

NATIONAL  
ACADEMY  
OF SOCIAL  
INSURANCE

A Report of the Older Workers'  
Retirement Security Task Force

# Older Workers in Physically Challenging Jobs Need Stronger Social Insurance Supports





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# The National Academy of Social Insurance Older Workers' Retirement Security Task Force

Throughout its over 35-year history, the National Academy of Social Insurance (the Academy) has convened over 30 Study Panels and Task Forces to examine social insurance and related issues and assess policy options in one or more programs. Central to the Academy's policy model is the premise that

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Academy Members and others who serve on our Study Panels and Task Forces share not only a commitment to evidence-based analyses but also a desire to be inclusive and collaborate collegially. Most Academy Study Panels and Task Forces – which are comprised of Academy Members and others with relevant expertise, from diverse disciplines, and with varying perspectives – have focused on one social insurance policy area (e.g., Social Security, Medicare, Unemployment Insurance, Workers' Compensation, Universal Family Care). Occasionally, a Study Panel or Task Force – such as the Older Workers' Retirement Security Task Force – identifies and assesses policy options that cut across more than one social insurance program.

Each Study Panel or Task Force is chaired by one or more individuals who are recognized as leaders in the scope of policy work undertaken. Final reports of each body include rigorous evidence-based analyses of such options, but the reports do not recommend some over others. The Academy's overall goal is to enable policymakers, advocacy organizations, and others to support or oppose such options based on the trustworthy analyses contained in its reports.

This Task Force represents the second stage of a four-year collaboration with AARP to understand and explore options to better support older workers who have done physically challenging jobs. The Academy's 2019 Social Security Innovation Challenge produced four winning proposals to enhance and/or expand that program, two of which are discussed in this report.<sup>1</sup> In 2018, Elliott Schreur and Benjamin Veghte explored the unique challenges facing independent contractors, including many of the older workers who are the focus of this report, and in 2016, Joan Entmacher, Mikki Waid, and Veghte highlighted the urgent need to address the retirement needs of women workers who, as discussed below, represent a growing share of these older workers.<sup>2</sup>

1 See *Enhancing Social Security and Improving Retirement Security: Four Innovative Proposals* – National Academy of Social Insurance (nasi.org) for a summary of that initiative and all four proposals.

2 See *Social Security and Independent Contractors: Challenges and Opportunities* – National Academy of Social Insurance (nasi.org) and *Overcoming Barriers to Retirement Security for Women: The Role of Social Security* – National Academy of Social Insurance (nasi.org).

## Acknowledgements

Reports of the National Academy of Social Insurance aim to assess policy options without advocating for any particular option. The options and perspectives discussed in this report do not necessarily reflect the views of individual members of the Older Workers' Retirement Security Task Force or of the organizations with which they are affiliated. This report has been developed with the support of funding from AARP. Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of AARP.

The Academy is grateful for valuable insights from the following Academy Members: Teresa Ghilarducci; Patricia Owens; David Podoff; Jody Schimmel Hyde; Jennifer Schramm; and Barbara Smith. We also appreciate thorough reviews from Academy Members Eric Kingson, Shaun O'Brien, and Siavash Radpour. We also want to thank Tom Novotny, the Academy's Director of Membership & Operations, for his administrative, logistical, and research support.

Most of all, we thank the members of the Task Force for their generous contributions of their time and policy expertise. Their ideas and collaboration have been essential to the preparation of this report. The Academy thanks AARP for its support of the work of this Task Force.

To learn more about the Academy's work, please contact William Arnone, Chief Executive Officer, at [warnone@nasi.org](mailto:warnone@nasi.org).



William Arnone  
Chief Executive Officer

## Glossary of Abbreviations

**ACA:** Affordable Care Act (“Obamacare”)

**ADEA:** Age Discrimination in Employment Act

**BLS:** Bureau of Labor Statistics

**CEPR:** Center for Economic and Policy Research

**DDS:** Disability Determination Services

**DI:** (Social Security) Disability Insurance

**DOL:** (U.S.) Department of Labor

**FRA:** Full Retirement Age

**GAO:** (U.S.) Government Accountability Office

**HHS:** U.S. Department of Health and Human Services

**HRS:** Health and Retirement Study

**IPUMS:** Integrated Public Use Microdata Series

**OASI:** Old-Age and Survivors’ Insurance

**OECD:** Organisation for Economic Co-operation and Development

**RFC:** Residual Functional Capacity

**SCSEP:** Senior Community Service Employment Program

**SSA:** (U.S.) Social Security Administration

**SSI:** Supplemental Security Income

**UI:** Unemployment Insurance

**WC:** Workers’ Compensation

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# EXECUTIVE SUMMARY:

## Older Workers' Retirement Security Task Force

The dominant narrative describing older U.S. workers tends to be heavily positive: On average, they are living longer, healthier lives; options for part-time and remote work are on the rise, especially since the pandemic; and physically challenging jobs are rare. While this picture accurately describes work life for many, the reality for other older workers is much more precarious. Well over 10 million of them are in jobs that are physically challenging, yet lack the resources to secure more viable ones or to retire.

Physically challenging work is thus not disappearing, but rather shifting in type and nature, with construction and manufacturing jobs replaced in recent decades by warehouse, home health, and others that are less unionized, and more likely to be contract work that provides little financial protection or stability. These workers are disproportionately low earners, with lower educational attainment than the average American worker and are predominantly workers of color.

The Older Workers' Retirement Security Task Force convened by the National Academy of Social Insurance explored in depth the many challenges facing these "invisible" older workers and identified and assessed policy options to enhance their security. Some require legislative action, and some do not. In keeping with Academy practice, this report does not advocate for or against any particular set of options, but is intended to provide strategies the Task Force believes would effectively address the challenges facing this group of workers.

### Challenges Impede Continued Work and Stable Retirement

*Health problems and physical limitations* that tend to ramp up at the "50s cliff" are exacerbated by years of arduous work. Warehouse and home health jobs, for example, which often involve rapid, repeated movement and tremendous force, can shift from difficult to impossible as a worker reaches his/her mid-50s. And even less strenuous jobs like retail or education, which require standing for hours, become much harder. Indeed, "health shocks" are a major driver of earlier-than-anticipated retirements.

*The COVID-19 pandemic* compounded these problems. While workers with office jobs could protect themselves by working remotely, older workers with physical jobs faced the double jeopardy of increased exposure and heightened risk of severe illness and even death. They are now at heightened risk of long COVID and its potentially permanently disabling conditions.

As a result, *those who need to retire early are least prepared to do so*. Low wages that limit their ability to save, lack of access to employer-sponsored retirement accounts, the near disappearance of defined-benefit pension plans, and these workers' inconsistent and low-wage contributions to Social Security, along with early-claiming penalties, add up to a lack of sufficient resources to survive in old age.

Furthermore, *strict disability standards and hard-to-navigate processes leave many ineligible or unprotected*. The U.S. has among the most stringent standards among peer nations for qualifying for disability benefits, exacerbated by complex application and appeals systems that pose particular challenges for workers with limited formal education, English, and/or computer skills.

*The employment and training programs* intended to help struggling workers are insufficiently tailored to these older workers. The federal Department of Labor has developed programs that serve this population, but these are not all targeted to this large, but largely invisible portion of the labor force.

*Age, race, and gender discrimination come together to hurt this target population*. Workers must meet a very high standard of proof to enforce age discrimination provisions. And AARP survey data indicates the problem is growing: In 2022, 64% of workers ages 40 to 65 reported having seen or experienced age discrimination in the workplace, up from 61% in 2018. For women and workers of color, employer and societal biases contribute additional layers of challenges.

*Workers of color are disproportionately harmed*. They are far more likely than their White peers to be working physically challenging jobs and, within those jobs, to be doing the most dangerous tasks. Among workers ages 58+, while just over 40% of White older men had such jobs, roughly half of older Black and Asian workers, and over 60% of older Latino workers, were doing such work as of 2014. The disparities are even more striking for jobs deemed “highly physically demanding”: Nearly 1 in 10 Latino workers and almost 1 in 20 Black and Asian workers were in such jobs, versus fewer than 1 in 40 older White workers.

Other societal trends – the rise in non-standard work, the growing burdens of caregiving, and the lasting impacts of recessions on those who are most vulnerable – also hit these older workers hard.

## **A Range of Program and Policy Options Could Stabilize Retirement, Enhance Access to Disability Benefits, and Enable More Older People to Continue Working**

### ***Policymakers Could Take a Number of Steps Within the Social Security Program to Improve These Workers’ Retirement Security:***

- *Raising the Social Security Minimum Benefit* would bring it into alignment with both its original intent and peer OECD nations, while boosting financial security for precarious older workers.
- *Creating a bridge benefit between early claiming and Full Retirement Age* for workers who have done physically challenging jobs would provide added income for these workers and reduce the lasting penalty they currently incur.
- *Revising the Social Security Earnings Test* could reduce disincentives to work among some while simplifying the program’s complex administrative processes.
- *Allowing workers to claim partial early benefits* would incentivize part-time work and reduce penalties at no cost to the program.

## ***There are Many Options for Improving These Workers' Access to Social Security Disability Benefits (DI and SSI):***

- *Updating and simplifying the Special Medical-Vocational Profiles provisions* would bring them into alignment with today's labor market, helping more workers with limited educational attainment receive benefits more quickly and reducing administrative burdens on the agency.
- *Developing and funding a program to assist older low-income claimants* would improve access and reduce barriers to navigating the complex process.
- *Eliminating the Reconsideration Stage and improving initial decision-making* would reduce waits for claimants.
- *Modernizing vocational information* would ensure that assessments for claimants' capacity for future work are accurate and meaningful.
- *Removing SSA's Administrative Budget from the Discretionary Spending Caps* would provide a long-overdue boost to the agency's capacity and enable program enhancements to be properly implemented.
- *Addressing the disability implications of long COVID*, including preparing detailed guidance for evaluating related disability claims, would ensure the agency is better prepared to support this emerging and growing source of work-impeding impairments.

## ***In Addition, SSA could Improve its Communications and Public Education Efforts:***

- *Mailing Social Security statements to all eligible workers* would bring practice back in line with legal requirements and help lower-wage workers leverage their prime working years to boost their retirement benefits.
- *Increasing the use of my Social Security accounts* would give more workers consistent access to benefit and other key information and narrow the digital divide.
- *Improving field-office outreach* could boost public understanding about Social Security, with a particular focus on reaching workers who are least educated and would benefit most.

## ***DOL Programs also Have an Important Role to Play in Improving These Workers' Well-being:***

- *Expanding the Senior Community Service Employment Program (SCSEP)*, including adopting key OECD recommendations, would make DOL services more widely available and particularly benefit this target population.
- *Improving employment, rehabilitation, and training programs to focus more on older workers* would enhance opportunities for these workers in precarious situations.
- *Strengthening Unemployment Insurance (UI) coverage for older workers* could narrow gaps with younger peers and better support older laid-off workers in their search for new jobs.

- *Taking steps to ensure that older workers are a prime focus across DOL* would bring the Department in line with other federal agencies and better leverage this important segment of the U.S. labor force.
- Finally, *improving coordination and cooperation across federal government services for older workers* would enable DOL to take advantage of other agencies' resources and expertise to maximize support for these workers.

### ***Outside of These Agencies, Older Workers Would Benefit from:***

- *Enhanced and better enforced age discrimination provisions*, especially those in the Age Discrimination in Employment Act (ADEA).
- *Reforms to state Workers' Compensation programs*, whose deterioration and growing state-to-state disparities over the past several decades disproportionately harm this target population.

## **Conclusion**

Relative to other U.S. groups facing major barriers, this target population has received little attention, and there is a dearth of solid data documenting the challenges it faces. That appears to be changing, however; in addition to this report, the Task Force is encouraged by the recent release of several other major research publications on this so-called “invisible population: the 2020 Brookings Institution event on *Improving Economic Opportunity for Older Workers*; the *Older Workers and Retirement Chartbook* co-produced by the Economic Policy Institute and the New School's Schwartz Center for Economic Policy Analysis (2022); and the 2022 Oxford University Press book *Overtime: America's Aging Workforce and the Future of Working Longer*.

We hope that policymakers will take note of this increased attention.

The Task Force does not claim to have all the answers, but offers a number of policy options that, if implemented, individually or in concert, could help this group of forgotten workers. The most effective assistance will come through improvements to Social Security programs – retirement and disability both – and to DOL employment supports. Without these actions, millions of older workers in physically challenging jobs will continue to struggle, at substantial cost to them, their families, and society as a whole.

# PART 1: THE CHALLENGE

## Introduction: Many Older Workers Are in Trouble

As the pandemic has illustrated, not all U.S. workers have the same challenges and risks, and compensation associated with work varies substantially across jobs and workers. In assessing the long-term financial security of workers across the country, there is increasing concern for the subset of workers who are literally doing the heavy lifting and for whom working longer to ensure a stable retirement is not a viable option.

Although many people think physically challenging work is on the decline in America, it actually has become more prevalent in recent years for older workers with less education, with many of these jobs shifting from the manufacturing sector to warehouse work, home health care, and other service sector jobs. These workers may have difficulty continuing to work into their 50s and 60s: Not only are the jobs physically taxing, but health problems arise that increase in severity at that age. While it is true that longevity has increased in the U.S., there are substantial disparities in longevity across subgroups, and increases in longevity do not necessarily mean that workers are able to work longer, especially in physically demanding jobs.

Although some of these workers could be eligible for Social Security Disability Insurance (DI), many face challenges in qualifying for benefits and could spend years navigating the system, only to be deemed ineligible. The COVID-19 pandemic worsened the situation for these workers, forcing many older workers to leave the labor force without the means to retire.

The story of older workers is similar to that of other socioeconomic narratives now playing out across the U.S. Many of those with college degrees and good health care are living longer and healthier lives, continuing to work in viable, fulfilling, and physically comfortable jobs, and are able to save for comfortable and dignified retirements. But tens of millions of older workers without these advantages, who are working physically arduous jobs, are struggling. In examining ways to modify Social Security and other social insurance and related programs, it is vital to consider the need for protections for workers who physically cannot work longer and yet often lack the financial resources to retire early.

Since January 2019, the National Academy of Social Insurance (the Academy) has been collaborating with AARP to understand these workers' realities and identify policy options to better protect and support them. In conjunction with our launch of the *Pathways to Economic Security* campaign, in 2021 the Academy convened a Task Force of diverse experts – advocates for the elderly and people with disabilities, labor market experts, practitioners, and current and former state and federal agency officials – to think about how an enhanced social insurance infrastructure might work for this group of older workers.<sup>3</sup>

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3 While we initially discussed the various age ranges associated with “older” workers, for the purposes of this Task Force, it makes sense to use 50 and older in deference to SSA disability determination rules that treat workers 50 and older differently because they are thought to face greater challenges in learning new work skills and transferring skills already obtained.

The work of the Task Force included a review of the literature on who these older workers are and the challenges they face. We also conducted interviews with stakeholders, scholars, and others with expertise in this area, and gathered information, regarding how other developed countries have crafted their policies and programs through studies from the Organisation for Economic Cooperation and Development (OECD).<sup>4</sup>

This report reflects the Task Force's research, analysis, and deliberations. It offers federal policymakers two key resources: 1) a description of who these workers are and the barriers they face to achieving and sustaining economic security; and 2) a range of policy options. Individually or combined, these strategies offer opportunities to strengthen the system of supports for these older workers.

