

STATE OF NEW YORK, DEPARTMENT OF LABOR

FRIEDA S. MILLER, *Industrial Commissioner*



PARTIAL UNEMPLOYMENT

Administrative Studies of Unemployment Insurance
and of the Inter-Relation of Partial and
Total Unemployment Benefits

including

Reports Submitted by the Industrial Commissioner
to the Legislature during the 1939
and 1940 Sessions

Bureau of Research and Statistics
Meredith B. Givens, *Director*

DIVISION OF PLACEMENT AND UNEMPLOYMENT INSURANCE
Milton O. Loysen, *Executive Director*

112 State Street
Albany, N. Y.

342 Madison Avenue
New York City

Price \$1.75

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PREFACE

The unemployment insurance system in New York State provides compensation for unemployment which occurs in unbroken spells of full weeks or in multiples thereof. The New York law makes no provision for "partial" unemployment which occurs within periods of less than seven consecutive days in duration. Meanwhile, forty-six other jurisdictions (States and territorial agencies) paid benefits for partial unemployment in 1940. Legislative provisions and procedures are matters of controversy, however, and costs have not been determined with precision under varying conditions of employment. It has been demonstrated that partial unemployment is "convertible" into "total" unemployment through the adaptation of employers' work schedules to conform to legislative provisions. In New York State a new and unconventional "day-base" plan has been proposed, which would extend the Law's protection to cover all full days of unemployment, excluding only that form of fractional unemployment which occurs in less-than-day units.

As this Bulletin is published, the final solution of the problem remains for the future. Three consecutive reports, however, have been submitted to the Governor and to the Legislature by the Industrial Commissioner. Extensive studies have been made. The significant documents prepared since the publication of the *Interim Report*, referred to below, appear in the pages of this Bulletin:

The original New York State Unemployment Insurance Law (effective April 25, 1935) provided that the Industrial Commissioner appoint a committee of not more than three persons to make a study of partial unemployment and to make recommendations to the Commissioner in respect to provisions for the inclusion of benefits for partial unemployment in the Law. The Committee, appointed by the Industrial Commissioner in accordance with the Law and consisting of Herman A. Gray, *Chairman*, Marion B. Folsom, and George Meany, submitted an *Interim Report* on the subject to the Commissioner who transmitted it to the Legislature on February 1, 1938. This *Interim Report*, prepared at the request of and in cooperation with the Committee by the Bureau of Research and Statistics, Division of Placement and Unemployment Insurance, Department of Labor, was concerned mainly with a description of the nature and scope of the problem. No attempt was made to reach final conclusions. The Committee made no recommendations other than for continued study and the Legislature amended the Law to postpone the due dates of a further report until February 1, 1939.

Accordingly, on February 1, 1939, the Industrial Commissioner submitted the *Second Report on Partial Unemployment* to the Legislature, comprising the report and recommendations of the Committee and an administrative study of partial and total unemployment benefits prepared by the Bureau of Research and Statistics.

The Industrial Commissioner did not feel that the time was then opportune to extend the coverage of the Law to partial unemployment. The Division of Placement and Unemployment Insurance was in the midst of a sweeping reorganization of its procedure for paying benefits for total unemployment, and it was deemed unwise to assume the additional administrative tasks until the revised routines for total unemployment benefit had been put into satisfactory operation.

The results of a broad administrative study of unemployment insurance and the inter-relation of partial and total benefits which was undertaken in 1938-39 by the Division's Bureau of Research and Statistics were embodied in a Technical Report of the Bureau and were included in the *Second Report on Partial Unemployment*.

Pursuant to the Commissioner's recommendation, the Legislature again advanced the due date for a final report on partial unemployment to March 15, 1940. During 1939, the pressing procedural and administrative problems which had vexed the Division in 1938 were solved and the benefit routines were put in smooth working order. Under these circumstances, attention was given to the devising of a plan which would afford benefits for partial unemployment without disrupting the existing procedures and without requiring the establishment of two more or less unrelated benefit systems for total and for partial unemployment, respectively. Utilizing the results of previous studies, the relative merits and demerits of various plans for partial unemployment insurance were considered, with the result that a "day plan" was devised within the Division, was modified and approved by the Committee on Partial Unemployment in its final report (with the concurrence of the State Advisory Council), and was recommended to the Legislature by the Industrial Commissioner, together with a draft bill. The bill, introduced as Assembly Introductory Number 2390, Print Number 2894, was killed in the Rules Committee.

The present bulletin presents within a single cover the principal technical documents which have been used in the consideration of partial unemployment in New York State since the publication of the *Interim Report* in 1938.

The materials of the *Second Report* embody an analysis of the difficult administrative problems of 1938-39 in New York State under the unique and ill-fated "stop-order" system of benefit payment, now a matter of history. This story was pertinent to the recommendation for further delay in the extension of the system to include partial unemployment at that time. It now constitutes an interesting case study and record covering a closed chapter in the public administration of unemployment insurance in this country.

The materials of these studies are derived from various sources: (1) official statistics and direct observation of administrative procedures in New York State; (2) field observation in six selected States; (3) statistics and memoranda of the Social Security Board; (4) correspondence, forms, and procedures from many States; (5) correspondence, reports, and memoranda from

various organizations and individuals; (6) publications dealing with the experience of various foreign countries.

The field investigation in Connecticut, Maine, New Hampshire, North Carolina, Rhode Island, and Virginia was completed in the fall and winter of 1938-39.

