination obligations and can create

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<sup>7</sup>See generally Section 303(a) of the Social Security Act (SSA), 42 U.S.C. § 503(a), Section 188 of the Workforce Innovation and Opportunity Act (WIOA), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq., Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 et seq.; Title II of the Americans with Disabilities Act (ADA), as amended, 42 U.S.C. § 12132 et seq., 42 U.S.C. § 2000d, as well as UIPL 11-14, which reviews State administrators of their responsibility to collect and analyze demographic data for possible indication of systemic discrimination and investigate the same. See also, 29 CFR § 38.4(tt) (definition of programmatic accessibility); Prior guidance includes, but is not limited to, UIPL No. 02-16 and UIPL No. 02-16, Change 1 which defines access and applying that definition to the populations defined in that UIPL, UIPL No. 11-14, and non-discrimination laws as cited previously.

inequities and access issues for claimants accessing the system.<sup>8</sup> States must provide more than one method for accessing the system and should consider the different barriers individuals may face when interacting with the UI system. See generally WIOA Section 188; 29 CFR Part 38; UIPL No. 02-16 and UIPL No. 02-16, Change 1.

Equitable access necessarily includes a wide variety of approaches, goals, and solutions to reach all claimants. Currently, the following steps are required based on existing law:

- writing correspondence in plain language. Plain Writing Act of 2010, Public Law 111-274; States should ensure that all communications are written to accommodate different literacy levels. According to the Department of Education, the average American adult reads at the 7th to 8th grade level. See UIPL No. 02-16;
- building systems that do not prevent or limit access for individuals based on race, color, religion, sex, national origin (including limited English proficiency), disability or age. See 29 CFR § 38.1;
- collecting and maintaining claimant demographic data in a way that allows for statistical or other quantifiable analyses to verify compliance with nondiscrimination obligations. See 29 CFR § 38.41; 29 CFR § 38.51;
- conducting analyses broken down by demographic categories to identify any statistically significant differences in the success rates of claimants. See 29 CFR § 38.51;
- making reasonable efforts to include members of various protected groups via affirmative outreach. See 29 CFR § 38.40;
- providing individuals with disabilities access to, and the use of, information, resources, programs, and activities that are fully accessible and ensuring that the opportunities and benefits provided by digital tools are provided to individuals with disabilities in an equally effective and equally integrated manner. See 29 CFR § 38.15;
- ensuring digital tools incorporate accessibility features for individuals with disabilities and are consistent with modern accessibility standards. See 29 CFR § 38.15;
- providing reasonable accommodations; reasonable modifications in policies, practices, or procedures; and auxiliary aids and services, where appropriate; and ensuring that communications with persons with disabilities are as effective as communications with others. See 29 CFR § 38.13;

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<sup>8</sup> See generally UIPL 02-16 and UIPL No. 02-16, change 1 for a review of how these nondiscrimination obligations apply to access and equitable access issues. See also WIOA Section 188 generally.

- ensuring that limited English proficient (LEP) individuals are provided meaningful access and are effectively informed and able to participate in the UI program;<sup>9</sup>
- providing translations of vital documents. See 29 CFR § 38.9;<sup>10</sup>
- ensuring that every program delivery avenue, including web-based platforms, convey in the appropriate languages how an individual may effectively learn about, participate in, and/or access the UI program. See 29 CFR § 38.9.
- ensuring that any language assistance services, whether oral interpretation or written translation, are accurate, provided in a timely manner and free of charge. See 29 CFR § 38.9(d).

In addition to the requirements above, states are encouraged to choose to take the following actions that can help promote additional pathways to equitable access:

- identifying and reducing or eliminating administrative barriers for claimants, where possible;
- discovering and mitigating agency- and claimant-based errors leading to overpayments and underpayments;
- assisting employers in providing information equitably and without bias;
- creating simple and user-friendly processes to complete all stages of a claim, including identity verification and authentication activities;
- considering trends in unemployment insurance application and reciprocity rates in the state and differences among historically-marginalized groups and other groups the state has identified as struggling with access;
- establishing and maintaining processes to continuously monitor for challenges that individuals are facing in accessing the program;
- creating simple and accessible processes for overpayment establishment and recovery for wage audits, including where applicable, streamlining the processes for requesting waiver of recovery of certain non-fraud overpayments;
- improving the timeliness and accuracy of UI payments across all demographic groups;
- reviewing and improving integrity measures and considering diverse claimants' needs and backgrounds when designing ways to prevent and detect underpayment, overpayments, erroneous denials, and fraud; and
- reviewing the appendix to 29 CFR § 38.9 to inform efforts to meet language access needs for LEP individuals and ensure an up-to-date language access plan is in place.

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<sup>9</sup> See 29 CFR § 38.9, which provides information about required language assistance services and notices and provides that both oral interpretation and written translation must be accurate, provided in a timely manner and free of charge. Further, the state must not require an LEP individual to provide their own interpreter. See also UIPL Nos. 2-16 and 2-16, Change 1.

<sup>10</sup> See also UIPL No. 02-16 for a further discussion of states' obligations with respect to language access.

Equitable access must be considered in every part of the UI program, as discussed further in Sections 4.c. and 4.d. of this UIPL and in Attachment I of this UIPL. As technology, decision trees, process flows, and UI program requirements evolve, states should continue to engage in intentional, consistent improvement efforts to discover and mitigate access issues by reviewing the experiences of diverse groups of claimants throughout each stage of a UI claim. States are encouraged to develop systems and processes that can determine where issues exist, and develop and implement action plans devoted to proactive, continuous improvement. See UIPL No. 09-23.