The Task Force focused on public social insurance programs geared toward income security, while recognizing that private health, disability, and long-term care insurance are also important to many older workers' financial security and could be expanded or reformed in ways that make them more accessible, affordable, and useful. In addition, while health care in general is critical to retirement security, discussions about health care access and public health insurance programs are beyond the scope of this report. As with all Academy Task Forces and Study Panels, the report does not advocate for or against any specific policy option or set of them.

The first part of the report explores what is known about older workers in physically challenging jobs, the obstacles they face, and the policy implications of those challenges. In particular, what kinds of physically demanding work, along with other factors, are making it hard for these older workers to stay in the labor force? How many face the need to leave the workforce earlier than anticipated, either partially or in full, due to one or more factors? How are these older workers distributed with respect to income/wage and educational attainment levels, race and ethnicity, and gender? And what are the weaknesses and gaps in the policies and programs intended to support these workers? (Although this paper focuses on lower-wage workers in physically challenging jobs, they are not the only older workers whose needs could be better addressed.)

The second part of the report provides a range of federal policy options to address Task Force concerns.

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4 The OECD is comprised of 38 developed countries including the U.S., the European Union, the UK, Canada, Japan, Israel, and Australia. The OECD studies referenced below compare and contrast member countries on a variety of social, economic, and health care issues.



# What Types of Physical Work Are Common Today?

Because farming and factory jobs no longer dominate our economy, it may seem that physically challenging work is declining. In reality, these jobs are shifting, but not disappearing. As a result, we need to think more broadly about the types of jobs that can be challenging for workers as they age.

One helpful set of definitions comes from the Center for Economic and Policy Research (CEPR), which has been studying trends in older workers whose work poses challenges to them (Bucknor and Baker 2016, Rho 2010). Those studies use three distinct, but related, categories to define these physically challenging jobs in which older workers are engaged:<sup>5</sup>

- **Physically demanding jobs** include those involving general physical activities, handling and moving objects, spending significant time standing, walking or running, making repetitive motions, or having any highly physically demanding work.
- **Highly physically demanding jobs** require dynamic, explosive, static, or trunk strength, bending or twisting of the body, stamina, maintaining balance, or kneeling or crouching.
- **Difficult working conditions** include working in a cramped workspace, doing labor outdoors, or being exposed to abnormal temperatures, contaminants, hazardous equipment, whole-body vibration, or distracting or uncomfortable noise.

While most of the jobs in the original 2010 study remained the same in CEPR's 2016 update (data from 2009 and 2014), a few changes in the top-15 list of "physically demanding" jobs for older workers are illuminating. Personal and home health aides, a category that was not on the 2010 top-15 list, jumped all the way to number seven in 2016.<sup>6</sup> More than 1% of all older workers were doing these jobs, which involve tasks like cleaning homes, lifting and turning patients, and providing personal support for needs such as bathing and toileting.

*Health challenges interact with the physical demands of these jobs, increasing older workers' precarity. And the same economic and demographic factors that force early, insecure retirements tend to exacerbate both physical and mental health problems for those with inconsistent access to care. ■*

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5 Throughout this report, we use these specific definitions when describing this CEPR research. We use "physically challenging" to describe work that cuts across multiple categories and when discussing other research.

6 The number of hairdressers and cosmetologists also increased slightly, as did the number of farmers and ranchers (possibly due to the decline in younger workers choosing that field), while customer service representatives, which had been seventh on the 2009 list, fell off entirely.

**Table 1: Top 15 Physically Demanding Jobs for Older Workers (Ages 58+), CEPR, 2014 vs. 2009**

Job	Rank 2014*	Share 2014	Rank 2009**	Share 2009
First-line supervisors/managers of retail sales workers	1	2.3	1	2.5
Retail salespersons	2	2.2	2	2.4
Janitors and building cleaners	3	2.2	3	2.1
Elementary and middle school teacher	4	1.3	4	2
Cashiers	5	1.3	5	1.3
Maids and housekeeping cleaners	6	1.1	6	1
Personal and home care aides	7	1.1	N/A	N/A
Driver/sales workers and truck drivers	8	0.9	8	0.8
Laborers and freight, stock, and material movers, handlers	9	0.8	10	0.8
Grounds maintenance workers	10	0.8	13	0.6
Cooks	11	0.7	9	0.8
Carpenters	12	0.7	12	0.6
Farmers, ranchers, and other agricultural managers	13	0.7	N/A	N/A
Construction laborers	14	0.6	14	0.5
Hairdressers, hairstylists, and cosmetologists	15	0.5	N/A	N/A
Customer service representatives	N/A	N/A	7	0.8
Stock clerks and order fillers	N/A	N/A	11	0.6
Food service managers	N/A	N/A	15	0.5
Rest of occupations, total		17.4		17.1
Total share of workers aged 58+ in physically demanding occupations		34.5	34.8	

\* Source and notes: Authors' analysis of O\*NET 20.1 and CEPR extract of 2014 CPS ORG data.

\*\* Source and notes: Authors' analysis of O\*NET 14.0 and CEPR extract of 2009 CPS ORG data.

Researchers have noted, as well, the dramatic increase in warehouse work. Big-box stores, especially those that could operate virtually, were ascendant before the COVID-19 pandemic, which pushed that trend into high gear.<sup>7</sup> Warehouse work involves aspects of both physically demanding jobs (handling and moving objects, repetitive motions) and highly physically demanding, (repeated bending or twisting), along with the hazardous machinery and excessive noise that CEPR defines as characteristic of “difficult working conditions.”

7 A 2022 *Business Insider* report contrasts massive overall COVID-19-driven job losses during the first year of the recession with the huge increase in warehouse jobs – according to BLS data, it took over two years for jobs overall to return to pre-pandemic levels, while warehouse jobs were up by 36%. The 1.8 million U.S. warehouse jobs as of October 2022 represent an increase of 37% since January 2020 and of 183% from a decade prior (to 2022).

This trend toward more big-box stores speaks to a recent finding by labor economist Teresa Ghilarducci and her colleagues: While increased automation in recent decades is making jobs easier for some workers, its widespread use is making jobs harder for others (Ghilarducci 2020). The same disparities that distinguish workers with more advantages from their less-educated, lower-wage, and often less-healthy counterparts also pertain, to the impacts of automation. For example, while the use of automation may allow unionized factory workers to avoid unnecessarily repetitive physical labor, it enables warehouse and platform companies to track every movement of their workers, dock them for “excessive” bathroom breaks, and set ever-higher bars for how many packages they must move in an hour (Gaskell 2018).

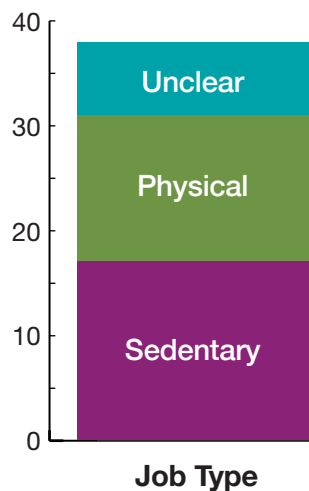
These trends also point to increased pressure on workers’ musculoskeletal systems. A 2021 study documents the impacts of particular job-context factors – posture, force, vibration, and repetition – on workers’ development of musculoskeletal disorders (Andrasfay et al. 2021). Home health, janitorial, warehouse, and other physically challenging jobs all present these heightened risks. Whether through “acute injuries or longer-term wear-and-tear ... [the systemic damage] can become chronic and ultimately lead to functional limitations and disabilities,” which pose particular problems for workers who need to continue to earn income into their older years.

# Who Is Doing This Work?

## While the Overall Share of Older Workers in Such Jobs Has Declined Slightly, the Number of these Workers Is Increasing

We do not know exactly how many older workers face physical demands in their work, but we do know that there are well over 10 million, and that the numbers have grown in recent decades.<sup>8</sup> As described below, two large datasets – from the Bureau of Labor Statistics and the set CEPR constructed using CPS and O\*NET – help illuminate the size of this labor force. However, both are dated, and both exclude workers in their early 50s, meaning the full target population is larger.

**Figure 1: Older Workers' Job Types (millions)**



Source: Toossi and Torpey 2017.

According to the BLS, about 34 million people ages 55 and older were working in 2016. Of those, roughly 45% were in largely sedentary jobs, 35% were in more traditional physical jobs (such as production, transportation and service) and about one in five were in jobs whose physical nature is not well defined (Toossi and Torpey 2017).

Researchers at CEPR, examining a subset of that workforce, reported that in 2014, 10.2 million workers ages 58 and older were working in one of the three physically challenging categories defined above – physically demanding jobs, highly physically demanding jobs, and jobs with difficult working conditions (Bucknor and Baker 2016). This represents an increase from 8.5 million workers in 2009 and indicates that nearly 44% of all workers ages 58 and above were in such jobs in 2014, with these workers being disproportionately Latino, earning low wages, and having less than a high school education. Moreover, despite a strong economic recovery after the Great Recession – which should have made it easier for them to find less demanding options – the share of older workers in such physically challenging jobs was virtually the same in 2014 as it had been in 2009, when that share was 45%.<sup>9</sup>

More recent research from the Economic Policy Institute and Schwartz Center for Economic Policy Analysis affirms that the share of older workers doing physically demanding jobs continues to be high (Morrissey et al. 2022). Drawing on Health and Retirement Study (HRS) data and using a metric that seems to fall between the CEPR definitions of physically demanding and very physically demanding – “[w]orkers are in a physically demanding job if they answered that their job requires 'lots of physical effort' 'all' or 'most' of the

8 The Bureau of Labor Statistics (BLS) collects data only on broad categories of jobs and categorizes older workers as those 55 and older. CEPR, meanwhile, uses a cutoff at age 58. The BLS data is from 2016, and CEPR is from 2014; neither account for substantial growth in the workforce since 2016 nor the effects of the pandemic.

9 The only major difference is a reduction in the share working in highly physically demanding jobs, with the decline largest among the oldest workers (those ages 66 and older). Moreover, “these changes are probably not driven by changes in employment rates for older workers,” which rose by 1.4 percentage points, not enough to have a big impact on the distribution of employment.

time” – the study shows that nearly one-third of all workers ages 55-64 (31.6%) were doing such jobs in 2018<sup>10</sup>. And almost one in four workers ages 65 and older (24.1%) were doing such jobs. Expanding the definition to include work that involves any type of physical demand raises the share of all older workers in these jobs to over half (55%) (Morrissey 2023). That is also the share who are exposed to harmful environmental risks on the job.

With respect to specific types of physically challenging work, the share of older workers is also larger than many would imagine. According to 2016-2020 data from the American Community Survey, over 171,000 workers ages 50-64 across the U.S., were working in warehouses (IPUMS 2022). A state-by-state analysis reveals that, in half of states, the share of older workers (ages 55-64) doing warehouse work is at least two-thirds of the share of prime-age workers (ages 35-44) doing such work (U.S. Census 2021). In some states, it is even greater.<sup>11</sup>

## A Growing Share are Older Workers of Color

As the country’s population has become more racially and ethnically diverse, so has the labor force overall, including older workers. Because workers of color, particularly Black and Latino workers, have less formal education on average, they disproportionately work in physically challenging jobs.<sup>12</sup>

Indeed, while CEPR reports that fewer than 45% of all older workers had jobs that were physically challenging in 2014, the share ranged from just over 40% among older White workers to roughly half for Black and Asian older workers and over 60% among Latino older workers (Bucknor and Baker 2016). The disparities are even more striking for “highly physically demanding” jobs: Nearly 1 in 10 Latino workers and almost 1 in 20 Black and Asian workers were in such jobs, versus fewer than 1 in 40 older White workers.

According to recent data from the EPI-SCEPA chartbook, overall, Hispanic and Asian-American Pacific Islanders older men have the highest labor-force participation rates: 77.2% and 73.3%, respectively, for men ages 55-64, versus 71.2% among White men and just 60.6% among Black men (Morrissey et al. 2022). When only physically demanding jobs are considered, however, the chartbook data affirm the findings above: “Older Black and Hispanic men are much more likely than older White workers to have physically demanding jobs.” (Morrissey et al. 2022, Chart 1D) Nearly half of Black and Hispanic men (48.2% and 47.1%, respectively) work in such jobs, versus fewer than a third of older White men (29.5%).

## They Have Little Formal Education

Findings from the CEPR study affirm the critical, and growing, impact of lack of education on workers’ job prospects. Among older workers without a high school diploma, in 2014 over two-thirds (68.4%) had

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10 Going forward, we refer to this research as “the chartbook.”

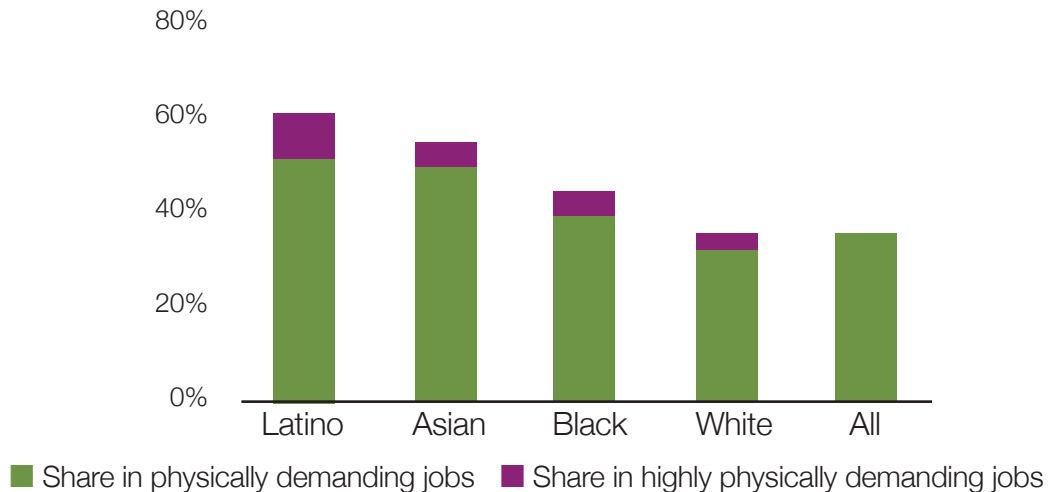
11 In about a third of states, older workers are 75% as likely as their prime-age peers to be doing warehouse work, and in three New England states with some of the oldest populations in the country – Maine, New Hampshire, and Vermont – older workers are even more likely than their younger counterparts to work in warehouses.

12 Throughout this paper, we use the term “formal education” to mean K-12, community college, four-year college, and graduate school coursework, along with other job-related training, such as certificate programs.

physically demanding jobs, up from less than 63% just five years prior. More than 1 in 10 had highly physically demanding jobs (Bucknor and Baker 2016).

