

# Supply UI Benefits to Workers Who Must Leave Their Jobs to Move with Their Spouse or Partner



## What is it?

In our highly mobile society, almost one in four families moves every year, and about one-third of these are across county lines. Military families move even more frequently; almost 39 percent each year. When a family member is transferred by his or her employer across county or state lines, the “trailing spouse” or partner must often quit a job in order to move with the family. She will frequently be considered to have quit work voluntarily and may be disqualified from UI. Thirty-three states deny unemployment benefits to trailing spouses who are forced to leave their jobs as a result of a family move.



## Key arguments in favor

**The UI system must adapt to the mobility of families in America and the large number of two-worker families.** One in twelve of all civilian families moves across county lines every year. In the vast majority of family moves, it is the woman who follows her spouse or partner to a new job. Often, the trailing spouse must leave a job to move with the family, as both partners work in nearly 60 percent of married-couple families. The UI “gender gap” is due in part to the failure of UI systems to compensate individuals (mostly women) who must leave their work due to mandatory job transfers of their spouse or partner.

**States should recognize the contributions of women to the workplace, especially military families.** Most military spouses work (over two-thirds), and military families are three times as likely as civilian families to have an out-of-county move in a year. According to a study by the Rand Corporation, the unemployment rate among military spouses is about four times higher than the civilian unemployment rate, yet often these spouses cannot qualify for UI due to restrictive state policies.



## Key arguments against and responses to them

**Opponents say:** When a spouse leaves a job in order to follow her spouse, the job separation is voluntary, and not the responsibility of the employer.

**Response:** Millions of American families have two working spouses, trying to balance work and family responsibilities. State UI systems are intended to disqualify from benefits those who leave work voluntarily. Spouses who sacrifice their jobs, uproot their families, and adapt to a new place in order to keep the family together are not voluntarily quitting work.



## Which states do it?

About one-third of states generally recognize personal and family reasons as valid reasons to leave a job and, in most of these states, a trailing spouse should qualify for UI. An additional six states broadly cover family transfers. Six states only allow trailing spouses in the military to receive benefits. Finally, five states explicitly deny benefits to workers who must relocate with their families. California's state law is by far the best model provision for trailing spouses, covering both domestic partners and spouses, and covering those who are intending to marry.



## Model legislation

### California

An individual may be deemed to have left his or her most recent work involuntarily and with good cause if he or she leaves employment to accompany his or her spouse or domestic partner to a place from which it is impractical to commute to the employment. For purposes of this section, "spouse" includes a person to whom marriage is imminent.

CAL. UNEMP. INS. CODE § 1256

## References

Beth Asch, C. Christine Fair, James Hosek, Craig Martin & Michael Mattock, *Married to the Military: The Employment and Earnings of Military Wives Compared with Those of Civilian Wives* (Mar. 2002), available at <http://www.rand.org>.

*Unemployment Compensation: A State-by-State Guide to the Laws as they Affect Military Spouses' Eligibility for Benefits Upon PCS-Related Job Loss*, MILITARY SPOUSES CAREER NETWORK (Dec. 2000), available at <http://www.mscn.org>.

Rick McHugh, Nancy Segal, Rebecca Smith & Andrew Stettner, *Between a Rock and a Hard Place: Confronting the Failure of State Unemployment Insurance Systems to Serve Women and Working Families*, NATIONAL EMPLOYMENT LAW PROJECT (July 2003), available at <http://www.nelp.org>.

## State Choices

### 10 states cover trailing spouse as personal or family reasons

Alaska  
Arizona  
California  
Hawaii  
Kansas  
Nevada  
New York  
Oregon  
Pennsylvania  
Rhode Island

### 6 states allow UI specifically for family transfers

Indiana  
Kentucky  
Maine  
Nebraska  
North Carolina  
Oklahoma

### 6 states allow UI only for military trailing spouses

Colorado  
Florida  
Georgia  
New Mexico  
Texas  
Washington

### 5 states explicitly deny UI for family relocation

Maryland  
Massachusetts  
Ohio  
Utah  
Virginia