- iv. ***Program Integrity: Ensuring Equitable Access and Mitigating Improper Payments.*** Equitable access plays an essential role in maintaining the integrity of state UI programs. UI program integrity involves both ensuring that eligible claimants are paid accurately and timely, as well as ensuring only those who are entitled to benefits receive them. Accurately and timely paying benefits to eligible claimants requires ensuring claimants are not underpaid, improperly denied, or experiencing undue delays in receiving the payment to which they are entitled. Promoting equitable access helps achieve the program integrity goal of ensuring that legitimate claimants receive the benefits to which they are entitled. Likewise, promoting equitable access helps ensure that when seeking to detect and prevent improper payments, states focus their resources at the appropriate targets and do not rely on biased enforcement methods or criteria.

Improper payments encompass both overpayments and underpayments. An overpayment occurs when a state determines that the individual received a payment, or a portion of a payment, for which they were not eligible. Underpayments occur when a state UI agency determines that the claimant did not receive the full benefit amount to which they were entitled (e.g., through an improperly calculated weekly benefit amount, a failure to pay all weeks due). Improper (i.e., erroneous) denials are a subset of underpayments, occurring when a state UI agency incorrectly denies an individual's claim, either in its entirety or for an individual week, such that the individual receives no benefits at all. Addressing improper payments, including improper denials, requires consistent and systematic review to ensure that claimants can move through their UI claim without any undue barriers so that eligibility can be accurately determined and benefit payments in the appropriate amount can be made promptly.

An improper denial or inappropriate underpayment may occur when a claimant with limited access to the internet, or limited proficiency with technology, has trouble completing a claim online and the state does not provide easily accessible non-web-based methods of administration. Claimants with disabilities may encounter technology barriers to access. Further, LEP claimants may be technologically savvy but unable to read or understand English used in web-based portals, affecting their ability to access their claim. See 29 CFR part 38.9(c) and UIPL No. 02-16. If a claimant cannot consistently access their web-based account, they might miss important updates, determinations and other decisions, or requests from the agency, which could lead to the claimant being denied



benefits to which they would have otherwise been entitled. Similarly, claimants faced with administrative difficulty in responding to questions about initial and continued claims eligibility may be initially paid benefits, but later deemed to have an overpayment for failure to respond and face the financial hardship of repayment. Administrative difficulty may arise as a result of a poorly worded fact-finding form or request for information.

EXAMPLE: The agency designed the fact-finding form about earnings in present tense because most investigations begin while the claimant is actively collecting benefits. But some investigations occur after a claimant stops collecting benefits.

A claimant stops collecting on their claim when they start their next job. Over a year later, they receive a fact-finding form, which is intended to investigate wages earned during the claim from two years ago. In the form, the first question asks, “Are you working full time?” without any additional context. The agency was intending to ask about the timeframe of the UI claim from two years ago, but the question does not actually present that question to the claimant. The form does not provide the dates that the agency is investigating until a later page where the agency asks for the wages earned during weeks over a year earlier while the claimant was collecting benefits. Because the first question asked about working in the present tense, rather than identifying the weeks under investigation when the claimant collected, the claimant is likely to answer “Yes” because the claimant is currently working full time. Even if the claimant did not earn anything during the weeks in question and provides that information later in the form, this initial question may create an issue where the agency now incorrectly believes there was an improper, and possibly fraudulent, payment. Because of the questions asked, the agency’s investigation may have inadvertently created significant additional workload and confusing data points to make the next adjudication, and it could result in an erroneous denial in the form of an incorrect reversal of eligibility determination and overpayment determination by the agency.

When states continuously improve their integrity efforts to identify how and where improper payments may be occurring along with how to prevent them, states may find equitable access improvement opportunities that also improve program integrity. The Department already requires states to identify how and where improper payments – including all forms of underpayments, including improper denials – may be occurring as well as how to prevent them. See UIPL No. 09-23.

b. **Requirements for State UI Agencies.** This UIPL reminds states of their existing obligations and explains how these obligations support states' continual improvement with respect to equitable access.

- i. ***Adjudication of Claims and Other Inherently Governmental Activities Must be Performed by Merit Staff.*** While states may utilize electronic systems to handle certain functions such as intake of initial claim information, merit staff are required to evaluate and adjudicate claims and make overpayment determinations. UIPL No. 12-01, Change 2, provides a summary of federal law regarding merit staffing requirements and considerations for a state when evaluating whether an activity is appropriate for staffing model flexibility – including through the use of automation.
- ii. ***Oversight and Limits Regarding Technology.*** There are legal limitations on what functionalities technology is authorized to manage for UI claims. While technology can offer enhanced processes for states, it may affect how well people can access their claims. Not all claimant circumstances will fit into a system's generalized coding and organization for all types of eligibility and qualification issues. As such, states should ensure their systems have appropriate intervention points where the agency can take over the process from the technology to handle the claims and/or claimants' interactions with the agency. This may be particularly necessary when providing accessible systems for persons with disabilities and persons with limited English proficiency (LEP). Further, states should also consider the reliability of translations, particularly those that have been created with online translation software, also known as machine translation. Generally, such tools are discouraged but, when used, require review by qualified human linguists. Additionally, UIPL No. 01-16 describes the federal requirements to protect individual rights in state overpayment prevention and recovery procedures, including any technologies used to maintain program integrity. States are also limited in how they can use technology to adjudicate issues related to fraud. See UIPL No. 11-14, UIPL No. 02-16 and UIPL No. 02-16, Change 1 for more information about these legal requirements.
- iii. ***Required Alternatives to Web-Based Services.*** UIPL No. 02-16 explains that state UI agencies must ensure that the use of technologies and systems for administering UI programs and providing services do not create barriers (e.g., administrative, procedural, technological, or informational) that may prevent individuals from accessing UI benefits, such as by denying them a reasonable opportunity to establish and maintain their eligibility.