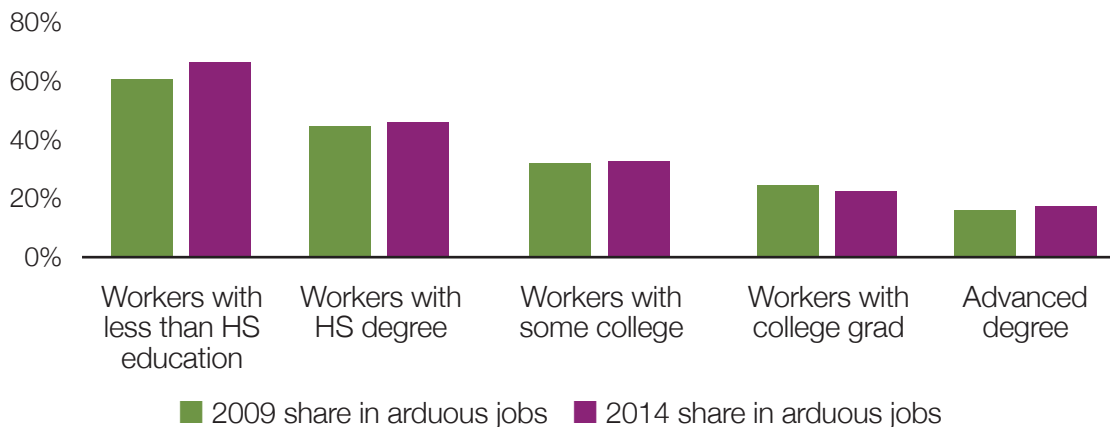
Perhaps most telling, over four in five of the least formally educated older workers were doing jobs that were in some respect physically challenging – a broader category that includes CEPR’s category of jobs with “difficult working conditions” – also up slightly from 2009. Having even a high school degree made a

**Figure 2: Older Workers of Color More Likely to Be in Physically Demanding, Highly Physically Demanding Jobs, by Race and Ethnicity**



Source: Baker 2016

**Figure 3: The Least Educated Older Workers Disproportionately Work Physically Challenging Jobs**



Source: Bucknor and Baker 2016, Rho 2010.

Researchers at CPER categorize physically challenging work in three categories: “physically demanding,” “highly physically demanding,” and involving “difficult working conditions.” Graphic 2 shows the share of older workers in the former two, while Graphic 3 shows the share involved in any or all of those three categories. i.e., any work that would be considered “physically challenging.”

difference; fewer than half of those older workers were in physically demanding jobs, with 61% in jobs with any sort of physical challenge. More education was correlated with substantially improved working conditions; only around one in five workers with a college degree had physically demanding jobs, and virtually none had highly physically demanding jobs, though the mental strain of some of these jobs may be challenging for some workers.<sup>13</sup>

In this respect, too, the most recent data tell a similar story. Overall, 31.6% of workers ages 55-64 are in physically demanding jobs, but that masks stark education-based disparities: 41.1% of workers without a college degree are in those jobs, compared to 15.0% who have at least a bachelor's degree (Morrissey et al. 2022, Chart 1C). Moreover, these data understate the disparities in that they do not capture gaps between workers who have or lack high school diplomas, in contrast to the CEPR data, which do capture those gaps.

## The Share of These Workers Who are Female is Growing

While the share of both older men and older women engaged in physically challenging work has fallen in recent years, and older men are still more likely than older women to be engaged in physically challenging work, that gap is narrowing slightly. For example, the share of older men whose jobs are physically challenging dropped from 53.3% in 2009 to 51.3% in 2014, while the share of older women in such jobs fell by less than one percentage point, from 36.1% to 35.3%. And because the decline in the percentage of older women in jobs with high physical demands was smaller than for men, working women over the age of 70 had a slightly higher probability than men in this age group of working at jobs with high physical demands (3.3% vs. 2.6%) (Bucknor and Baker 2016).

While the chartbook data likewise show a lower share of older women than older men working in physically hard jobs, the relatively small gender-based differences are dwarfed by disparities based on race. For instance, the 43.1% of older Hispanic women and 41.4% of older Black women in such jobs (vs. 47.1% and 48.2% among older men) far outstrip the 29.5% of older White men working in them (Morrissey et al. 2022, Chart 1D). Moreover, among the oldest workers, those past FRA, Hispanic women are the most likely to be working physically hard jobs; 43.8%, versus 37.2% of their Hispanic male peers and nearly three times as likely as their White male peers, of whom just 15.9% are in those jobs.

These shifts are likely due to a combination of factors, including the larger share of women in the labor force overall. Between 1992 and 2006, the share of men working into their early retirement years (ages 65-69) increased by about a third, while it doubled for women (Johnson and Mermin 2009). The increase in working longer has dropped off for men in recent years but has been sustained among women.<sup>14</sup>

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13 This association should not be interpreted to suggest that improving these workers' levels of education, or boosting overall educational attainment, would solve the problems set forth here. While today's workers have much more formal education than their predecessors, the demand for low-wage, low-skill work remains high and, in some notable areas, is growing. For more analysis on this dynamic, see Morrissey et al, 2022.

14 Some speculate that the opioid crisis may be a factor (Krueger 2017). While male workers have been the focus of most research on the impacts of opioid addiction and overdoses, the U.S. DOL Women's Bureau has been funding research and grants to explore and address the lesser-known consequences for women workers. See, e.g., U.S. DOL 2019.

As noted above, home health aides represent the largest increase in physically demanding jobs in recent years. The sharp rise in demand for home health care, and the increase in the number of older workers providing it, shines a spotlight on both changes in the nature of physically challenging work and the shift toward a more racially diverse, female labor force. These workers, who may earn just minimum wage or a bit more, are overwhelmingly women (87%), mostly workers of color (60%), and have less formal education (52% of home health aides have a high school diploma or less) (Fernández Campbell 2019).<sup>15</sup>

## These Workers Disproportionately Live in Rural Areas

While we lack data explicitly distinguishing rural from non-rural older workers in this target population, several areas of research offer evidence of a rural-urban divide.

The prevalence and types of physically challenging work that older workers perform suggest an urban–rural disparity. In contrast to their peers in cities, where there are often more options for sedentary jobs, older workers living in rural areas have a shrinking range of options (USDA 2021). And, as discussed above, these include not only traditionally physically challenging jobs, like manufacturing and coal mining, but also warehouse and meatpacking work. For example, some have noted that companies intentionally build warehouses on the outskirts of suburbs, enabling them to tap into the rural workforce.<sup>16</sup>

Notwithstanding these limited data, a major body of literature demonstrates substantial disparities in both levels of formal education and job opportunities in rural versus urban regions. A comprehensive analysis by the Economic Research Service of the U.S. Department of Agriculture, for example, reveals that, while educational attainment has increased in rural areas, it started far behind that in urban regions and has failed to keep pace as the latter increased substantially (USDA 2021).

These disparities are directly linked to and compounded by median earnings gaps in rural versus urban areas. The same USDA analysis finds that, while rural workers, like their urban counterparts, earn more with greater educational attainment, the returns are relatively lower in rural areas, with the gap growing at each level of attainment, expanding the disparity. Among non-high-school graduates, median earnings are virtually identical, at around \$25,500, but a \$5,000 gap opens among workers with some college, growing to \$20,000 among workers with a graduate degree: \$76,979 for urban workers versus \$56,951 for rural workers (USDA 2021, Figure 2).

The disproportionate share of older workers in rural areas doing physically challenging jobs may be one factor driving disparities in early claiming of Social Security benefits, as a recent RAND analysis reveals: “age-62 [early] claimants [are] 7 to 14 percentage points more likely to reside in rural locations than those who claim later” (Armour and Knapp 2021).

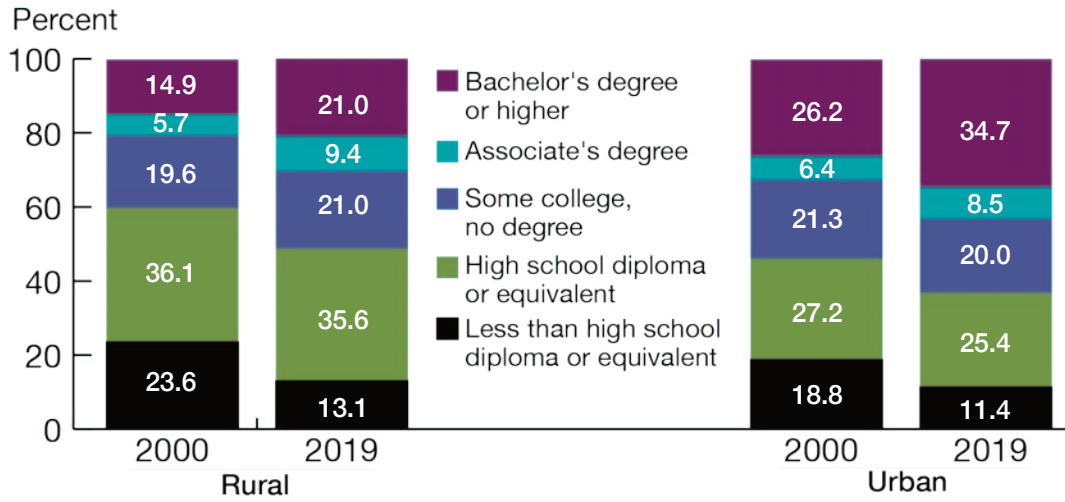
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15 Given the low pay and lack of stability, over half (51%) of home health aides receive some form of public assistance, like food stamps or Medicaid.

16 In his book, *Fulfillment: Winning and Losing in One-Click America*, ProPublica reporter Alec MacGillis noted that one major employer built its warehouses on the outskirts of Columbus, Ohio, “to be in plausible reach of a long commute for those desperate enough to undertake it.” This allowed the company to target workers who had fewer job opportunities in their small hometowns and rural areas (MacGillis 2021).



**Figure 4: U.S. Educational Attainment in Rural and Urban Areas, 2000 and 2019**



Note: Educational attainment for adults 25 and older. Urban and rural status is determined by Office of Management and Budget's 2018 metropolitan area definitions.

Source: USDA, Economic Research Service using data from U.S. Department of Commerce, Bureau of the Census, Census 2000 and 2019 American Community Survey.

# Why Are These Workers in Trouble?

Financial hardship and the need for early retirement go hand in hand. Older workers in physically challenging jobs often face one or more related challenges in either continuing in these jobs or leaving them. Not only are the jobs physically taxing, but health problems also arise that increase in severity in workers in their 50s and 60s. These workers likely have little saved for retirement and cannot yet qualify for Social Security retirement benefits. They also struggle to find a new job when an old one becomes obsolete, too difficult to perform, or ends during a layoff or recession. Also, many older Americans, regardless of their occupation, face caregiving responsibilities for an aging spouse, ailing parent, or grandchild, which also affects their ability to continue working. The years from age 50, when age discrimination and health problems both ramp up, to age 62, when workers who are struggling can first claim Social Security retirement benefits, can thus be the most difficult and precarious.

## Aging Affects the Ability to Do Physically Demanding Work

Even those who have been healthy most of their lives have likely felt the challenges that middle-age brings when trying to stay up late, run, or do household chores versus doing these things ten years ago. This is also the stage at which more serious ailments – diabetes; cardiac, pulmonary, and respiratory diseases; and cancers – become both more common and more severe. Perceptuo-motor learning, or the ability to move the body in response to visual or other inputs, declines so rapidly at this age that it is known as the “50s cliff” (Ren et al. 2015). Many years of physically challenging work exacerbates these normal, age-related health challenges.

While older retirees have become healthier, on average, in recent decades, that trend does not appear to hold for their slightly younger peers; a 2013 study found a slight uptick in limitations on daily activities among older adults ages 55-64, that is, people near retirement or retired. (Freedman et al. 2013). The general improvement in retirees’ health is also less true for workers with less formal education, a factor that exacerbates health challenges and limits consistent health care (Zajacova and Lawrence 2018).<sup>17</sup>

*Low-wage older workers also struggle to access the Home and Community-Based Services that health problems and disabilities may require* (Adams and Amin 2022). ■

An organizer working to unionize warehouse workers makes clear that these jobs are “especially hard for older workers.... The pace is unbearable. A lot of the younger workers didn’t feel the strains on their body that older workers did. It’s difficult working conditions, a lot of people get injured. But it’s much more severe for people who are older” (Reyes 2021).

Health problems not only compound the challenges of demanding work but also play a clear role in early retirements. Indeed, “health shocks” due

<sup>17</sup> This association has long been in place. While agreeing to an increase in the Social Security full retirement age in the early 1980s, Congress mandated a study by the Department of Health and Human Services to explore the implications of such a change that found “considerable interactions ... between physically demanding jobs and poor health, as causality probably goes both ways. If you are in a physically demanding job, you are more likely to suffer poor health – from standing, lifting heavy weights, etc., and if in poor health due to some non-work-related chronic ailment, you are less likely to be able to do a physically demanding job” (Podoff 2022).

to either sudden onset of an ailment or worsening of an existing condition account for more earlier-than-planned retirements than any other reason – job loss, death of a spouse, or change in financial situation (Munnell et al. 2015). Even before the Great Recession, the majority of older workers who left the labor force cited health problems that limited their ability to work, in contrast to low numbers of those still working who reported such challenges (Johnson and Mermin 2009).

Low-income and part-time workers are also less likely to have health insurance, especially insurance that is affordable and provides consistent care, further compounding the challenges of aging on the job (Andrews 2019). Moreover, those with less formal education face particular challenges in their “working life expectancy” – the number of years a person will be able to do his or her job:

*While overall life expectancy at age 50 displays moderate improvement for the general population and for every demographic group since 2006, the same is not true for working life expectancy. Working life expectancy at 50 has increased slightly for high-education groups – Black and White, men and women. However, low-education groups have, with the exception of Black women, experienced stagnation in their working life expectancy. This pattern suggests that calls for older workers to delay retirement, which have proven successful over the past couple of decades, may be less fruitful going forward.*  
(Quinby and Wettstein 2021)

These workers are also more likely to fall into poverty, especially if they have little formal education and few or no other options for other, less arduous, work. Moreover, these troubling trends have increased: “Even more so in 2008 than in 1992, [older] nonearners were more likely than earners to be minorities, not to have completed high school, and to have work-limiting health conditions” (Butrica and Karemcheva 2012, p. vii).<sup>18</sup>

Older workers’ health problems have been greatly compounded by the COVID-19 pandemic. Compared to their younger (18 to 29-year-old) counterparts, adults ages 50-64 were twice as likely to be hospitalized due to COVID-19 and 25 times as likely to die of the virus (CDC 2022). Some older workers may also develop long COVID, which is a growing problem. This causes fatigue, requiring intensive medical care and severely disrupting their capacity to work, as well as requiring additional health services for months or years.

## **Finding Other Types of Work is Difficult Because Few Qualify for More Sedentary Jobs**

Older workers who no longer have the ability to do physically challenging work often have difficulty finding more sedentary work due to limited skills and education. In addition to the shift in the type of available jobs, the breadth of skills required within existing jobs is expanding.

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18 These impediments to good health, stable work, and dignified daily life have all been linked to increased opioid use, addiction, and overdoses, which also disproportionately harm this target population. Because this could be a full report in itself, however, we do not address the opioid crisis here.

Recent research describes how the incorporation of technology into workplaces has spurred growth in demand for four distinct types of skills: cognitive, physical, sensory, and psychomotor (movement oriented). “For example, the required proficiency level for written skills increased more than fourfold for construction laborers between 2003 and 2018.” (Garcia et al. 2020, p. 2) As a result, the least educated and least skilled workers are increasingly being pushed out of jobs that, until recently, they were able to do.<sup>19</sup> Moreover, the ability to use technology is becoming increasingly important not just to perform jobs, but to look for and apply for them.

## They Face Age, Race, and Gender Discrimination

Another challenge particular to older workers is the difficulty they face finding new jobs or keeping the ones they have. Many struggle due to societal biases against older people, including outright age discrimination. Although employers are prohibited from discriminating against potential applicants on this basis, workers have limited options to prove they would have gotten the job but for their age.<sup>20</sup>

At the U.S. Senate Special Committee on Aging’s April 2021 hearing on *A Changing Workforce: Supporting Older Workers Amid the COVID-19 Pandemic and Beyond*, author Elizabeth White testified that “workplace age discrimination is real and rampant” and that of the more than half of older workers who will lose full-time jobs, only 1 in 10 will find new jobs that support them at comparable levels<sup>21</sup> (White 2021). She pointed to Teresa Ghilarducci’s estimate that “about 50% of workers over the age of 55 will be poor or near-poor” before they reach full retirement age. And AARP survey data indicate the problem is growing: In 2023, 64% of older workers (ages 40-65) reported having seen or experienced age discrimination in the workplace, up from 61% in 2018 (Choi-Allum 2023).

