

# Florida leads nation in blocking unemployment claims

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A report released in September by the National Employment Law Project (NELP) has highlighted the difficult conditions workers in Florida face when trying to file unemployment claims. Through a combination of reactionary unemployment laws and increasingly difficult electronic filing requirements, the state has reduced the percentage of unemployed workers able to claim unemployment insurance (UI) to the lowest in the country.

Fewer than one in eight workers who seek relief through the program are able to collect benefits, a trend that has accelerated over the last four years. In the year spanning June 2014 to June 2015, only 12 percent of Florida's unemployed received UI compared to a national average of 27 percent.

In August of 2011, the Florida state legislature passed House Bill 7005, which reduced the number of weeks a worker could collect benefits, required new claimants to take an "initial skills test," and expanded the definition of "disqualifying misconduct." Extensive documentation of job searches was also introduced, requiring workers to make five job search contacts per week to maintain eligibility. In addition, the law linked the length of time one could collect UI to the state's unemployment rate, which can fall to as low as 12 weeks if the rate drops to 5.3 percent.

Because of this sliding scale, workers in Florida currently are only able to collect benefits for 14 weeks, down from 26 before the bill's passage. The law also changed the name of the state's unemployment program to the Orwellian "Reemployment Assistance Program."

That bill, along with subsequent legislation, also introduced mandatory electronic filing for most aspects of the UI program. According to the NELP report, "each of these transactions could only be completed

online: initial claim filing, registration with the public employment service, posting of an online resume, a 45-question math, reading, and research skills test, and extensive documentation of weekly work-search activity." Because unemployed workers are less likely to have reliable and convenient internet access, this prevents many workers from being able to make claims in the first place.

Following the bill's passage, thousands of workers were either unable to file initial claims or had long delays before their first payment. Those with disabilities or limited English-language skills were particularly affected; the report stated that "limited-English-proficient (LEP) persons and people with disabilities were effectively denied access to UI benefits under the new system".

In 2013 the US Department of Labor's Civil Rights Center issued an initial determination stating that Florida's electronic filing requirements had a discriminatory effect on these groups and was in violation of several federal statutes, including Title II of the Americans with Disabilities Act and Title VI of the Civil Rights Act. The state was ordered to take corrective action or face a possible loss of federal funding for UI administration. Since that time, the Florida legislature has done nothing to come into compliance with this order and have instead introduced further eligibility requirements.

The net effect of these laws has been that thousands of workers are barred from collecting the benefits they are lawfully due. According to the report, "from the 12 months ending July 2011 to the same period ending July 2012, average weekly new state UI initial claims in Florida declined by 23 percent, while average weekly state UI first payments dropped by an even greater 40 percent. By comparison, new initial claims

and first payments nationwide experienced respective declines of just 9 and 10 percent over the same period.”

The NELP report goes on to state that “between calendar years 2010 and 2014, new claims for benefits in Florida declined by 44 percent compared to 32 percent nationally. During that same period, first UI payments declined by 62 percent in Florida compared to 35 percent nationally. And while average weekly continuing claims dropped by 42 percent nationally, the decline in Florida was 62 percent.”

Since the electronic filing requirements went into effect, the number of workers disqualified from receiving benefits for reasons unrelated to their separation from their job has increased by 300 percent. In the last year over 75,000 workers were denied benefits for “procedural” reasons, compared to less than 18,000 in 2010. This is despite the overall number of claims declining by over 50 percent. From 2010 to 2014 Florida’s official unemployment rate dropped from 11 to 5.7 percent, yet the numbers disqualified for procedural reasons rose by approximately 180 percent to nearly 172,000 per year. Many of the disqualifications were related to failure to adequately document work search history using the online system. In 2014, the report states that the number of workers who were denied benefits for “work search and procedural reporting requirements” was greater than those who received a first payment, with 213,000 denied benefits while 193,400 received their first payment.

Florida ranks second lowest in the country in initial claims, with fewer than four in ten workers receiving an initial payment; the national average is 68 percent. Approximately 62 percent of workers receiving benefits exhaust the program’s 14 weeks of eligibility before finding work. This is the highest rate in the nation.

Additionally, in October of 2013 the state rolled out the 77 million dollar CONNECT system to allow people to file online, creating further obstacles in receiving benefits. The new system is “more complex and requires more adjudications than the prior filing system.” Immediately after the new system was introduced, tens of thousands of workers faced delays of up to four months in receiving their first payment, allegedly due to glitches in the system.

The NELP report found that in the 18 months following the implementation of CONNECT only 64

percent of workers received their first payment in what is considered a timely manner, compared to a federal standard of 87 percent. In the first year of the program, according to the report, “the number of benefit denials resulting from nonmonetary determinations (unrelated to separations) increased by 31 percent (or by roughly 62,800), despite the fact that state UI new initial claims decreased by a little more than 6 percent, first payments decreased by 12 percent, and weekly claims fell by 20 percent. Most notably, denials for reasons related to availability for work and work search more than doubled following the launch of CONNECT, increasing from about 62,400 to 137,700.”

Inevitably, the US Secretary of Labor was forced to intervene, requiring Florida to make the necessary corrections to speed up benefit payments. The CONNECT system has subsequently been subject to multiple legislative hearings and a state audit.



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