UIPL No. 02-16 and UIPL No. 02-16, Change 1 also describe states' obligation to provide accessible alternatives to web-based technology. States may offer individuals the option of receiving certain information and services via electronic methods but may not require that individuals communicate only through electronic means. Such policies unduly restrict program access, as not all individuals have the ability or capacity to communicate electronically. For

persons unable to access or use a web-based system, the state must offer alternative options for accessing information and benefits, such as by telephone or in person, in a manner that ensures effective and meaningful access to the UI system. Further, states must broadly and conspicuously disseminate information about alternative access options in ways that ensure that individuals who may need to use such options are aware of how to utilize them. See 29 C.F.R. 38.15(c). In addition to benefitting individuals who are unable to access or use a web-based system, these alternative non-web-based access points may also provide a convenient option for those who do not have access to technology, do not have technology proficiency, and those who have a disability, or are limited English proficient (LEP).

In addition to hindering equitable access to the UI system, the use of a website and web-based technology as the sole or primary way for individuals to obtain information about UI benefits or to file UI claims may have the effect of denying or limiting access to members of protected groups in violation of Federal nondiscrimination law, as described in UIPL No. 02-16 and UIPL No. 02-16, Change 1.

- iv. ***Improving Access across Demographic Groups.*** As noted above, states are required to have “methods of administration” to ensure full payment of benefits “when due” and provide claimants the benefits to which they are entitled. See Section 303(a)(1) of the SSA and UIPL No. 02-16. Additionally, the nondiscrimination laws<sup>11</sup> that apply to state UI agencies prohibit discrimination based on both disparate treatment – intentionally treating members of protected groups differently based on their protected status – and disparate impact – the use of policies or practices that are neutral on their face but have a disproportionate impact on members of protected groups. See UIPL No. 02-16 and UIPL No. 02-16, Change 1. UIPL No. 02-16 and UIPL No. 02-16, Change 1 outline states’ legal obligations with respect to ensuring access across demographic groups, including older individuals, LEP individuals, and individuals with disabilities. States are also required to provide appropriate assistance to individuals who have challenges accessing the UI program and its benefits, even if they are not necessarily in a protected class, including, for example, challenges due to low literacy levels (specifically with respect to reading comprehension), socioeconomic status, access to technology and the internet, and geographic location.
- v. ***Required Collection, Maintenance, and Analysis of Demographic Data.*** The Department’s role in monitoring state performance requires that states collect, maintain, and analyze sufficient data to determine whether states have methods of administration reasonably calculated to ensure full payment of compensation

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<sup>11</sup> See generally 42 U.S.C. § 503(a); Section 188 of the Workforce Innovation and Opportunity Act (WIOA); 42 U.S.C. § 2000d et seq.; 29 U.S.C. § 794; 42 U.S.C. § 6101 et seq.; 42 U.S.C. § 12132 et seq.. See also UIPL 11-14, directing State administrators collect and analyze demographic data for possible indication of systemic discrimination and investigate the same. See also, 29 CFR § 38.4(tt) (definition of programmatic accessibility);

when due to all eligible unemployed workers, including workers in populations that may be underserved or marginalized and struggle to establish, maintain, and protect their right to UI benefits. Further, rigorous data collection and analysis helps states to understand the scope of the problems claimants face and whether the states' solutions are having the intended impact. This includes collecting robust demographic information from claimants and enabling data disaggregation and analysis to fully understand where inequities exist and determine where resources and efforts ought to be targeted. Section 303(a)(6) of the SSA provides the Department latitude to obtain state data to review programs. UIPL No. 11-14 describes states' significant data collection, maintenance, and analysis obligations under certain provisions of the WIA. These requirements are still in place under WIOA and its implementing regulations, including 29 CFR Part 38.

The requirements to collect and maintain data are part of state UI agencies' obligation to detect and address possible discrimination based on either disparate treatment or disparate impact. 29 CFR Part 37.37 and OMB Control Numbers 1205-0009 and 1225-0077. See also UIPL No. 11-14, UIPL No. 02-16 and UIPL No. 02-16, Change 1. State UI agencies are required to "collect such data and maintain such records...as the Director [of DOL's Civil Rights Center, or CRC] finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions..." See 29 CFR § 38.41. Specifically, they "must record the race/ethnicity, sex, age, and where known, disability status of every applicant, registrant, participant, terminatee, applicant for employment, and employee." See 29 CFR § 38.41(b)(2). Additionally, state UI agencies "must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminatee." See 29 CFR § 38.41(b)(2).