In her testimony on actions Congress might take to better support older workers, National Council on Aging President Ramsey Alwin explicitly cited the impact of discrimination against them: “First and foremost, we must strengthen federal age discrimination protections. Ageism is the last socially acceptable form of discrimination in our society – and it remains stubbornly ingrained in the workplace. It’s time to treat it the same as every other unlawful bias” (Alwin 2021).

Our target population of older workers is also disproportionately non-White and increasingly female. They thus not only face ageism, but racism and gender discrimination, leaving older women of color – Black, Latino, and Native American – in the worst economic shape. As the least educated members of the labor force, these women disproportionately are in the lowest-paying, most precarious jobs, and are often the first to be let go during economic downturns (Farmand et al. 2020, NWLC 2021). Whether married or not,

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19 Some physically challenging jobs that older workers do are also mentally or emotionally taxing, such that Eyal Press, the author of a book on the subject, calls them “Dirty Work” (Press 2021). These include prison guards, who may feel responsible for abuses that they cannot report for fear of retaliation and losing critical income. Dirty jobs, which can cause anxiety and depression, further impeding the ability to work, also include slaughterhouse workers and Border Patrol agents.

20 The Supreme Court decision in *Gross vs. FBL Financial Services Inc.* (2009) set a higher standard of proof for age discrimination: A plaintiff must prove that age was a determinative factor for the employers’ adverse treatment. Previously, a worker had to prove just that age was one of the motivating factors.

21 White is known for her 2017 self-published book *Fifty-Five, Unemployed, and Faking Normal*, which was the subject of an interview on precarity and age discrimination among older workers on the *PBS News Hour*.

they are also the most likely to be unpaid family caregivers, and to have to either leave jobs or cut back on hours, further depriving them of already scant ability to save for retirement (NWLC 2021).

Finally, their disproportionate lack of knowledge of their rights and fear of employer retaliation mean that older workers of color face particular challenges in requesting and moving to less demanding jobs with their employers (Smalligan and Boyens 2020). The combined barriers of discrimination and health challenges in later years have led these and other researchers to point to the need for more accommodations, if we are to enable older workers to stay with their employers and in the labor force (see, e.g., Ghilarducci et al. 2016).

## They Lack Sufficient Resources for Early Retirement

Since their lifetime wages are likely to be low and possibly intermittent, these older workers often lack the resources to permit an “early” retirement. While the Social Security program’s progressive structure helps low-wage workers by increasing the share of their prior earnings that they receive as benefits, those younger than 62 are not yet eligible for Social Security retirement benefits at all. And should they claim benefits at age 62, their monthly amounts are reduced relative to those who can wait until they reach their full retirement age – 66 or 67.<sup>22</sup>

Further, workers in our target population are unlikely to have assets in a workplace-sponsored retirement plan or other retirement savings plan as they approach retirement. As of 2016, the Survey of Consumer Finances reported that 29% of individuals over age 55 had no retirement accounts of any type, including defined-benefit plans (U.S. GAO 2019). This means that the additional security of a defined benefit pension or savings from a 401(k)-type plan is unavailable to many American retirees, likely a much higher share of our target population, who tend to be in lower-paid occupations.

Although some defined benefit plans also provide disability pensions for workers who can no longer do their jobs at all, the near-disappearance in recent decades of these plans among private-sector workers has increased precarity for those among the target population who would have benefited from them.<sup>23</sup> Similarly, these workers are among those least likely to benefit from employer-provided long-term disability insurance: Just 9% of employees at private employers with an average wage in the lowest quartile enjoy that benefit, versus 63% of those at employers in the top quartile (BLS 2022).<sup>24</sup>

The impacts are particularly severe for workers of color. In 2010, near-retirees of color had, on average, only one-fourth the retirement assets of their White counterparts: \$30,000 versus \$120,000 (Rhee 2013). Another study finds that, while many White retirees are able to leverage their assets to invest in real estate, enabling them to use retirement savings to live more comfortably, their Black counterparts, who have lower credit and higher mortgage, student, and other forms of debt into their retirement years, thus face much higher odds of living in poverty (Butrica and Mudrazija 2020).

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22 For more detailed information, see <https://www.ssa.gov/benefits/retirement/planner/agereduction.html>.

23 Designed, in part, to compensate for many years of physical labor, these plans, which used to be common in the manufacturing sector, today are largely confined to unionized construction, transportation, and government workers.

24 Four states – California, Hawaii, New Jersey, and Rhode Island – also mandate disability coverage, but it is only for short-term disability, so it would offer limited protection for older workers at the end of their working lives.

*In 2018, at the height of the full recovery from the Great Recession and prior to the COVID-19 pandemic, “the median retirement account balance among all working individuals [was] \$0.00 [and] 57% (more than 100 million) of working age individuals did not own any retirement account assets in an employer-sponsored 401(k)-type plan, individual account or pension.” (Brown et al 2018) ■*

COVID-19 exacerbated all of this. Because of their heightened risk, some older workers, especially those who could not work remotely, were more likely than others to leave their jobs. As researchers at the New School found, the pandemic prompted a boom in earlier-than-expected retirements, and the patterns exacerbated existing inequities by race and educational attainment (Davis et al. 2021). Most of the older workers in this situation were age 65 or older, and those with a college education left the labor force at higher rates during the pandemic, likely reflecting both their heightened health risk and ability to retire more securely.

The other group that left in large numbers, however, comprises people ages 55 to 64 without a college education and/or workers of color, with less-educated Black workers experiencing the highest increase in forced early retirements. Research indicates that few of these workers had retirement savings to draw on, and most were not eligible for Social Security (Papadopoulos et al. 2020). Moreover, it will be harder for older workers who became unemployed during the pandemic but who want to return to work to find jobs than it will be for younger workers, and they will likely require a specific set of policy interventions (Morrisey 2020).

# Other Factors Affecting These Workers

## Non-standard Work Has Increased

Like the rest of the U.S. labor force, older workers are experiencing major shifts in the nature of work and the relationship between themselves and their employers. So-called non-standard work, including contract, temporary, and electronically mediated “gig” work – i.e., specific tasks assigned and paid for via an online/app mechanism – is on the rise in recent years. As a growing number of researchers has documented, intentional misclassification of employees as independent contractors substantially increases the number of such non-standard workers (NELP 2020).

Non-standard work is also associated with the loss of benefits that often come with traditional job arrangements: eligibility for Unemployment Insurance (UI) and Workers’ Compensation; employers’ FICA contributions to Social Security; employer-provided health insurance; tax-advantaged employer-sponsored private retirement savings accounts; and defined-benefit pensions (which have long been waning).<sup>25</sup> These changes exacerbate precarity for many and further undermine their retirement security.

A recent Government Accountability Office (GAO) report drawing on BLS data suggests that, while gig workers are disproportionately younger, at least 15% are ages 50-65.<sup>26</sup> And other BLS data suggest that older workers are actually more likely than their younger counterparts to be in other kinds of non-standard work arrangements that make their lives more precarious. Many are engaged in part-time work: About 27% of older workers, versus 18% of prime-age workers (ages 25 to 54), were part time (1-34 hours per week) in 2016. They are also disproportionately self-employed: Nearly 9% of those ages 55-64 and over 16% of those 65 and over, versus less than 7% of workers ages 45-54, and just 4% among those ages 25-34 (Toossi and Torpey 2017). This trend toward non-standard work may be due in part to the factors described above making it difficult for these workers to obtain or sustain more stable jobs.

Moreover, while online gig work gets much of the attention, offline gig work, which accounts for much more of such labor than electronically mediated jobs, is often physically demanding. As the GAO documents, “[o]ffline gig work included house cleaning, house painting, yard or landscaping work; babysitting and/or child-care services; and personal services such as picking up dry cleaning, providing moving assistance, and dog walking; among other services.” (USGAO 2017, p. 15).

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25 Key features of the UI program – including monetary and non-monetary requirements that make it difficult or even impossible for part-time and others to qualify, lack of information about eligibility, and “aggressive independent contractor exclusions” – disadvantage and exclude non-standard workers (Pilaar 2018). The 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act intentionally was designed to ensure UI coverage for a range of non-standard workers, including gig workers, but its expiration in September 2021 means that expansion no longer applies (Liu 2021).

26 These workers also tend to have lower levels of formal education; 42% of gig workers had a high school diploma or less in 2017, and just over 20% had at least a college degree (USGAO 2017). Roughly half had annual household income below \$30,000, and many gig workers reported using or needing the money to fill

Along with these changes, more workers are doing their jobs during night hours – so-called shift work – and working overtime for prolonged periods, both of which are known to increase workers’ stress – physical and mental. There is a substantially increased risk of injury from nighttime shift work, and a study of French shift workers associates it with long-term negative health impacts: poor sleep, chronic fatigue and metabolic disorders, including obesity and cardiovascular disease, and reduced cognitive ability Institute of Occupational Safety and Health (IOSH). Jobs that require extensive overtime for long periods – like understaffed prisons or emergency rooms – have similar negative impacts on workers’ health. (See, e.g., Wong, et al. 2019.) This is a particular problem for older workers; working shift hours at warehouses or multiple low-wage jobs – the equivalent of continued overtime – can make already physically challenging jobs even more difficult.

Recent analyses of older workers’ challenges confirm these impacts; over half of older workers (53.7%) have difficult schedules, nearly half (46.1%) have high-pressure jobs,<sup>27</sup> and almost half (45.9%) report having little autonomy at work. (Morrissey 2023).

## They Shoulder Unpaid Caregiving Responsibilities

Lack of paid family and medical leave – which, like lack of universal health care, is virtually unique to the U.S. among peer nations – poses major challenges (Veghte et al. 2019). Older workers may be caring for children, grandchildren, spouses, or parents, both with and without disabilities. In many cases, they may be “sandwiched” between the needs of multiple generations. Among our target population, the lack of resources to pay for care makes it more likely that this burden will fall on a family member, usually female. When she cuts back on or leaves her job, the financial consequences are more substantial than for a worker with other options and more resources.

A 2019 GAO report found substantial impediments to caregivers’ capacity to work and save for retirement, with women, especially women of color, bearing the brunt. Those caring for older spouses, in particular, were less educated and more likely to be unemployed relative to the population as a whole. Over two-thirds of parental and spousal caregivers saw impacts on their jobs, like coming in late or having to leave early or take time off during the day. Spousal caregivers, again, experience the biggest impacts. They also had substantially less income and fewer retirement resources: 50% less in IRAs, 39% less in other private assets, and 11% less in Social Security income, although this may be due not only to caregiving, but also to other aspects of their work histories (USGAO 2019).

## Recessions Can Have Lasting Impacts

Recessions tend to make employers less accommodating of workers with disabilities and more likely to lay off staff, exacerbating and lengthening older workers’ economic difficulties. This can lead people to turn to Social Security sooner than they otherwise might have, but with a shorter earnings history and the inability to delay retirement claiming, benefits are lower than they might otherwise have been. Additionally, when a large number of claims comes in at once, the Social Security Administration may take longer to process claims, causing additional financial difficulties.

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27 “High pressure” means workers report dealing with frequent negative disruptions, that they usually do not have enough time to finish their work, that they work to tight deadlines all or almost all the time, or that they work at very high speeds all or almost all the time.



Preliminary evidence from the COVID-19 pandemic suggested that the impacts from the economic downturn that followed may have been most severe for older workers. These workers bore the greatest health risks from COVID-19, causing many to leave their jobs. Those with less education, who are disproportionately essential workers of color, were faced with impossible choices. Since their jobs did not allow them to safely work from home, they were forced either to expose themselves to the risk of illness or even death on a daily basis, or to quit, with few resources to rely on and a hard path to getting a new job post-COVID-19.

Moreover, essential workers with less formal education work in industries that were hardest hit, with many losing their jobs early and unable to find new ones. At the height of pandemic unemployment in April 2020, these workers were 67% more likely than their college-educated counterparts to be unemployed (Davis et al. 2021). As retirement security researcher Christian Weller described in an article for *Forbes*, “the pandemic proved a fork in the road for many near retirement. Some left the labor market into comfortable retirement while many others struggled in a rapidly declining labor market. The pandemic illustrated widespread economic inequities. It also showed how working longer was simply not a meaningful retirement plan.” (Weller 2021).

Recent research from the New School affirms these findings, revealing that lower-wage workers were forced out of the labor market in high numbers, but that they are not raising Social Security retirement numbers, either because they cannot yet claim or had already begun receiving benefits to make ends meet while still working (Schuster et al. 2022).<sup>28</sup>

Economic Policy Institute economist Monique Morrissey’s February 2022 testimony before the U.S. Congress Joint Economic Committee, which draws on Integrated Public Use Microdata Series (IPUMS) microdata, makes clear the ongoing challenges older workers face:

*Employment rebounded more quickly among younger (16-24) and prime age (25-54) workers than older workers (55+), so older workers account for a disproportionate share of the remaining jobs gap. Older workers (55+) were 24% of the workforce in November and December of 2019 but accounted for 41% of missing jobs in November 2021 and 35% in December 2021 based on age-adjusted employment projections. Put another way, over 1 million of the 3 million workers “missing” in December according to this conservative estimate are older workers. Including hard-hit middle-aged workers aged 50-54 would show employment losses skewing even more toward older workers.*

(Morrissey 2022)

## Long COVID

Some older workers may also develop long COVID, which is a growing problem. “Post-Acute Sequelae of SARS-CoV-2” (PASC), commonly known as long COVID, began emerging as a new and serious health

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<sup>28</sup> It remains to be seen how many of these, if any, will return to the labor force after the labor-market expansions of 2022 and ongoing changes in the economy.

concern in 2020.<sup>29</sup> While this condition has been defined in a variety of ways,<sup>30</sup> it most frequently refers to a long-lasting condition that: 1) is characterized by severe fatigue, post-exertional malaise, cognitive symptoms, and a range of other symptoms; and 2) can follow from even a mild acute COVID-19 illness.

Research into long COVID is still in early stages. However, it is already clear that the condition frequently has a significant effect on the ability to work, with many forced to stop working entirely. In 2022, an estimated 2 to 4 million working-age Americans were out of work due to long COVID (Bach 2022). Because long-COVID symptoms are typically exacerbated by exertion, the effect on work capacity would likely be greatest for workers in physically challenging jobs.

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29 In 2021, HHS established the ICD-10-CM code (i.e., a morbidity classification published by the WHO for classifying diagnoses and reason for visits in all health care settings) of U09.9 for “Post-COVID-19 condition, unspecified.” The guidelines state: “For sequela of COVID-19, or associated symptoms or conditions that develop following a previous COVID-19 infection, assign a code(s) for the specific symptom(s) or condition(s) related to the previous COVID-19 infection, if known, and code U09.9, Post COVID-19 condition, unspecified.” (ICD-10-CM Official Guidelines for Coding and Reporting, FY 2022, p. 30).

30 The term “long COVID” has also been used to refer to the following sequelae of an acute SARS-CoV-2 infection: post-ICU syndrome, organ damage from severe acute illness, and simply having any symptom from the acute infection that continues beyond four weeks.

