Tech Executive Leadership Initiative

Ossama Alami

Barbara Cohn

Steve Leibman

Mimi Liu

Jessica Rossman

To learn more about this project, please visit aspentechpolicyhub.com/teli.

THE ASPEN INSTITUTE

Policy as Code

Enabling improvements for more timely delivery of unemployment insurance

PROBLEM

To support workers through the COVID-19 pandemic, Congress passed the $2.2 trillion Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020. The Act significantly altered the terms for conventional unemployment assistance and provided assistance to previously ineligible workers through a new category of Pandemic Unemployment Assistance (PUA). As a result, states rushed to update their systems for processing unemployment assistance claims to deliver benefits to newly eligible workers. Regrettably, states have been overwhelmed by massive demand. As a result, millions of Americans have not received the support they qualify for. These burdens exacerbate the strain unemployment agencies already face due to fluctuating funding. **How might the federal government help states deliver unemployment assistance to people faster as the program and nature of the work change?**

FOCUS

State unemployment insurance agencies struggle with quickly adopting changes to laws and implementing federal Department of Labor (DOL) guidance. In the COVID-19 crisis, the unprecedented surge in claims, the changing nature of work (e.g., the "gig economy"), and the inflexibility of legacy systems all complicated the timely delivery of benefits. The complexity of the new unemployment programs and ambiguous federal government implementation guides have also impeded benefit delivery.

SOLUTIONS

To help close the gap between legislation and implementation, this project recommends a "Policy as Code" approach. The DOL should issue guidance as "code" – directly implementable logic – rather than as text language that is open to divergent interpretations, for example, as clear "if . . . then" statements.

Consider PUA, which states that benefits are only paid to claimants who aren't eligible for regular Unemployment Insurance (UI) benefits, such as gig workers. Many states interpreted this charter in unintended ways. Some states required applicants to apply and be denied for regular benefits before applying for PUA to demonstrate their ineligibility for regular benefits. This roundabout process resulted in confusion and significant delays. To avoid these types of misapplications, Policy as Code would encode the logic dictating eligibility and the corresponding benefit amount without requiring any further interpretation by the state or applicant.

To be successful, Policy as Code must be a joint effort between the DOL and states. This project recommends a gradual roll-out strategy:

1. **Conduct a hackathon** where states and DOL get together for a set time to create functional end-to-end implementations;

2. **Create a multi-state and DOL council** to assess outputs from the hackathon and make recommendations; and

3. **Publish a reference implementation** for a select set of states. This will serve as a proof of concept of the guidance that can later be leveraged by other states.