Determining whether "methods of administration" are "reasonably calculated" to ensure full payment of unemployment compensation "when due" for all unemployed workers, including those belonging to historically underserved or marginalized groups, requires rigorous data collection and analysis. See Section 42 U.S.C. 503(a)(6) (requiring states to create reports); Section 188 of WIOA; 29 C.F.R. § 38.51(b) (requiring reports and data analysis to determine whether the state's program is complying with WIOA requirements); see also UIPL No. 11-14. This includes collecting demographic information from all claimants, enabling data disaggregation, and designing analyses that can detect where inequities exist and determine where resources and efforts ought to be pursued. An evidence-based approach will help states focus on the most effective solutions, helping to make the effort sustainable and scalable.

Under 29 CFR § 38.51, UI program administrators must conduct statistical or other quantifiable data analyses of demographic records and data to determine whether their UI programs and activities are being conducted in a nondiscriminatory way. This includes, at a minimum, analyses by race/ethnicity, sex, age, limited English proficiency, preferred language, and disability status, to identify any statistically significant differences in the success rates of claimants

who are members of these demographic categories. Once the required analyses are complete, states are encouraged to analyze claims-based data across these demographics throughout the adjudication and appeals processes. UIPL No. 11-14 includes an outline of the types of analyses that should be conducted, broken down by demographic category and by portion of the claimant journey. Where these analyses identify statistically significant differences, UI program administrators must ensure that the differences are investigated, to determine whether they appear to be caused by discrimination in the UI program. See 29 CFR §§ 38.31; 38.51.

c. **General Application of Equitable Access to the UI Program.** As states invest in ways to continuously improve equitable access to the UI program, they can map and evaluate the “claimant journey,” build an “equitable access framework,” and solicit feedback from the community.

- i. ***Mapping and Evaluating the “Claimant Journey.”*** Equity and equitable access should be infused into every aspect of the UI program. The UI claims process generally includes the following phases: pre-claim filing (i.e., awareness of the program, self-assessment of eligibility, and understanding how to file a claim), initial claims application, identity verification and authentication, completing work search activities, continued claims certification, fact finding and resolving eligibility issues, correspondence, and adjudication, appeals, and analyzing all forms of improper payments. These steps typically constitute the “claimant journey.” Equitable access is reviewed, in part, by mapping how claimants across different demographic groups access the system at each step to determine what barriers they face in the process.

Attachment I to this UIPL includes a graphical representation of the claimant journey and describes how states may continuously review their practices in order to make equity improvements and build safeguards into their systems to detect and rectify gaps in access.

- ii. ***Building an Equitable Access Framework.*** The legal requirements for equitable access to the UI program are outlined above (see Section 4.a.iii.). In addition to meeting the requirements above, states have an opportunity to further embed equitable access into the overall UI framework.

To build the equitable access framework, states should consider having a UI equity subject matter expert (SME) on their UI staff, ideally in a leadership role. The SME should be distinct from the Equal Opportunity Officer positions, described in 29 CFR § 38.28. Equity SMEs should be regularly consulted with on all aspects of the UI program and should regularly coordinate with their counterparts in other state government offices.

Additionally, an equitable access framework requires that states routinely monitor their UI program to identify barriers to equitable access. Below is a non-exhaustive list of questions that states can use to evaluate and focus

agency initiatives to identify program barriers and improve equitable access across demographics and to review how claimants access web-based, in-person, phone, and other alternatives services:<sup>12</sup>

- Who is accessing web-based platforms? Who is using non-electronic options? Which non-electronic options (*e.g.*, in-person options, phone options, other) are being utilized? Is there a demographic commonality among individuals who are accessing non-electronic options versus electronic options? What can be done to try to address any barriers that may be occurring that prevent individuals from accessing web-based platforms?
- How is the web-based platform being accessed (*e.g.*, is it through a device running a mobile-based OS (iOS / iPadOS / Android/etc.) or a desktop-based OS (Windows/macOS/Linux/etc.)? What is the demographic split among them? How is this access point affecting these groups' access to benefits?
- Where are claimants accessing the web-based technology (*e.g.*, from a public computer or a private one)? Is that affecting any other part of the process for claimants to establish or maintain their access to benefits?
- What methods are in place to determine who abandons their claim, at what point of the claim cycle, and for what reason (*e.g.*, because of difficulty accessing or understanding next steps versus changes in eligibility status through re-employment or for other reasons)?
- Where are individuals struggling or disengaging during the UI process? At what points in the process are claimants most likely to reach out to state staff with questions? Do certain populations struggle more with different steps?
- How long does the process take a typical individual? What methods are in place to identify individuals or populations for whom the process is likely to take longer? Why is the process harder for those applicants?
- What are claimants reporting on in customer feedback surveys? What are claimants reporting in person at UI offices as part of feedback on the claimant journey in practice?
- What barriers are preventing claimants from successfully filing for benefits? What barriers are preventing claimants from maintaining their claim (*i.e.* completing eligibility requirements, responding to state UI agencies' communications, understanding and acting on appeal rights, etc.)?
- What can state agencies do to identify and mitigate equitable access barriers?

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<sup>12</sup> For each of these data points, states should review demographic data to determine which aspects work well and do not work well for various groups so the state can continuously improve equitable access through its various access points. Also, states should ensure they are complying with Federal and State privacy laws, including 20 CFR Part 603, related to receiving and analyzing this information. The Department is available to provide technical assistance related to any state UI agency's analysis of these questions, how to enact this review, and how to implement improvements based on these discoveries.

- What logistical supports are needed to best serve individuals with access issues in all areas of the state?
- Are there technology limitations that impact access, whether due to portal design, or claimants' limited technology knowledge, etc.?
- Are notifications and other information about UI benefits and other UI services widely distributed and available in plain language and in all appropriate languages?
- What targeted improvements and affirmative outreach may improve the reciprocity rates between different groups?