# Current Policies Do Not Provide Sufficient Support

## Old-Age and Survivor Insurance (OASI)

As noted earlier in this report, people may begin to claim Social Security old-age benefits as early as age 62 – the “early eligibility age” for receiving retirement benefits. Should someone claim benefits at age 62 or at any point before reaching their full retirement age (FRA), their monthly benefit amount is permanently reduced from the amount they would have received had they waited until full retirement eligibility. For example, an individual with a FRA of 67 who retired at exactly age 62 would have his/her benefits reduced by 30% — a reduction that would continue throughout the person’s life.

This approach, which allows individuals to choose whether to claim smaller monthly benefits early or wait to receive full monthly benefits later, may work well for some. However, the approach does not assure adequate retirement income for individuals essentially forced to claim benefits early by their inability to go on working a physically challenging job. In addition, early retirement benefits are not available for those who are unable to continue working and have not yet reached age 62.

These reductions in benefits, although actuarially designed to make no difference to lifetime benefits on average, penalize those who effectively have no choice with regard to early claiming and must accept lower monthly benefits.<sup>31</sup> Raising the Social Security FRA above 67, often under discussion by policymakers, would exacerbate this inequity by increasing the benefit reductions for early claimers.<sup>32</sup> Compounding all of that, growing disparities in longevity mean that the least educated and lowest paid workers collect these retirement benefits for a much shorter period than others.

A 2009 study affirms both the critical lifeline that early claiming can provide and its shortcomings for precarious workers (Johnson and Mermin 2009). (While these data are fairly old, there are no comparable, more recent data available, and there is no reason to believe that the trends reported have changed substantially; if anything, they have likely increased.) As the Table 1, below, shows, poverty rates, which rise in the years leading up to age 62, drop at that point, though they then begin to rise again as more people are relying entirely on Social Security for income, and as caregiving, health care, and other expenses may rise.

*Social Security is designed to be “actuarially neutral,” which means retirees should receive the same total benefits regardless of the age at which they file; a person who files at 62 and lives to 85 will receive smaller checks for more years, versus filing at 70 and living to 85, which results in larger checks for fewer years. ■*

31 All Social Security claimants, regardless of earnings levels, receive 40% less in monthly benefits by claiming at age 62 versus age 70. In the hypothetical example presented on the SSA website, a claimant with a \$1,000 monthly benefit at FRA would receive just \$700 if he/she began to claim benefits at age 62, and \$1,240 if they delayed claiming until age 70. This translates into annual benefits of \$8,400, \$12,000, and \$14,880 claimed at ages 62, 67, and 70, respectively.

32 For every year the FRA goes up, benefits calculated for the early eligibility age fall, due to actuarial adjustments. See [SocialSecurityRetirementAge\\_0.pdf](#) (actuary.org).

*One recent study describes early claiming as a literal lifeline, reducing so-called “deaths of despair” among older workers, especially men, who have no other means of support. The U.S. suicide rate dropped 7-8% as people reached age 62 over a period of major growth in income disparities. (DeSimone 2017) ■*

As is true of the other trends discussed here, there are also stark disparities across racial and educational subgroups. As Table 2 shows, Black near-retirees are more than three times as likely as their White peers to be living in poverty, and Latinos are even poorer. While non-high school graduates overall become less poor after age 62, older Latino and Black retirees grow poorer. These inequities emphasize the need to take subgroup experiences into account when shaping policies.

Further, working individuals who claim Social Security benefits before reaching their FRA and who have continued to work are subject to the program’s earnings test, temporarily reducing their benefits to the extent they exceed an earnings threshold. Since beneficiaries are not always well informed about the potential impact of work on their benefits, these reductions may come as an unpleasant and costly change for which they are financially unprepared.

**Table 2. Percentage of Adults Born Between 1937 and 1939 Experiencing Financial Hardship, by Year<sup>33</sup>**

Category/Population	1995	2005
Nat'l poverty rate, all ages	13.8	12.6
Age range of cohort	56-58	66-68
	Percentage with household income below the federal poverty level	
All	9.7	8.5
Gender		
Men	7.4	5.1
Women	11.9	11.5
Race and Ethnicity		
African American	20.7	27.8
Latino	31.3	32.0
Non-Latino White, other	6.5	4.6
Education		
Less than HS	25.4	22.3
HS graduate	6.2	5.7
College graduate	1.8	2.2

Source: Johnson and Mermin 2009, Table 3, p. 16

<sup>33</sup> Hardship rates are also much higher for unmarried than for married older workers.

## Social Security Disability Insurance (DI)

The Social Security program provides cash benefits for insured workers (and certain family members) who meet the statutory definition of disability. The law defines disability as the inability to engage in any substantial gainful activity (SGA) due to a medically determinable physical or mental impairment(s) that has lasted or is expected to last at least 12 months, or which can be expected to result in death.<sup>34</sup>

The disability standard for the DI program is very strict: To be found disabled, claimants must be unable to engage in their past work or any work which exists in the national economy. This strict standard makes it difficult for many workers to receive benefits, even if they have significant health problems. Of 38 peer countries, the U.S. is one of four countries with the most restrictive social insurance disability eligibility criteria in the world (OECD 2010, OECD 2017).

In addition, the process for applying for benefits is in itself complex and can be difficult to navigate even for well-educated and resourced claimants. (See Appendix B for a description of the five-step sequential evaluation process SSA uses to determine disability.) About 66% of disabled worker claimants are denied on their initial claim<sup>35</sup>, and those who appeal face a lengthy process which can take up to three or four years, and sometimes longer.<sup>36</sup> During this period, claimants can be left without income or health care. (Prenovitz 2020).

Workers with low incomes and low educational levels – which describes much of our target population – face particularly high hurdles in navigating this system:

- Medical evidence is required to demonstrate disability. Claimants in our target population are less likely to be able to produce adequate medical evidence since many lack consistent access to comprehensive health insurance, or any health insurance at all. They also may not have funds available to pay for tests and reports that are not covered by insurance or provided by SSA, and they may lack the ability to determine what type of medical evidence to obtain to strengthen their case.
- For some claimants, the same barriers that make work challenging and that could qualify them for disability benefits – such as low literacy or impaired memory and concentration – are what keep them from filing or persisting in pursuing a successful disability claim.

*The weak and uneven nature of U.S. systems for both health care and long-term services and supports (LTSS) compounds challenges facing applicants for and those denied SSD (Chidambaram and Musumeci 2021). ■*

34 A person who is earning more than a certain monthly amount is considered to be engaging in SGA (in 2022, \$1,350 for non-blind individuals and \$2,260 for statutorily blind individuals).

35 SSA, “Annual Statistical Report on the Social Security Disability Insurance Program. 2021, Table 61, p. 165. This table shows that allowance rate at the initial level for Title II and concurrent disabled worker claimants was 33.8% in 2020.

36 Initial claims are adjudicated by the state-level Disability Determination Services (DDS). If an initial claim is denied, claimants can appeal through the following levels: 1) reconsideration (also adjudicated by the state DDD); 2) the hearings level (where claimants may appear before an administrative law judge, or ALJ); 3) the Appeals Council; and 4) federal court.

- Claimants who are denied at the initial level may not realize that they can appeal, reapply, or apply concurrently with, or even after, making a retirement claim (if disability began before full retirement age). Moreover, applicants' ability to understand these options depends heavily on the field office staff with whom they interact and their own savviness with the system and with technology.
- Claimants often do not have legal representation until the hearings level (the second level of appeal). This is more harmful to those with low education levels who need more assistance in developing evidence for their case. Claimants who would most benefit from legal representation, many of them in our target population, may struggle the most to find and work with a representative throughout the months or years it can take for a claim to be adjudicated.
- Claimants who do not meet or equal SSA's medical listings<sup>37</sup> also face the challenge of remembering and reporting on their education and the past 15 years of their work history. This is especially difficult for those who changed jobs frequently or worked more than one job at a time, both common work patterns in our target population.

These difficulties are exacerbated by SSA's chronic shortage of administrative funds, which causes multiple problems:

- The disability determination process takes significantly longer due to large case backlogs. SSA has made progress in recent years in reducing the hearings level backlog, with the annual average processing time reduced from 595 days – close to two years – for FY 2018 to 333 days – less than a year – for FY 2022. However, the backlogs in initial claims and reconsiderations, both adjudicated by the state Disability Determination Services (DDS), have significantly increased, rising from an annual average processing time of 111 days for FY 2018 to 184 days for FY 2022 for initial claims, and from an annual average processing time of 103 days for FY 2018 to 183 days in FY 2022 for reconsiderations (SSA's Annual Performance Report, FY 2022). Because many of these DDS-level cases will ultimately be appealed to the hearings level, working down the backlogs at the DDS level will mean that more hearings must be processed to keep the hearings backlog from increasing again.
- For claimants without adequate medical evidence (or where adequate medical evidence is available, but too old), SSA pays for exams from contracted providers known as consultative examiners (CEs). But due to funding constraints, SSA pays these contractors less than market rates for health care assessments and testing, which may affect the quality and thoroughness of the exams.
- Heavy workloads also place increased pressures on SSA and DDS staff and contractors who adjudicate claims, making errors or incomplete development of the case more likely.

Older claimants are also less likely than younger claimants to be allowed at Step 3 (meeting or equaling SSA's medical listings).<sup>38</sup> As shown in Figure 5 below, a recent Mathematica study found that for older workers (age 51 to full retirement age), about one-third of allowances were determined at Step 3, with the

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37 SSA maintains a "Listing of Impairments" – a list of medical conditions that, when severity criteria are met, allow claimants to be determined disabled without the need for SSA to assess vocational factors. In Step 3 of the sequential evaluation process, adjudicators determine whether the claimant "meets or equals" these medical listings. The listings can be found at 20 CFR, Appendix 1 to Subpart P of Part 404.

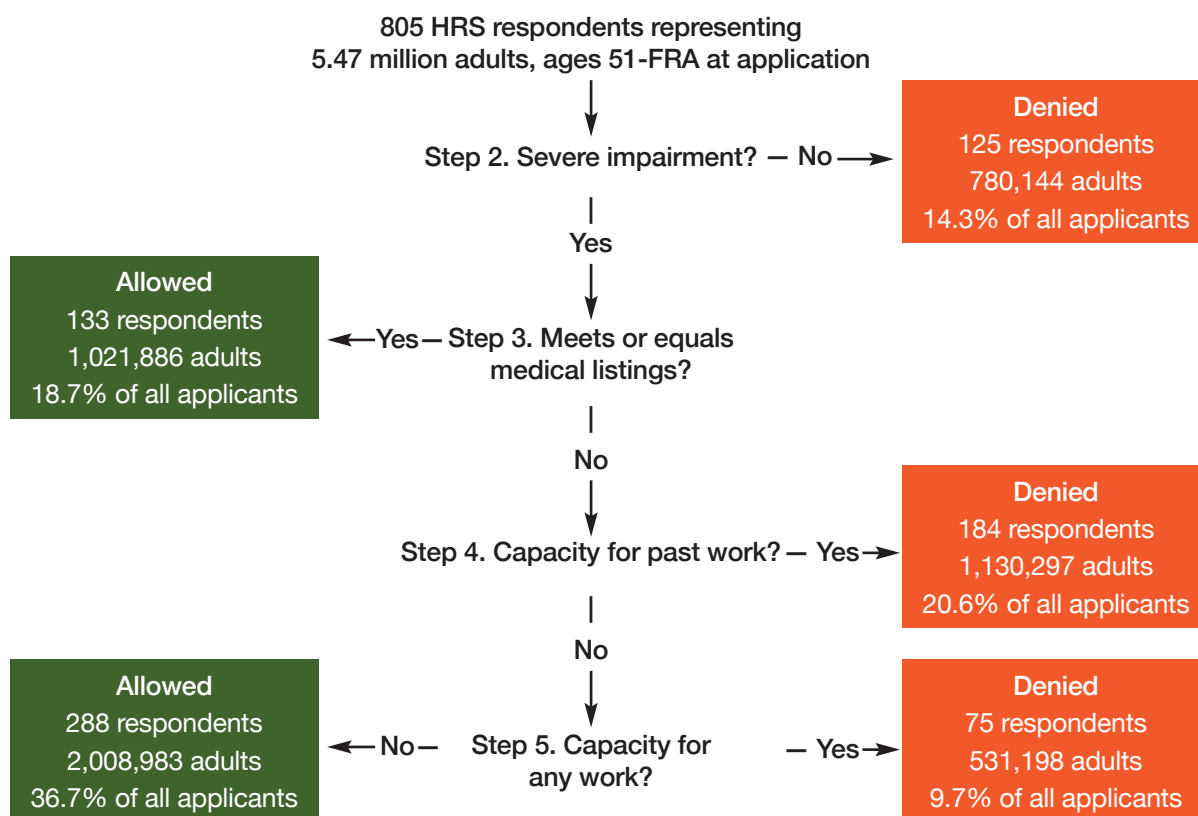
38 See Figure 4 for a diagram of SSA's five-step disability determination process.

other two-thirds determined at Step 5 (capacity to do any work in the national economy).<sup>39</sup> In contrast, for the broader population of disabled worker claimants, about 45% of allowances were determined at Step 3.<sup>40</sup>

For claimants whose impairments are not found to meet or equal the listings, SSA must perform more complex determinations at Steps 4 and 5 that require a residual functional capacity (RFC) assessment and an assessment of vocational factors that can affect the ability to work.

Developing the RFC is in itself challenging. Because the RFC must be based on medical evidence, adjudicators are heavily reliant on how thorough physicians are in performing the needed tests of function and documenting them in the medical record. Access to good health insurance can affect the quality of this medical evidence.

**Figure 5: Initial Determination (Including Reconsideration Level) of Older DI Applicants by Sequential Evaluation Steps, Approved and Denied**



Source: Schimmel Hyde and Yanyuan Wu 2018, Chart 1.

39 Schimmel Hyde et al., *Social Security Bulletin*, Vol. 80, No. 2, 2020, p. 31. Data are from 1992-2012. This study focused specifically on older workers (age 51 to FRA) and used Health and Retirement Study (HRS) survey data linked to SSA administrative data on earnings and benefit application and receipt.

40 Bernard Wixon and Alexander Strand, "Identifying SSA's Sequential Disability Determination Steps Using Administrative Data," SSA's Research and Statistics Note No. 2013-1, Table I. Data are from 2010. In addition to the difference in dates, these data are not completely comparable to the Schimmel Hyde et al. data in that they include only initial DDS allowance, rather than initial and reconsideration allowances as in the

Another challenge with adjudication at Step 5 has to do with SSA's use of an obsolete list of jobs available in the economy. SSA uses a Dictionary of Occupational Titles (DOT) that has not been updated since 1991. A recent *Washington Post* report confirms long-time observations from denied applicants and their attorneys that obsolete jobs that are only theoretically available are cited as the basis for denial at Step 5 (Rein 2022). As one recently denied older applicant's story illustrates, the use of an obsolete list of available occupations leads to unfair denials (see adjacent text box).<sup>41</sup>

At the hearings level, vocational experts are used to help compensate for the lack of an updated DOT, with mixed results. But these vocational experts are not available at the DDS (initial or reconsideration) levels, making Step 5 adjudication at these levels even more problematic.