The Bureau of Research and Statistics acknowledges the generous assistance of various persons and agencies. The Bureau of Employment Security and the Bureau of Research and Statistics of the Social Security Board afforded access to unpublished statistics and memoranda and freely offered the advice of their staff members. The descriptions of procedures in six selected States were based on interviews with directors, section heads, technicians, and local office personnel in these States. In particular, acknowledgment is expressed to Mr. Gordon P. Eager, *Administrator*, Unemployment Compensation Division of the New Hampshire Department of Labor; Major Frank P. Evans, *Chairman*, Unemployment Compensation Commission of Virginia; Mr. Clemens J. France, *Chairman* of the Rhode Island Unemployment Compensation Board; Mr. J. J. Graham, *Director*, Unemployment Compensation Administration, Connecticut; Mr. E. W. Price, *Executive Director*, North Carolina Unemployment Compensation Commission; Mr. Clifford A. Somerville, *Chairman*, Maine Unemployment Compensation Commission. Each of these men gave of his own time and offered the help of staff members, too numerous to mention by name, whose aid made these administrative studies possible.

The field observations and analysis of the experience of other States were done by Edna C. Macmahon and Harry Malisoff with the assistance of Carolyn Cahn at headquarters. From 1937 to 1939 the continuous work on the problem of partial unemployment within the Bureau of Research and Statistics was assigned to Karel F. Ficek, Associate Statistician with the Bureau's staff and more recently Chief of the Division's Planning Unit. Sections describing benefit experience in New York State in 1938 were prepared by George Mikelbank, formerly Junior Statistician and subsequently Assistant Supervisor of Unemployment Insurance Records in the Claims Bureau. The analysis of the experience in Germany in the payment of partial unemployment benefits was prepared by Erwin J. Rawicz, Ph.D., formerly head of the Department of Statistics and Research in the Federal Institution for Placement and Unemployment, Berlin, Germany (pp. 253-270). Individual sections summarizing experiences in other countries were written by Rachele Goldberg, Junior Economist, and the editorial work was under the supervision of Jeanette Hanlon, Research Editor, both members of the Bureau's staff.

MEREDITH B. GIVENS

Director of Research and Statistics

Division of Placement and Unemployment Insurance

January 1, 1941.

TERMS OF REFERENCE

Section 527 of Article 13 of the New York State Labor Law, as inserted by Chapter 468 of the Laws of 1935 and amended in 1937, 1938, and 1939 provides as follows:

Study of Partial Unemployment. The commissioner shall appoint a committee of not more than three persons who shall make a study of partial unemployment, in whatever form it may occur and shall make recommendations to the commissioner in respect to provision for the inclusion of benefits for partial unemployment under this article, and to compensate for loss of earnings resulting from such partial unemployment. The commissioner shall transmit the report and recommendations of the committee with his comments thereon and recommendations to the legislature, not later than the fifteenth of March, nineteen hundred forty.

The amendments of 1937 included the introduction of the following phrases in Section 527:

“ . . . in whatever form it may occur

and

“ . . . and to compensate for loss of earnings resulting from such partial unemployment.”

The amendment of 1939 substituted the words “fifteenth of March, nineteen hundred forty” for the words “first of February, nineteen hundred thirty-nine” in which the word “thirty-nine” had been substituted for the word “thirty-eight” by a 1938 amendment. The word “thirty-eight” had in turn been substituted for the word “thirty-seven” by a 1937 amendment.

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STATE OF NEW YORK—DEPARTMENT OF LABOR
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Insurance Series*

- No. 1 *Economic Brief* in Support of New York State Unemployment Insurance Law. Submitted to the Supreme Court of the United States, October Term, 1936, including Legal Brief and Additional Documents. Prepared by the Bureau of Research and Statistics, Division of Placement and Unemployment Insurance. 1937 Second Edition (356 p.) \$1.00

The second edition of the Brief differs from the original edition by the inclusion of materials added for reference use. These additions include the text of the Unemployment Insurance Law as defended in the Courts, the Legal Brief, and the decision of the New York State Court of Appeals as affirmed by the United States Supreme Court.

- No. 2 *Interim Report on Partial Unemployment*. Submitted to the Industrial Commissioner by the Committee on Partial Unemployment, February 1, 1938. Prepared for the Committee by the Bureau of Research and Statistics, Division of Placement and Unemployment Insurance. (153 p.) \$.75

This Bulletin presents a factual study of one of the least explored and most imperfectly understood forms of unemployment. In addition to a theoretical discussion, it presents an inclusive summary of available statistical information, a description of methods for analysis of partial unemployment, a type study of the incidence of this hazard, and tentative estimates of costs of partial unemployment insurance.

- No. 3 *Partial Unemployment*. Administrative Studies of Unemployment Insurance and of the Inter-Relation of Partial and Total Unemployment Benefits, including Reports submitted by the Industrial Commissioner to the Legislature, 1939 and 1940.

Technical materials prepared by the Bureau of Research and Statistics include discussion of the "day-base" plan for benefit payment, a detailed account of initial administrative experience in New York State, and chapters on experience of other selected States. (311 p.) \$1.75

- Unemployment Insurance Law*. A printed annotated, and fully indexed edition covering all amendments to the Law through the 1940 Session of the Legislature. Includes Regulations of the Industrial Commissioner promulgated under the sections of this Law and Rules for Appeal Board and Referees pertaining to the adjudication of cases concerning disputed claims to benefits and contributions to the Unemployment Insurance Fund by employers under the terms of the Law. (80 p.) \$.15