Once initial data has been collected, states should open communication channels with members of diverse demographic groups, community-based organizations, claimant advocates, and other stakeholders to identify what specific technological improvements could be made to achieve a more equitable process. After improvements are implemented, states should continue to review and evaluate the efficacy of those improvements, using the data outlined above and adjust as necessary.

- iii. ***Benefits of Equitable Access.*** There are far-reaching benefits to evaluating and improving equitable access. A state UI agency's investment in providing equitable access will ultimately benefit all individuals interacting with a state UI agency. Improving outcomes for workers with access issues creates new opportunities and positive spillover impacts for every community a state serves.<sup>13</sup> Focusing on equitable access throughout all stages of a UI claim can improve both state workload efficiency and customer experience in general. States that are proactive in their approach to equitable access may experience an overall reduction in their workload. For example, focusing on equitable access can cut back on duplication of effort and claimant calls because of confusion or frustration, leaving those lines open for resolution of other claims issues. Further, when claimants are better able to access and navigate the UI system, they may rely less on state staff to answer questions and may be able to better provide the state with the required information for the agency to make appropriate determinations. This, in turn, can lead to more accurate initial determinations, so states will have fewer appeals.

Through more equitable services and processes, states are better positioned to reduce confusion and agency and claimant-based errors. This can have the subsequent effect of reducing improper payments (see Section 4.a.iv. of this UIPL) and also reducing the burden on state agencies. Moreover, improving

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<sup>13</sup> There have been significant economic impact studies that review the importance of state UI agencies' ability to pay benefits to entitled claimants. See Blinder, Alan and Zandi, Mark, *The Financial Crisis: Lessons for the Next One*, CENTER ON BUDGET AND POLICY PRIORITIES, October 15, 2015, available at <https://www.cbpp.org/research/economy/the-financial-crisis-lessons-for-the-next-one>; See also Karabarbounis, Marios, *Unemployment Insurance: Economic Lessons from the Last Two Recessions*. Federal Reserve Bank of Richmond Economic Brief 21-26, August 2021, available at [https://www.richmondfed.org/publications/research/economic\\_brief/2021/eb\\_21-26](https://www.richmondfed.org/publications/research/economic_brief/2021/eb_21-26).

equitable access can also help to lessen workloads across various departments, including benefit payment control, improper payment recovery units, adjudication, and appeals.

- iv. ***Soliciting Community Feedback.*** Opportunities for states to enhance equitable access should be informed by the communities they serve. 29 CFR § 38.40 requires UI agencies to conduct affirmative outreach, and delineates forms of that outreach, to ensure that they are providing effective and meaningful access to members of various groups protected by law. The Department strongly encourages states to solicit input and active participation from the communities they are serving—including those communities that have been marginalized in the past. Among other feedback, community representatives may indicate whether translations into languages other than English are effective and culturally competent. The experiences of these communities should inform the problems states identify, the solutions they explore, and the ways they implement and evaluate their programs. Community feedback can include getting feedback from claimants themselves, as well as from claimant-focused organizations, including legal aid and other claimant advocacy groups, disability leaders and advocacy groups, community-based organizations, and labor unions. Several states have included more diverse representatives on formalized UI advisory boards, outside of labor union and business leaders, and the Department considers such structures for input to be a best practice within the limits of state law. States can also consider leveraging relationships with other community members, such as librarians, social workers, case workers, and more. The Department has issued grant opportunities to states under UIPL No. 11-22 to create Navigator Programs that help workers learn about, apply for, and if eligible, receive UI benefits and related services and to provide other Department-sponsored support and technical assistance. States should partner with community-based organizations (*i.e.*, sub-grantees) to engage in activities that include outreach, training, education, and general assistance with completing applications for unemployment benefits.

- d. **Promising Practices for Designing Technology and Modernization Efforts to Ensure Equitable Access.** UIPL No. 02-16 explains that “state UI agencies must ensure that the use of new technologies and systems for administering UI programs and providing services do not create barriers (e.g., procedural, technological, or informational) that may prevent individuals from accessing UI benefits, such as by denying them a reasonable opportunity to establish, and maintain, their eligibility.” The design and use of technology can create barriers to equitable access, but it can also help relieve existing barriers if designed well and reviewed for continuous improvement.

For example, the availability of closed captioning can help those with hearing impairments obtain information, but it can also aid other claimants by providing an additional way of receiving and processing information. This approach aligns with the principals of universal design, which calls for systems to be designed so they can be accessed to the greatest extent possible by all people regardless of their ability or disability, with all populations benefiting from the design changes that benefit people



with disabilities. Universal design is a recommended practice for compliance with Section 508 of the Rehabilitation Act.<sup>14</sup>

States should think through all aspects of their technology and modernization efforts and intentionally build in safeguards to detect and prevent inequities as part of their quality control measures. This includes an evaluation of claimant-facing materials and agency-facing tools, discussed in more detail below. Technological solutions should include methods for testing, monitoring, and improving how systems are used internally and externally; how successfully claimants can access and navigate the UI system; and how to best support claimants to complete UI processes and requirements. Engaging community partners that support historically underserved or marginalized populations should be a routine part of the design and testing processes undertaken by states when offering technological improvements to the UI system.

i. ***Strengthening Equitable Access with Claimant-Facing Materials.***

A. *Improving decision making by reducing and continually refining forced choices and adding open-ended response options.* States are required to fact find and determine whether claimants' circumstances meet the benefit eligibility requirements under state law. See Sections 303(a)(1) and 303(a)(3) of the SSA, and the Standard for Claim Determination (CD) found at 20 CFR Part 614, Appendix B. States are likewise responsible for creating ways for claimants to accurately provide information needed to determine eligibility.<sup>15</sup> One-way states can increase equitable access as well as the accuracy of their fact-finding tools is through options for open-ended questions with free form text boxes rather than limiting a claimant's options to only pre-defined choices.