*Gray Hogan, who was permanently disabled due to an injury he incurred when lifting a heavy patient at the military hospital where he worked, appealed the denial of his DI claim. The ALJ who reviewed Hogan's history rejected his appeal on the basis that he could still work as a document preparer, despite Hogan's attorney note that the position no longer exists. George Piemonte, who represents DI applicants in appeals, says such denials are a common problem: "Over the millions of claims that they're reviewing, you're still talking about hundreds of thousands of people being denied based on these non-existent jobs" (Hodges 2021). Indeed, not only is there no national standard for what "significant numbers" of such jobs in the economy means, a 2011 SSA report found that this particular job, document preparer, was cited in nearly 1 in 10 denial cases during Step 5, with other obsolete jobs frequently cited by vocational witnesses who rely on DOT for guidance (Trapani and Harkin 2011). ■*

Recognizing that it is harder for people nearing retirement to transition into new jobs or roles, SSA applies special rules for those 50 and older that make it easier for some to qualify for benefits at Step 5, referred to as the "Medical-Vocational Guidelines."<sup>42</sup>

In addition, SSA has developed what it refers to as "Special Medical-Vocational Profiles" to allow some claimants with significant educational and vocational deficits to be determined disabled through a simpler process at Step 5.<sup>43</sup> But the criteria for these special profiles are outdated, and so strict that they are unlikely to apply to many claimants. For example, in 2010 the profile for "Arduous Unskilled Work" was the basis for an allowance for only 310 claimants: 0.076% of Step 5 allowances and 0.042% of total allowances for that cohort.<sup>44</sup>

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Schimmel Hyde data; however, since the latter data are still at the DDS-level, they are likely not to vary greatly from initial-only allowances.

41 SSA has been working with the DOL to replace the DOT, but the status of those updates and of their implementation is unclear.

42 20 CFR, Appendix 2 to Subpart P of Part 404.

43 20 CFR, §404.1562; SSA POMS, DI 25010.001.

44 Wixon and Strand, Table I.



Overall, research on outcomes for claimants over 50 who are denied benefits suggests that despite provisions targeted at this age group, many older claimants with little to no work capacity are being denied benefits, especially at the initial level.

The Mathematica study cited above also found that one-third of older workers whose claims were initially denied were ultimately granted benefits on appeal (see Table 3 below). (Over one-third did not appeal, and another 23% were granted benefits on a subsequent application.) (Schimmel Hyde et al. 2020).<sup>45</sup>

**Table 3: Percentages of Older DI Claimants Denied at Steps 4 and 5 Who Ultimately Received Benefits**

Claimant Status	Reason for Denial		
	Able to Perform Past Work (Step 4)	Able to Perform Other Work (Step 5)	Total (Denied at either Step 4 or 5)
Percentage who appealed and were allowed	42.9	32.0	39.4
Percentage who reapplied and were allowed	26.5	31.0	28.0

Source: Schimmel Hyde, Wu, and Gill 2020, from Table 3, p. 37. Authors' calculations using HRS data linked to selected administrative data files from SSA.

Mathematica researchers also found, in a separate study, that most older denied claimants had no earned income in the years following the DI application, with some awarded DI on appeal or a subsequent claim, others eventually receiving other types of Social Security benefits, and some dying without ever receiving benefits (Schimmel Hyde and Wu 2018). Other research has had similar findings: Older DI claimants who are denied benefits rarely return to work, have very low earnings, are in poor health, and are likely to have incomes below the poverty line (Weaver 2020).

Another important concern has arisen as a result of the COVID-19 epidemic: Some long-COVID patients with work disabilities have had difficulty accessing Social Security disability benefits, due in part to insufficient guidance for adjudicators. As the number of those incapacitated by long-COVID grows, this becomes an increasingly urgent problem for SSA to address. (For further discussion of this topic, see the Task Force option for addressing long COVID in Part II of this report.)

## Supplemental Security Income (SSI)

The Social Security Administration also administers the Supplemental Security Income (SSI) program. SSI is a federal income support program funded by general tax revenues that is designed to provide cash benefits to seniors (over age 65), people with disabilities, and those with blindness who have little to no

45 It should be noted, however, that because rules about how age, education, and work experience affect the ability to work change when claimants reach ages 55 and 60, at least some of the reversals may be due to claimants passing those ages as they move through the application process. It is also likely that some claimants' health worsens by the time of appeal.

income or assets. Since the definition of disability and the process for determining disability is the same for SSI and DI, older workers with disabilities applying for SSI face many of the challenges described above. The two programs have different rules for income, assets, and other non-medical factors.

SSI benefits are supposed to help the poorest elderly and disabled Americans pay for the basics, like food, shelter, and clothing. The SSI benefit level has long been inadequate, however. The 2022 maximum SSI benefit is \$841 a month, which is below the federal poverty level, and when both members of a married couple receive SSI, their combined maximum benefit is only \$1,261. Of the nearly eight million elderly and disabled people currently receiving SSI benefits, 2.5 million are concurrently eligible for DI or Social Security retirement or survivors' benefits (Favreault 2021, SSA 2022). However, concurrent eligibility only provides people with a benefit at most \$20 a month higher than SSI alone – which is still below the federal poverty level. Moreover, because some non-standard workers may not be paying into the OASDI system, SSI also fills some of that gap, meaning that its importance will grow.

The SSI program's asset limits are also extremely low and have not been updated since 1989. If adjusted for inflation between 1989 and 2021, these levels would be more than double the current limit of \$2,000 for a single person and \$3,000 for a married couple. SSI's income exclusions are even more outdated; they have remained untouched in more than four decades and, if they were inflation adjusted in 2021, would now be nearly three times as high if they were inflation-adjusted in 2021 (Favreault 2021).<sup>46</sup>

## U.S. Department of Labor and State Programs

*Older workers' needs are not limited to income support. Health insurance programs also play a critical role, given the close connection between income security and access to health care. These include not only Medicare, but Medicaid, which is critically important for low-wage workers, and, more recently, the Affordable Care Act, which all also interact with long-term services and supports (LTSS). ■*

Many older workers who can no longer do their current jobs or work at the same pace might continue to work if they received support to do so. The U.S. Department of Labor (DOL) oversees multiple programs relevant to these workers, including training programs, help finding jobs, and, of course, cash support for workers who have lost their jobs. As described below, however, evidence suggests that these programs are not appropriately tailored to these older workers, that they are under-staffed and under-resourced, and that they often are poorly aligned with and/or disconnected from one another, impeding their capacity to deliver needed support.

Some jobless older workers who visit American Job Centers (AJCs) or are connected via phone receive help finding jobs or navigating the UI system through state "Wagner-Peyser" Employment Service (ES) programs. High-quality person-to-person ES job search assistance and strong connections to state UI agencies are particularly helpful for disadvantaged older workers who need in-person services. However, as UI experts David Balducchi and Christopher O'Leary have documented, decades of

46 The September 2021 hearing by the Senate Finance Committee was the first time in several decades that Congress had made SSI the subject of a meaningful debate. As a fact sheet on the subject authored by Task Force and Academy Board Member Rebecca Vallas reports, "'Building Back Better' for Older and Disabled Americans Requires Bringing Supplemental Security Income (SSI) into the 21st Century" (Vallas 2021).

declining federal support for ES led to the closure of many physical local offices and the removal of UI staff from AJCs in many states – significantly limiting the program’s reach (Wandner 2018).

More directly related to our target population, the Senior Community Service Employment Program (SCSEP) was created to foster self-sufficiency for unemployed low-income older workers through part-time opportunities in community service. Funding for SCSEP has not kept pace with the increase in the senior population in recent decades, however, due in part to it being the only Older Americans Act (OAA) program overseen by DOL. As such, SCSEP has had to compete with other OAA services, which many advocates see as a higher priority than work supports (Schimmel-Hyde et al. 2022).

Perhaps most critically, there is a lack of connection across offices within DOL – and outside, with other agencies – to support older workers. DOL has created inter- and intra-agency groups to improve alignment on policy issues that particularly affect women, but it has not done so for older workers.

### ***Unemployment Insurance (UI)***

Although older workers in physically challenging jobs often face not being able to work, the social insurance program geared toward those who lose their jobs is not well-suited for the particular needs of older jobless workers. Unemployment Insurance (UI), a joint federal-state program administered at the federal level by the DOL, is intended to provide a temporary bridge between loss of a job and a worker’s next job – it does not offer long-term support. The maximum number of weeks of benefits a jobless worker may receive is 26 under the regular UI program (fewer in a few states), and the worker must document active job searching to be eligible to receive them.

These gaps in the UI program disproportionately hurt older workers, who have longer average spells of joblessness compared to their prime-age counterparts, and who tend to face greater hurdles landing a new job when they are laid off (Neumark et al. 2019). Moreover, these challenges appear to be exacerbated by cyclical recessions from which many lower-wage, poorly educated, and older workers never recover; for many, long-term joblessness discourages job searches, driving permanent exit from the labor force (Nichols and Lindner 2013). Those who are unemployed long term are not included in unemployment statistics collected by BLS and are not eligible for UI benefits. This further increases their economic precarity, as a 2012 study of the impacts of the Great Recession on older workers emphasized (Butrica and Karamcheva 2012). The same study found that only a small share of older non-workers received UI benefits, nearly tripling their poverty rate from 2008 to 2010, with single men especially likely to drop out of the labor force.

Older workers also face the systemic challenges of all claimants: decline in benefit generosity and duration in recent decades, lack of capacity in the system, and outdated technology (Wandner 2018). These issues were highlighted during the COVID pandemic and are particularly damaging to older workers’ economic stability, making calls for reform, including a stronger federal role, even more relevant for this target population.

### ***Workers’ Compensation (WC)***

Unlike UI, Workers’ Compensation (WC), the first U.S. social insurance program to be enacted, is intended to support workers who become injured or ill – including some who ultimately become disabled – due to

their jobs. The only social insurance program that is entirely managed at the state level, WC provides medical care to claimants, as well as cash benefits to compensate for lost wages.

Although it has provisions for both temporary and permanent disability, WC is not well designed to support workers with permanent disabilities, as it is intended to be short-term, with an emphasis on speeding injured workers' return to work. Moreover, in the past few decades, many states have made cuts to program components that provide disability supports. These include, among other legislative changes, restrictions on eligible medical conditions and caps on the number of weeks that benefits are provided, even when the worker is permanently disabled (APHA 2017). Many workers whose disabling injuries are job-related thus end up applying for DI benefits.

The interaction between the WC and DI programs has been the subject of multiple studies.<sup>47</sup> A 2012 study that matched state WC and Social Security data to study the relationship between workplace injuries and receipt of SSDI benefits found that “having a lost-time injury substantially increases the probability of DI receipt, and, for people who become DI beneficiaries, those with injuries receive DI benefits at younger ages” (O’Leary et al. 2012).

As researchers have documented, this overlap leads to cost-shifting toward DI in recent decades due to increasingly weak and uneven state WC programs (Guo and Burton 2012). This may be particularly the case among older workers; workers who were injured on the job when younger may have sustained injuries that become disabling as they grow older, while others incur injuries that render them eligible for DI from the start, driving the need to navigate dual systems. In some instances, workers may have a harder time obtaining WC benefits, leading them to rely more heavily on DI. One report finds, for example, that among older workers who reported a health problem due to work, nearly 3 in 10 were receiving DI benefits, versus just over 1 in 10 who had ever received WC benefits (Reville and Schoeni 2003/2004).<sup>48</sup>

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47 This includes the issue of “offset” and “reverse-offset” states: A worker who is receiving both WC and DI will have one or the other reduced to a joint maximum. Under an offset, disability benefits are reduced, while in a minority of reverse-offset states, WC benefits are reduced instead (Reno et al. 2003-2004).

48 The lack of more recent data prevents a more updated study of this issue, but, given that state WC programs have since cut benefits further, not only does the cost-shifting problem remain, it may well have increased since this research was conducted.

# PART II: EXPLORING POLICY OPTIONS

Part II of this report provides a number of policy options to address the challenges discussed in Part I. The Task Force assessed policy options based on the following criteria: 1) the degree to which they are targeted to the population identified; 2) their level of impact on income security for the target population; and 3) the administrative feasibility of implementation. In keeping with Academy practice, this report does not advocate for or against any particular option or set of options, but rather provides federal and state policymakers, advocates, and other readers with Task Force assessments of the various strategies available to address the challenges set forth above.

The policy options outlined include legislative changes at the federal and state level, regulatory changes, and subregulatory changes. They represent changes primarily in programs administered by SSA or DOL.

Many of the agencies and departments charged with implementing, overseeing, and improving the programs discussed in this report have experienced cuts in the past several decades to staff and other resources. The SSA has suffered some of the largest capacity reductions; the 2010-2021 decade of sequestration-triggered austerity reduced the agency's inflation-adjusted operating budget by 13%, while the number of beneficiaries it serves grew by 21% (Reich and Windham 2021). Implementing these options will require either redirecting resources from their other important responsibilities – with subsequent declines in customer service – or, preferably, securing additional administrative resources.

The discussions below of the various proposed options often imply the need for greater resources to support increased staff capacity, broader benefit eligibility, and/or new training, but do not go into detail regarding the resources that may be necessary. Unlike many other Academy Study Panel and Task Force reports, this one does not attempt to estimate the potential cost of any of the options, nor does this report assess them based on their likely price tags. The Task Force has operated under the basic premise that ensuring the economic security of those who have worked as hard as they can, especially in their later years, is a societal concern and responsibility. We also understand that, like public education, health, and other societal priorities, this will require investment.

A summary of these options is available as Appendix A.

## Options for SSA Retirement Programs

### *Raise the Social Security Minimum Benefit*

One option would be to raise the minimum benefit for workers whose earnings have been too low to allow them to receive adequate retirement benefits. The Social Security special minimum benefit, established in 1972, was intended to increase benefits for long-term low-wage workers. Because the special minimum

*The lack of universal health care in the U.S., a unique policy gap relative to its peer nations, compounds the challenges experienced by the target population. Although overhauling the nation's health system is outside the scope of the Task Force's mission, this report notes its interconnection with the challenges and options offered herein. ■*

benefit is price-indexed and the regular benefit calculation is wage-indexed, however, the special minimum benefit has risen more slowly than regular benefits. It now affects very few workers and does not fulfill its goal of providing an adequate minimum benefit. The U.S. is one of only 4 OECD countries, out of 38 total, that currently lacks such a basic benefit (OECD 2017).

### ***Create a Retirement Bridge Benefit in Social Security***

This option envisions a new benefit to bridge the gap between an early retirement claim and the FRA, to bolster economic security for older workers harmed by the early retirement penalty.

Building on a winning proposal submitted as part of the Academy's 2019 Innovation Challenge, the "bridge benefit" supports older workers who are unable to continue working until they reach their FRA, but who do not meet the disability standard for DI.<sup>49</sup> As envisioned by its authors, this benefit would "pay half of the difference between the worker's full retirement benefit and the early retirement benefit at each age prior to the full retirement age, starting at age 62 through 67 (this can be adjusted if/when FRA is further adjusted)" (Weller et al. 2019).

*The Task Force also sees the need to better integrate retirement and disability programs for workers with a history of physically challenging work. Options could allow bridge-benefit recipients to be eligible for health insurance, Medicaid, and/or long-term services and supports. Alternatively, improved health security could involve simply lowering the Medicare eligibility age, but that would require addressing premiums and cost-sharing for bridge-benefit recipients and could be prohibitively high for this population. A Medicaid buy-in could also be a part of this option. ■*

Workers as young as 62 (or whatever age policymakers establish, which might be younger) could apply for the benefit based on a history of performing physically challenging work, whether or not their medical impairments make them DI-eligible.<sup>50</sup> The eligibility rules would be structured so that those doing the most difficult work would be eligible at 62 (or younger), but it would become gradually easier to obtain the benefit the older one is.

The ideal application process would involve as little paperwork and data entry as possible and would be as automated as existing programs allow, including use of existing partnerships among SSA, payroll companies, and the IRS to pre-populate a person's work history for the most recent 20 years. This would both make application easier and help minimize potentially fraudulent applications. As is required of DI applicants, the worker would need to describe the type of exertion required for his/her role in the job.

Those applying for the bridge benefit would need to self-attest, under penalty of perjury, that they did the work claimed; cross-referencing the attestation with the pre-populated form would reduce the likelihood of fraudulent applications. SSA would not need to make determinations about medical impairments, residual functional activity, or education level.

49 Christian Weller's, Rebecca Vallas's, and Stephanie Lessing's proposal for "A Bridge Benefit for Older Workers" was one of four such proposals.

50 The intent here is not to land on an exact number, but rather highlight a variety of approaches in other OECD nations. Austria, for instance, requires arduous work in 10 of the applicant's most recent 20 years.

More information on how this proposed benefit would interact with the existing DI system can be found in Appendix C.

This option would require statutory change. And because the bridge benefit would be treated like a retirement benefit, current Social Security rules would apply, including the government pension offset, the windfall elimination provision, and the retirement earnings test.<sup>51</sup>

Adopting such a benefit would bring the U.S. in line with other wealthy nations, including those in the OECD, whose social insurance systems take into account the toll that a long history of arduous work takes on older workers. These include work in industrial and manufacturing settings, frontline health care work, and other jobs sometimes referred to as “blue collar,” which are especially likely to lead to deteriorating health when performed over many years. In the 1980s, many OECD countries introduced early retirement models with an emphasis on jobs that workers cannot realistically continue to do beyond their early 60s (OECD 2017). Some, including Austria, the Netherlands, and Poland, have special retirement policies for such workers, allowing them to claim early retirement with smaller or no benefit cuts, another option for the U.S. to explore.

### ***Revise the Social Security Earnings Test***

SSA currently applies an earnings test for people who receive Social Security retirement benefits prior to their full retirement age and are working. A portion of the benefit is withheld if earnings exceed a certain level. Although many in our target population may be unable to earn above the level at which the earnings test applies (currently almost \$20,000 annually), either because their wages are low or because they have limited work capacity, for others the earnings test can be a powerful work disincentive. Moreover, according to many sources, the earnings test is not well understood, which can in turn negatively affect income for older individuals who have a limited ability to work (Gruber & Orszag 1999, Munnell 2021, Sokol 2022).

About one-third of OECD countries (including the U.S.) have some sort of annual reduction for retirement income while working, but most of those are smaller than the U.S. reduction (OECD 2017). The annual percentage deducted in these countries ranges from a low of 3.6% in Germany to 7.2% in Canada, with U.S. reductions ranging from 5.06% to 7%, depending on the age of early claiming. The U.S. might lower its reduction rate to something like Germany’s, substantially raise the earnings test threshold, or eliminate the earnings test entirely, joining the two-thirds of OECD nations that have none. Doing so would simplify administration of the retirement program, encourage people to maximize their earnings, and help protect those who are work-limited and must claim SSA retirement benefits early – many in our target population.

### ***Allow Workers to Claim Partial Early Retirement Benefits***

Many of the older workers in our target populations need to reduce the amount of work they are doing, but do not want to fully retire. If they were able to claim partial early benefits while working part-time, they could better support themselves while reducing the penalties associated with claiming pre-FRA.

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51 The Government Pension Offset and the Windfall Elimination Provision reduce Social Security benefits for individuals who have participated in pensions that are not covered by Social Security. These are public (government) plans, many of them established before the creation of the Social Security program, in which their

As actuary Elizabeth Bauer sets forth in a winning proposal for the Academy's 2019 Social Security Innovation Challenge, enabling people to set the share of early benefits they wish to claim, and to turn those benefits on and off as needed, could substantially improve retirement security for millions of older workers. Moreover, the strategy she proposes is actuarially neutral, putting no additional budgetary pressure on the Trust Fund or the program (Bauer 2019).

## Options for SSA Disability Benefits

One subset of the target population consists of older workers who should be eligible to receive DI or SSI benefits but are not getting them due to systemic factors. Some of these workers may not realize that they are eligible, others may want to apply but are unable to navigate the difficult system, and still others have been wrongly denied and may or may not be attempting to appeal those denials.<sup>52</sup>

As discussed in Part I of this report, the Task Force identified several specific aspects of SSA's disability programs that pose challenges to members of our target population. The following policy options would help ensure that older workers who should be eligible for disability benefits can receive these benefits in a timely way.

### *Update and Simplify the Special Medical-Vocational Profiles Provisions*

These provisions in SSA's regulations and Program Operations Manual Systems (POMS) provide pathways to more easily determine disability for workers who have limited formal education and significant vocational limitations.<sup>53</sup> Updating these provisions to better fit today's labor market, making them easier to operationalize, and flagging cases that might fit these profiles could mean that more claimants are allowed at the initial level. This would improve outcomes for these claimants, who might receive benefits much sooner, and decrease costs for SSA, which has frequently struggled with large backlogs at the hearings level.<sup>54</sup> Changes could include:

- Updating the educational criteria so that workers with no more than a high school education would fit the profiles, to better align them with today's labor market. Each of the three profiles – “arduous unskilled work”, “no work experience”, and “lifetime commitment” – currently defines “limited educational attainment” slightly differently. Updating all three to require no more than a high school education would both recognize the diminishing value of a high school diploma in today's labor market and standardize the level across them.
- Modifying the age and duration requirements. For example, SSA could examine the impact of standardizing the age requirements for the “no work experience” and “lifetime commitment”

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participants do not make Social Security contributions. <https://crsreports.congress.gov/product/pdf/IF/IF10203>

52 There are also former recipients who have seen their benefits terminated by SSA and have not been able to get them reinstated.

53 The regulations are at 20 CFR 404.1562; 416.962 and POMS <https://secure.ssa.gov/poms.NSF/lnx/0425010001>.

54 See Appendix D for a more detailed description of these options and background on the relevant regulations.



profiles at age 55, shortening and standardizing the duration requirements for the “arduous work” and “lifetime commitment” profiles at 25 years, and expanding the “lifetime commitment” profile so that work need not all be “in one field of a very similar nature.”

- Establishing a method to flag claimants who might fit one of these profiles and target their applications for special processing by specialized examiners. For example, SSA might establish a flag to identify claimants who are 50 and older, have no more than a high school education (if the above change is made), and whose past relevant work is either entirely absent or shows a pattern that might be consistent with either the “arduous work” or “lifetime commitment” profile.
- Revising disability application forms, such as the Disability Report (SSA-3368-BK) or other forms, to better identify claimants who should be considered under the special profiles.

### ***Develop and Fund a Program to Assist Older Low-Income Claimants in Applying for DI Benefits***

The Task Force is particularly concerned about the difficulties of navigating such a challenging system for workers who are not only older, but disproportionately less educated, tech-savvy, and fluent in English. These workers need additional support and guidance, including advocates and/or representatives, in the claims process. SSA could develop and fund an ongoing program, possibly with outside organizations, to assist older low-income claimants in applying for the DI and SSI programs. This could be modeled on the existing Work Incentives Planning and Assistance (WIPA) and Protection and Advocacy for Beneficiaries of Social Security (PABSS) programs.<sup>55</sup> In response to the ongoing challenges people experience with online applications, this type of initiative might be boosted by increased availability of field office staff to provide phone and in-person support, so that SSA’s technology systems are easier for claimants, and beneficiaries to use.

### ***Eliminate the Reconsideration Stage of the Appeals Process and Improve Decision-Making at the Initial Level***

Eliminating the reconsideration stage of the determination process –the stage of appeal between initial application and requesting an Administrative Law Judge hearing – would speed up the disability determination process. For the seven out of eight claimants who are denied at the reconsideration stage after appealing an initial determination. However, it would also shift costs to the more expensive Administrative Law Judge hearing process and delay awards in a small percentage of cases.

Some of the potential harms could be mitigated by changing policies and procedures so that initial-level decision-making is improved, and fewer disability claimants need to appeal at all. For example, SSA could increase its Targeted Denial Review program and provide additional feedback, training, and resources to DDS staff so that people who qualify for disability benefits are awarded at the initial level as often as possible. Additional resources for consultative examinations, higher reimbursement rates for medical records, and stricter enforcement for medical providers who fail to provide evidence, along with better technology for claimants and representatives to view and add evidence to the claims file at the initial level would all help increase efficiency and policy compliance.

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55 See [https://choosework.ssa.gov/blog-archive/blog-post?post\\_id=273](https://choosework.ssa.gov/blog-archive/blog-post?post_id=273).

## ***Review of Rules Affecting the Disability Determination Process***

Regulations and subregulatory guidance have been put in place that make it difficult for older workers who should be entitled to disability benefits to obtain and maintain them. As one example, SSA currently considers work done within the past 15 years as “past relevant work.” Reducing this to the past 10 years might more accurately account for changes in job duties over time and speed the processing of disability claims. Exploring regulations and subregulatory guidance to assess which might be rescinded or pared back in order to improve the disability determination process and could ensure more accurate decisions. (The December 2020 Consortium for Citizens with Disabilities memo provided the incoming Biden-Harris Administration with a number of options SSA could explore.<sup>56</sup>)

## ***Modernize Vocational Information***

The Dictionary of Occupational Titles does not provide sufficient information about current requirements of different jobs. Incorporating information from the BLS Occupational Requirements Survey (ORS) and other data would substantially improve SSA’s capacity to determine whether older DI and SSI claimants are actually able to perform other jobs in the national economy. One way to do this would be for SSA to add the ORS to the list of data sources of which the agency takes administrative notice.

## ***Remove SSA’s Administrative Budget from the Discretionary Spending Caps***

Many of the policy options provided above would require increased administrative funding for SSA. However, for many years, SSA’s administrative funding has been too low to allow the agency to effectively administer the program. This has resulted in ongoing deficiencies in service delivery across the agency and, in particular, chronically large backlogs for disability benefit claims.

These ongoing administrative budget shortfalls stem, in large part, from the way that administrative funds are provided to the agency. Because Social Security and SSI are entitlement programs, SSA must administer benefits for all who qualify, as well as process claims for all who apply. However, SSA’s administrative funding has not kept pace with the growth in beneficiaries or claims in recent decades.

While by law a significant portion of SSA’s administrative funding comes from the Social Security Trust Funds, it must be appropriated annually by Congress. SSA’s administrative budget is funded under the 302(a) and 302(b) budget allocations for discretionary funding, even the portion of the funding that comes out of the Trust Funds.<sup>57</sup>

SSA’s administrative funding is included in the Labor, Health and Human Services, and Education, and Related Agencies (LHHS) appropriations bill. Because it is a part of the LHHS Subcommittees’ 302(b) allocations, SSA must compete for funding with all the other agencies and programs whose funding is included under this bill, including popular programs such as NIH research and other health programs. This results in chronic shortfalls.

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56 The full Social Security section of the memo is available as Appendix E.

57 For more information on the federal budget process, see *Enforceable Spending Allocations in the Congressional Budget Process: 302(a)s and 302(b)s*, <https://crsreports.congress.gov/product/pdf/R/R47388>.

The solution to this ongoing problem would be to remove SSA's administrative funding from the discretionary caps. Congress would still have the power to appropriate annual funding, in accordance with Section 201(g) of Title II of the Social Security Act. However, Congress would be able to fully fund SSA based on its service delivery needs without having to take funding from other programs under the LHHS Appropriations bill.

### ***Address Disability Implications of Long COVID***

The Task Force anticipated that SSA, DOL, and other federal agencies will be dealing for years to come with the COVID pandemic's lasting fallout for older workers. As emerging reports continue to make clear, we likely will not fully understand the lasting influence of the pandemic on this part of the workforce for many years (Sellers 2022). These issues are addressed in detail through the work of the Academy's COVID-19 Task Force. This report addresses only the specific issue that arose in the course of this Task Force's deliberations: long COVID.

As discussed above, post-acute sequelae of SARS-CoV-2, commonly known as long COVID, began emerging as a new and serious health concern in 2020.<sup>58</sup> While this condition has been defined in a variety of ways,<sup>59</sup> it most frequently refers to a long-lasting condition that 1) is characterized by severe fatigue, post-exertional malaise, cognitive symptoms, and a range of other symptoms; and 2) can follow from even a mild acute COVID-19 illness.

Research into long COVID is still in early stages. However, it is already clear that the condition frequently has a significant effect on the ability to work, with many sufferers forced to stop working entirely. In 2022, an estimated 2 million to 4 million working-age Americans were out of work due to long COVID (Bach 2022). Because long-COVID symptoms are typically exacerbated by exertion, the effect on work capacity would likely be greatest for workers in physically demanding jobs.

Some long-COVID patients with work disabilities have had difficulty accessing Social Security disability benefits, due in part to a lack of guidance for adjudicators. As the number of those incapacitated by long COVID grows, this becomes an increasingly urgent problem for SSA to address. In August 2022, SSA provide an update to its Emergency Message on evaluating cases related to COVID to add information on long COVID; however, more detailed guidance is needed.<sup>60</sup>

It will take time for the scientific uncertainties about long COVID to be resolved. But given the estimated millions of Americans affected by this condition, it is important for SSA to move forward in developing more detailed and specific guidance on evaluating these disability claims. Although scientific knowledge is

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58 In 2021, HHS established the ICD-10-CM code of U09.9 for "Post-COVID-19 condition, unspecified." The guidelines state: "For sequelae of COVID-19, or associated symptoms or conditions that develop following a previous COVID-19 infection, assign a code(s) for the specific symptom(s) or condition(s) related to the previous COVID-19 infection, if known, and code U09.9, Post COVID-19 condition, unspecified." (ICD-10-CM Official Guidelines for Coding and Reporting, FY 2022, page 30).

59 The term "long COVID" has also been used to refer to the following sequelae of an acute SARS-CoV-2 infection, post-ICU syndrome, organ damage from severe acute illness, and simply having any symptom from the acute infection that continues beyond four weeks.

60 SSA EM-21032 REV, "Evaluating Cases with Coronavirus Disease 2019 (COVID-19)," August 9, 2022.

incomplete, SSA could develop a Social Security Ruling (SSR) based on current knowledge, with input from researchers and patient advocates.

In addition to discussing how the long-COVID symptoms above should be considered by SSA adjudicators (both on their own and in combination with other impairments), an SSR could address how to consider other impairments that have been found to occur more frequently after COVID-19 infection (for example, kidney failure). An SSR should also address various stages of the sequential evaluation process, such as determining whether an impairment is “severe” and meets the durational requirement, whether a listing is met or equaled, and how to consider long-COVID-related limitations when developing a claimant’s residual functional capacity assessment.

Many experts have noted the similarities between long COVID as described above and the medical condition known as myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS).<sup>61</sup> Since the functional impact of long COVID and many of its symptoms and comorbidities are similar to those of ME/CFS, SSA could draw on its past work on ME/CFS when developing guidance for long COVID. In particular, SSR 14-p: Evaluating Cases Involving Chronic Fatigue Syndrome (CFS), issued in 2014, could be a useful starting point.

Claimants’ representatives and advocacy organizations that assist long-COVID claimants could also inform claimants and physicians about the possible links between the two conditions and advise claimants to ask their physicians if they meet diagnostic criteria for ME/CFS, a diagnosis with which SSA has much more experience.

## Options for SSA Communications

Workers and their families need to understand Social Security’s programs, the benefits they have earned, and SSA’s services, rules, and processes before they need Social Security benefits. While enhancements to the agency’s communications would benefit all Social Security participants, the Task Force felt that the actions listed below would be especially beneficial for our target population, given their lower education levels and lower lifetime earnings.