Forced choices exist when claimants must select from a list of pre-defined options, leaving them with no opportunity to provide an answer that more directly applies to their situation. Where claimants only have a set of pre-defined choices, they are forced to select something that is the closest fit to their situation, even if it does not accurately represent their situation. While such questionnaires may be an effective and efficient way to develop facts for an adjudication, not all claimant circumstances will fit into a system's generalized coding and organization for all types of eligibility and qualification issues.

When claimants must select from pre-defined choices that do not fully match their situation, it can lead to improper and inaccurate results. Forced choices may lead to: (1) the claimant being asked a subsequent series of questions that do not apply to them; (2) the claimant being

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<sup>14</sup> [Universal Design: What is it? | Section508.gov.](https://www.section508.gov/)

<sup>15</sup> See Sections 303(a)(1) and 303(a)(3) of the SSA, and the Standard for Claim Determination (CD) found at 20 CFR Part 602, Appendix A; See also UIPL No. 02-16 generally.

unable to submit the form without selecting an inaccurate option; and (3) the claimant's selection being treated as an admission and a basis for denial. Claimants with circumstances that do not fit into generalized categories or who have situations that cross into multiple categories may input data that could cause improper flags on their claims, which may lead to payment delays and/or erroneous denials of UI benefits and services. Any of these scenarios may lead to an improper payment, including an erroneous denial of UI benefits, as well as additional agency work.

Depending on the question being asked, states may be able to increase equitable access by combining pre-defined choices, which should cover the most common scenarios, with options for open-ended responses in strategic locations to improve accuracy and user access. States should also offer the ability for claimants to go back and edit their responses before the certification is posted or initial claim is submitted. States may consider limiting the characters allowed in the free-form response but should ensure that the limit allows a claimant to provide sufficient detail to meaningfully explain their position. Near the end of a fact-finding form, agencies may also consider offering options such as "other," "not applicable," "none of these options apply to my situation," "would you like to provide any other information?," or some other phrase that would then provide a free-form textbox for the claimant to explain their situation.

State UI agencies should continuously evaluate their processes to strike the proper balance between staff intervention and automated services. This balance should ensure that there are proper "off-ramps" to allow for staff intervention. Decision trees and pre-defined options should be continuously reviewed to improve equitable access throughout the state's fact-finding, investigation, and determination processes. States can analyze responses entered into open-ended boxes as a way to refine and make pre-defined choices more applicable and accurate to the types of situations claimants face. States can also use this information to understand which questions and decision trees would benefit from additional, new, or reworded pre-defined choices. Thus, the existence of open-ended text boxes can improve the design, function, and accuracy of time-saving dynamic questionnaires.

Standardization may create a barrier to access. States should evaluate and manage their systems' data to identify where systemic programming issues and possible equitable access issues exist based on the requirements explained in Section 4.a. of this UIPL.

EXAMPLE: A claimant is filling out the application for unemployment benefits. The company the claimant worked for within the last 18 months went through a buyout. The

claimant's position remained the same, but the company name changed. When filling out the prior employer(s) section, the claimant adds both employers – the name of the company at the time they were separated and the name of the prior owner of the same company. In order to move forward, the agency requires that the claimant select a reason why the work ended for each employer listed. None of the options include the claimant's situation – that the work did not end despite the company's transition. In order to move on and be able to submit the application, the claimant selects that they were discharged from the previously owned company. This selection then led the agency to unnecessarily perform additional separation qualification adjudication processes. Instead, state agencies should consider including a “none of these apply” option that opens up a free form response field for claimants to accurately provide the details of their situation. Adding this option provides an additional check point for states to learn where their pre-defined options reasonably capture the range of claimant experiences and where they do not.

- B. *Designing Forms and Decision Trees.* States should design forms to include questions aimed at soliciting information relevant to claimant eligibility or ineligibility. In general, states should *begin* the inquiry by looking for ways a claimant could be eligible. Starting with this perspective in creating the question could prevent the claimant from receiving an erroneous denial. States may benefit from testing the language with claimants themselves in a live setting to see what other questions should be added to account for facts that otherwise would have been learned in a conversational setting.

A strong promising practice to continuously develop decision trees and fact-finding forms involves states leveraging the appeals process to learn what additional information supporting eligibility or ineligibility was most commonly discovered at the appeals stage. States can use this information to redesign decision trees to account for needed alternative means for eligibility determinations and design fact-finding forms to better obtain that information. Reviewing the fact-finding form and the decision tree holistically will allow the state to provide claimants with better-fitting options and preempt issues that often lead to appeals and other rework.

EXAMPLE: If a question addressing availability asks the claimant whether they have access to a car, a claimant might mistakenly select an option saying they do not, thus indicating they are “unavailable.” But they might also have a friend who can drive them, or have access to public transportation, meaning they are not actually unavailable for work because they do not have a car. This

question presumes that a certain circumstance will always render a claimant ineligible, rather than considering the claimant's circumstances holistically.

States should consider external user testing with diverse users who may experience the access challenges identified throughout this UIPL to learn how claimants understand UI forms, jargon, and required next steps. This is also an opportunity to connect with community-based organizations who help claimants navigate the UI claims process to learn about confusing options, system errors, erroneous responses, the effectiveness of translations into languages other than English, and other important feedback. The Department's Office of Unemployment Insurance Modernization is available to assist with the development of user testing processes.<sup>16</sup>

- C. *Access to portals and platforms.* Existing legal requirements broadly create the basis for states to provide a claimant with access to their claim. Nondiscrimination requirements apply to all technology solutions including web-based services and applications. However, many UI claimants only access their UI claim through their mobile phone.<sup>17</sup> This is particularly the case for low-income claimants, who often rely on mobile devices as their only way to access the internet.<sup>18</sup> States should seek to ensure that their portals are mobile responsive and user-friendly.<sup>19</sup> In addition to providing required assistance in person and/or over the phone, states should use helper text on their online platforms that provides additional information in plain language covering commonly asked questions or areas of user confusion. As noted above, states must ensure that their websites convey in the appropriate languages how an individual may effectively learn about, participate in, and/or access the UI program. See 29 CFR § 38.9; see also UIPL No. 02-16 for more information regarding requirements for language access. State UI agencies should also continuously improve how and where they display general claim information, including certifications, fact-finding forms, and protests/appeals of (re)determinations, so that claimants have a better understanding of how to maintain eligibility.
- D. *Communicating next steps and using behavioral insights.* UI programs are complex, and claimants are not always clear about what they are required to do to file a claim and to maintain eligibility for that claim. However, there are tools states can use to improve the claimant experience and help them navigate the system. For example, states can use reminders and other behavioral insight tools to improve claimants' knowledge of what is expected

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<sup>16</sup> More information can be found at <https://www.dol.gov/agencies/eta/ui-modernization>.

<sup>17</sup> See the Pew Research Center's Mobile Fact Sheet, available at <https://www.pewresearch.org/internet/fact-sheet/mobile/>.

<sup>18</sup> Nearly 30 percent of young and low-income Americans rely on mobile internet, available at <https://technical.ly/diversity-equity-inclusion/mobile-internet-reliance-report/>.

<sup>19</sup> You can find more information at <https://www.dol.gov/agencies/eta/ui-modernization/blogs/go-mobile-friendly>.

of them when filling out required forms, completing UI requirements in a timely manner, and appealing disqualifying decisions. Behavioral insight research shows that sending reminders to claimants about documents that require responses (e.g., fact-finding forms, document requests) improves claimant response rates as well as the quality of agency adjudications. Given the greater usage of mobile devices among populations with historically low levels of access to UI benefits, text messaging technology should be considered as a means for communicating messages. See Training and Employment Notice (TEN) No. 15-21 and NASWA’s Knowledge Exchange Library at <https://library.naswa.org/bitoolkit>.

Claimants who are no longer collecting UI benefits may not understand that they still need to respond to agency notices to prevent the establishment of overpayments. Text message alerts can help explain why the claimant is being contacted so long after their claim and their timeframe to act as well as the importance for a claimant to go back into their account due to a new development on their claim. Similarly, states can use technology (e.g., text message reminders) to help claimants understand where they are in the UI eligibility determination process. A status tracker that explains next steps and indicates if the next step is the responsibility of the state or claimant, along with expected agency response times in processing a claim may also reduce claimant inquiries and confusion.

ii. ***Strengthening Equitable Access with Agency-Facing Tools.***

- A. *Ensuring proper conversion and system retention when updating language.* States are encouraged to continuously improve eligibility and fact-finding questions and forms. However, when states update language, prior claimant responses are not necessarily responsive to the new way the question is asked. It may not be accurate to connect a claimant’s prior answers to reworded questions. The state’s system should retain the records of the original question format for forms that were used at the time the claimant or employer submitted their responses. Failure to retain this information can lead to incorrect determinations. For example, if a claimant found a new job and stopped collecting benefits before the agency updated certification questions, it would not be proper for the state to apply the claimant’s original answers to the updated questions in a subsequent investigation of that claim.

One issue is that applying the answers to new questions may make it appear as though the claimant misrepresented information, possibly leading to an improper payment such as an erroneous denial and an unwarranted fraud investigation, or it could prevent an overpayment waiver. State agency staff reviewing claimant information must be provided with accurate information in order to make accurate determinations, and state systems should be reviewed and updated to ensure that they are presenting materials correctly. As an additional best practice, if a state updates any claimant-facing

questions, the state should alert all claimants with active or continued claims about the new question formats and provide a short summary of what information the state is attempting to solicit and/or how it is different than the earlier version of the question when they are certifying.

- B. *Presentation of fact-finding information to adjudicators.* The way that a state presents information to its adjudicators can influence decision making. Facts from interested parties, including from additional user sources (see the following section, 4.d.ii.C.), should be presented to the adjudicator in a neutral way such that the information does not pre-suppose the outcome of the determination or reflect a preparer or compiler's biases. In other words, adjudicators should be able to access the complete, original responses from the claimant and employer rather than only a summary. If data is being extrapolated from other sources to present to the adjudicator, the state should provide the adjudicator easy access to the original documentation to review and ensure that the information compiled is accurate and complete.
- C. *Pulling information from additional user sources.* States use various processes to gather relevant materials (e.g., preparing a case file, reviewing fact-finding responses and other investigation materials) for state staff to use in determining eligibility. As states are gathering materials to review for investigative and adjudication purposes (both through robotic process automation to gather information and manual collection), states should ensure that their review includes gathering all additional sources where parties may have supplied relevant information, such as emails or chat messages, any other portal method to communicate with the agency, a fax or letter that includes information regarding a claim, notes from the claimant's in-person or phone visits, etc.

Further, claimants might hire an attorney or agent, and submissions provided by these entities should be available to staff and should be attached to the claim.<sup>20</sup> States can ideally achieve this inclusion through technology enhancements (e.g., case management software). With or without case management software, states should continuously review all avenues where claimants provide information and ensure that the state's system properly gathers, documents, and presents the information to adjudication staff. States should also train staff on existing systems to ensure that all possible relevant areas within the system are reviewed before issuing a factfinding form or making a determination.

States can also look at Benefits Accuracy Measurement (BAM) and Benefit Timeliness and Quality Reports (BTQ) data to find areas where determinations consistently fail and train staff on where to find that

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<sup>20</sup> There may also be an opportunity for state agencies to consider creating web-based service for advocates to manage their claimants' claims, linking the claimant and their advocate's accounts for streamlined information collection.

information. In addition to BAM and BTQ quality control measures, states should review and maintain all the different touchpoints that a claimant may have with the system and how it impacts access to benefits and payment accuracy.

EXAMPLE: A claimant might not have responded to a state's request for information because they previously had a phone call, web-based chat, or email exchange with an agent and believed they already provided the information to the state. Before issuing a fact-finding form or making a determination, the state should review all available information regarding communication with the claimant that may be relevant to the issue at hand. This includes ensuring that the state has adequate processes across phone and web-based platforms to properly document to the adjudicators the claimant's supplied information.

5. **Inquiries.** Please direct inquiries to the appropriate ETA Regional Office.

6. **References.**

- 29 U.S.C. §2841 (Establishment of one stop delivery systems);
- 29 U.S.C. §2938 (Nondiscrimination);
- 29 U.S.C. §794 (Section 504 of the Rehabilitation Act of 1973);
- 29 U.S.C. §794d (Section 508 of the Rehabilitation Act of 1973);
- 42 U.S.C. §§ 6101-6107 (Age Discrimination Act of 1975);
- 20 U.S.C. §§1681-1688 (Title IX of the Education Amendments of 1972);
- 42 U.S.C. §§12131-12134 (Americans with Disabilities Act of 1990, Title II, Subpart A);
- Section 303 of the Social Security Act (SSA) (42 U.S.C. §503);
- 20 CFR Part 625;
- Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) (July 22, 2014);
- Workforce Investment Act (WIA) of 1998;
- 29 CFR Part 38;
- 29 CFR Parts 31-33;
- 29 CFR Parts 35-36;
- OMB Control Number 1205-0009;
- OMB Control Number 1225-0077;
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d;
- Plain Writing Act of 2010, Pub. L. No. 111-274 (codified at 5 U.S.C. § 301 note)
- Executive Order 14091, "Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," issued February 16, 2023, <https://www.whitehouse.gov/briefing-room/presidential->

- [actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/](https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/);
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  - UIPL No. 11-23, *Announcement of Grant Opportunities and National Identity (ID) Verification Offering under the American Rescue Plan Act (ARPA)*, issued on July 13, 2023, <https://www.dol.gov/agencies/eta/advisories/uipl-11-23>;
  - UIPL No. 09-23, *Additional Planning Guidance for the Fiscal Year (FY) 2024 Unemployment Insurance (UI) State Quality Service Plan (SQSP)*, issued on June 30, 2023, <https://www.dol.gov/agencies/eta/advisories/UIPL0923>;
  - UIPL No. 03-23, *Availability of U.S. Department of Labor (Department) Funded Resources and Services to State American Rescue Plan Act (ARPA) Grantees*, issued March 6, 2023, <https://www.dol.gov/agencies/eta/advisories/uipl-03-23>;
  - UIPL No. 11-22, *Grant Opportunity for States to Participate in the American Rescue Plan Act (ARPA) Unemployment Insurance (UI) Navigator Program*, issued January 31, 2022, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-11-22>;
  - UIPL No. 10-22, *Fiscal Year (FY) 2022 Funding Allotments and Operating Guidance for Unemployment Insurance (UI) Reemployment Services and Eligibility Assessment (RESEA) Grants*, issued January 21, 2022, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-10-22>;
  - UIPL No. 02-22, Change 2, *Extension of Time for States to Express Interest in the Grant Opportunity Announced in Unemployment Insurance Program Letter (UIPL) No. 2-22 to Support States Following a Consultative Assessment for Fraud Detection and Prevention, Promoting Equitable Access, and Ensuring the Timely Payment of Benefits, including Backlog Reduction, for all Unemployment Compensation (UC) Programs*, issued September 19, 2022, <https://www.dol.gov/agencies/eta/advisories/uipl-02-22-change-2>;
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- Ensuring the Timely Payment of Benefits, including Backlog Reduction, for all Unemployment Compensation (UI) Programs*, issued November 2, 2021, <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-02-22>;
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## 7. Attachments.

- **Attachment I:** General Application of Equitable Access to the UI Program and Graphical Representation of the Claimant Journey.
- **Attachment II:** Technical Assistance and Resources for States Regarding Equitable Access to the UI Program.