### ***Mail Social Security Statements to All Eligible Workers***

Mailing annual Social Security statements to every eligible worker could better inform workers about the benefits SSA provides and how to claim them, particularly older workers with less education and fewer resources. The Social Security statement also provides information about a worker’s earning history and encourages the worker to report missing earnings to SSA. Fixing inaccuracies in the earnings history early makes it more likely that workers will later receive the full benefits to which they are entitled.

While required by law for workers ages 25 and over, annual mailing of statements has been suspended since March 2011; citing budget considerations, SSA currently mails them only to workers ages 60 and

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61 Like long COVID, ME/CFS is a long-term disabling condition, and it is frequently triggered by an acute infectious illness. Research is currently underway to determine the extent to which these two conditions overlap and to learn more about biomarkers for both conditions. For more information, see Wong and Weitzer (2021).

older who are not (yet) receiving benefits and who have not yet set up electronic “my Social Security” accounts (Smith and Couch 2014).<sup>62</sup> Younger workers are expected to go online and establish “my Social Security” accounts, which would allow them to access the information contained in the paper Social Security statement. Many do not sign up, however, due to insufficient online access, lack of technical knowledge, or lack of awareness of the option to establish an online account (Rabinovich et al. 2022).

The printed *Statement* was mailed to over 151 million workers in FY 2010, the last year it was mailed to all eligible workers, while as of January 2022, about 64 million “my Social Security” accounts had been established (Bogle 2022, Smith and Couch 2014). Workers with access to an employer-provided retirement savings plan or who are working with a financial advisor are more likely to be engaged in retirement planning and to have created a “my Social Security” account, but all workers need this information. About one in three workers and retirees currently works with a professional financial advisor (EBRI 2022). Returning to legal compliance would be especially helpful to our target population, as it would ensure that those aged 50-60 would receive important information about retirement income at a critical time in their pre-retirement lives.

SSA recently redesigned the Social Security statement to make it shorter and easier to understand.<sup>63</sup> The streamlined two-page statement is a significant improvement, as is the creation of a redesigned SSI fact sheet: *Supplemental Security and Other Benefits: Information for People with Limited Earnings*.<sup>64</sup> SSA can build on this progress by mailing Medicare fact sheets, which state that SSA is responsible for Medicare enrollments, to individuals approaching age 65 and by mailing notices to Title II beneficiaries with low benefit levels informing them about SSI.<sup>65,66</sup>

### ***Increase the Use of “my Social Security” Accounts***

SSA has made steady progress in increasing use of “my Social Security” accounts and should draw on evidence from user studies to make further improvements (Rabinovich et al. 2022). Since 2011, fewer than half of eligible workers have signed up for these accounts, and all workers need this information. It is especially important for those with a history of multiple jobs (who are more likely to have incomplete earnings records) and those who may rely heavily on Social Security benefits in the future. Thus, SSA’s

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62 Section 1143 of the Social Security Act requires that SSA send statements to individuals who are ages 25 and older, who are not receiving benefits based on their earnings, and for whom the Agency can obtain current addresses. SSA mails the statement about three months before the individual’s birthday (OIG 2019).

63 This redesign process included stakeholder input and a robust evaluation process, and was in part based on the results of the Understanding America Study surveys conducted by the University of Southern California. These surveys show that, while most Americans are aware of Social Security retirement and disability programs, they are not very knowledgeable about Social Security benefits.

64 <https://www.ssa.gov/myaccount/assets/materials/limited-earner.pdf>.

65 There is also information on the fact sheet for those ages 61-69 that directs them to a Social Security document that explains how to apply for Medicare benefits. The redesigned statement and accompanying fact sheets, including the SSI fact sheet, can be found at [www.ssa.gov/myaccount/statement.html](http://www.ssa.gov/myaccount/statement.html).

66 While SSA claims policy has been to also take an SSI claim from low-income applicants if DI benefits may be below the SSI maximum, even most low-income claimants have incomes that exceed SSI eligibility limits. In the event that the Social Security Statement continues to be sent only to certain populations, the plan should also include more specific information regarding how to secure SSA’s assistance in establishing a “my Social Security” account and how to secure a statement directly via SSA Form 7004 (Request for (a) Social Security Statement).

outreach could focus more on these groups, targeting outreach efforts to unions, workers' organizations, small businesses, and self-employed workers.

### ***Improve Field Office Outreach***

Locally based engagement and information programs are important ways to reach disadvantaged groups, including those in our target population.<sup>67</sup> In the past, SSA's approximately 1,230 local field offices had much more reach into local communities, establishing relationships across a broad set of local governmental, business, and civic organizations including state agencies, non-profits, religious and educational institutions, and the media. In 2022, SSA reopened field offices that had been closed to the public during the Covid pandemic. Now that offices are reopened, enhancing the capacity of these offices to conduct outreach and collaborate with local organizations would provide needed support to disadvantaged workers.

A key goal of increased outreach should be ensuring targeted groups have information about options for claiming retirement benefits (including spousal benefits) and survivors' benefits, and the implications of earlier or later claiming (Sokol 2022). Providing information about SSI eligibility, the importance of checking earnings records, and the process for making corrections to mistakes in earnings records would also be helpful.

## **Options for DOL Programs and Administration**

Assuring that more older Americans can work if they want to, receive the supports they need, and go on to enjoy a stable retirement will require much more than an enhanced OASDI/SSI benefits system and a fully staffed and effective SSA. Other public agencies at every level of government, and the private sector, must step up also. Recognizing this, the Task Force turned its attention to the DOL.

*While the Task Force did not explore options for improving long-term services and supports (LTSS), accessible, affordable LTSS and related supports are important to help this target population continue to work. ■*

While better supporting older workers who cannot continue to work is critically important, we must also identify strategies to ensure that those who could work, even part-time, receive the services and supports they need to do so. Some of these are people who could continue at their current jobs with accommodations or other supports, while others of these older workers need less physically demanding jobs. Not only do individual workers benefit from such supports, both economically and emotionally, society as a whole gains because, as our labor force continues to age, keeping as much of that workforce as possible will only become more important (Solman 2013).

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67 As Lois Vitt and Barbara Smith at SSA's Office of Research, Evaluation, and Statistics found, through their multi-faceted research effort, a broad range of community actors, from schools, universities, and military trainers to religious institutions and employers, could substantially improve public knowledge about Social Security programs. In particular, they help advance knowledge about benefit options and structures that tend to be poorly understood. (Vitt and Smith 2022).

## ***Expand the Senior Community Service Employment Program (SCSEP) to Make DOL Services More Widely Available***

Intended to improve low-income workers' self-sufficiency through part-time community service opportunities, the SCSEP is under-resourced to support the target population as needed, especially given the substantial increase in this population in recent years.

A 2018 OECD report on aging and employment policies points to a number of improvements that would enhance the program's capacity to support older workers. These include arranging for skills training in addition to community service assignments and providing direct job search training and assistance. Technical assistance was offered by the DOL to grantees in this program (after a 2012 evaluation) along with a competitive program to expand training options. In its 2018 recommendations, the OECD also encouraged additional funding from DOL to grantees to enhance training, as did a Brookings Institution report that described program challenges in dealing with older workers (Abraham and Houseman 2020).<sup>68</sup>

### ***Other Regulatory/Subregulatory Options to Strengthen the Program's Support for Older Workers include:***

- Increasing access to the American Job Centers (AJCs) by either co-locating staff at AJCs or specifically arranging for SCSEP participants to use core services.
- Removing the enrollment priority so that all eligible participants can receive services. The current rules states that "Participants must be at least 55, unemployed, and have a family income of no more than 125% of the federal poverty level. Enrollment priority is given to veterans and qualified spouses, then to individuals who are over 65, have a disability, have low literacy skills or limited English proficiency, reside in a rural area, are homeless or at risk of homelessness, have low employment prospects, or have failed to find employment after using services through the AJC system" (<https://www.dol.gov/agencies/eta/seniors>).

### ***Improve Employment, Rehabilitation, and Training Programs for Older Workers***

The Task Force identified options, also drawn from the OECD report, for improving existing programs and/or establishing new programs that expand employment opportunities for older workers in precarious job situations:

- **Design specific training programs targeted to low-skilled workers** that, among other things, facilitate job change mid-career and at an older age.<sup>69</sup>
- **Improve access to and quality of employment and training programs for older job seekers**, including evaluating their programs' impact on employment outcomes for older job seekers who are at risk of long-term unemployment.
- **Target additional rehabilitation and training resources to older workers.**

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68 As of the writing of this report, the Department is conducting a comprehensive evaluation of the program, which will provide added insights into potential enhancement and expansion.

69 Given significant job changes among older workers, DOL might reassess some options in this area that it piloted under its Aging Worker Initiative (Wu and Schimmel Hyde 2018).

Helping older workers more easily access these programs would increase their impact. The Task Force thus also suggests exploring an earlier recommendation for an Older Worker On-line Coach that “walks older workers and workforce professionals step by step through employment Web resources on the CareerOneStop Web site ([www.careeronestop.org](http://www.careeronestop.org)) as well as other sites designed for older job seekers” (DOL 2008, p. 35).

### ***Strengthen Unemployment Insurance (UI) Coverage for Older Workers***

Many older workers face heightened challenges to navigating and benefiting from UI supports. As noted previously, workers 50 and above are more likely to exhaust their UI benefits than their younger counterparts because the average length of their unemployment is longer than that experienced by younger workers. These workers often need direct support, both financial and for job-seeking.<sup>70</sup>

- **Extend UI benefit duration.** Ageism, among other barriers, makes finding a new job a lengthy, difficult process for many older people, especially those whose work experience may be limited to physical labor that has become increasingly difficult. Extending UI benefit duration might better support older claimants, perhaps by establishing a separate program under UI to offer the extension to this particular group.
- **Create a Job Seekers’ Allowance (JSA).** DOL might establish a JSA for older workers who do not qualify for UI benefits. Some workers do not qualify for UI even under a modernized UI, either because their work histories are too limited – including caregivers who may have dropped out of the labor force – or because they are independent contractors who have not paid into the system. The JSA is a small, short-term weekly allowance to support work search and preparation. The JSA would offer a stipend of about \$170 per week to job seekers for up to 13 weeks, replacing approximately half the wages of a typical low-wage worker. While JSA’s weekly benefit would be quite modest relative to UI, and its job-search requirements at least as stringent, the JSA would encourage workforce participation, support geographic labor mobility, and promote family stability and social cohesion.
- **Expand local supports.** As described above, older workers may need more targeted job-search support. While that component of the UI program is less well-known than the program’s cash benefits, it has always been a core aspect, albeit one that has eroded in recent decades. As such, in addition to the broader need for expanded state and local UI field-office capacity, field offices may need to hire and train staff who are appropriately equipped to provide that resource.

### ***Take Steps to Ensure that Older Workers are a Prime Focus at DOL***

Many DOL programs play an important role in improving older Americans’ economic security.<sup>71</sup> Nonetheless, DOL might establish standards/rules for employment programs that better support older workers, including building on promising pilots and best practices from its 2008 Task Force report. DOL

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70 Because these UI policies and practices are set by states, these would be state-level legislative and policy changes until/unless federal oversight increases. Another Academy Task Force on Unemployment Insurance is exploring such policy options.

71 In addition to benefit-paying programs such as UI and WC, these programs include the SCSEP; Employment and Training Administration (ETA), the Vocational Education and Training Authority (VETA); the Office



workforce programs for older adults might encourage self-employment for those workers for whom it makes sense.<sup>72</sup>

- **Establish an Office for Older Workers.** While each of the existing DOL programs listed above provides important supports for the target population, the lack of coordination across them, and with other programs and departments, renders that support less effective. The Task Force notes that establishing an Office for Older Workers to coordinate programs supporting older workers could start with an intensive review of all DOL services to older workers. Led by with a sub-cabinet official with authority to make changes in DOL activities, this could include establishing performance indicators for these programs.<sup>73</sup> The Consumer Financial Protection Bureau’s Office of Older Americans may provide some helpful models and/or guidance.<sup>74</sup>

Recent legislative proposals such as the Supporting Older Workers Act (SOWA) would establish an Office of Older Workers,<sup>75</sup> which, like altering performance measures, would not require statutory change. With greater attention to issues associated with older workers, DOL might find additional ways to improve its support to this cohort. Reforms proposed in DOL’s FY 2024 budget could help advance many of these, including: substantial new investments in training and retraining programs for low-wage, low-skilled workers; funding to expand worker protection staff, which has been cut substantially in recent decades, and which would improve safety monitoring and prevent mass misclassification; and building up better jobs, which could improve conditions for future generations of older workers (DOL 2024).

DOL could also:

- **Develop separate performance measures for older adults** (like those for youth). Older adults, who are currently lumped in with dislocated workers and others, perform worse on the evaluation metrics required by Workforce Innovation and Opportunity Act (WIOA) programs, like employment rate and earnings.<sup>76</sup> Their weaker performance acts as a potential deterrent to providers serving them and may discourage providers from offering the part-time work and self-employment that many older workers prefer.

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of Disability Employment Policy (ODEP), Employee Benefits Security Administration (EBSA), Pension Benefit Guaranty Corporation (PBGC), the Occupational Safety and Health Administration (OSHA), and the Women’s Bureau.

72 Self-employment (i.e., those who own their own businesses, freelancers, and truly independent contractors) rises with age. These types of jobs give workers flexibility and allow them to work reduced hours, and platforms that connect older workers to work that can be performed online can be especially beneficial for those with disabilities. But workforce programs focus almost exclusively on placing workers in traditional wage-and-salary positions with employers. (The AARP Foundation’s Work for Yourself@50+ initiative can be a useful model for job centers across the country.)

73 Title V of the Older Americans Act related to employment sets eligibility at age 55.

74 The CFPB Office of Older Americans website provides, among others, tools for people working with older adults that include: “Later-Life Financial Security,” “Protecting Against Fraud,” and “Protect[ing] Your Loved Ones During the Pandemic.” <https://www.consumerfinance.gov/consumer-tools/educator-tools/resources-for-older-adults/>

75 In their September 2021 *Los Angeles Times* op-ed, Teresa Ghilarducci and Christopher Cook called for DOL to create an “Older Workers Bureau.”

76 Older adults who own their own businesses may take longer to get those businesses off the ground than their younger counterparts, and the administrative wage records of the self-employed are not collected by state UI programs.

- **Beef up work on accommodations through improvements to both information and enforcement.** One barrier to accommodations may be employers' perception that they will be difficult and/or costly to enact. The Job Accommodation Network (JAN), funded by DOL's Office of Disability Employment Policy, collects data on the costs of accommodations. One-fifth of job accommodations cost nothing, and 50% cost less than \$500. Furthermore, employers reported an average return of \$3.60 in benefits for every dollar invested in accommodations. (DOL 2008)

These accommodations may, as the DOL report noted, include flexible work arrangements tailored to older workers' desire for improved work-life balance and the increasing shift toward phased, rather than sudden/total, retirement. As the National Association of State Workforce Agencies points out, no-cost options include smartphone apps that better support workers with hearing, sight, and mobility limitations (as is more common among older workers).<sup>77</sup> DOL's JAN offers a range of resources for employers and employees seeking to "move beyond basic compliance with the Americans with Disabilities Act (ADA) in order to create more disability-inclusive workplaces" and could be a helpful starting place.<sup>78</sup>

- **Expand the availability of Navigators**, so that older workers better understand the options they have for support and might more easily access them. As discussed above, many low-wage workers are unaware of the benefits to which they are entitled and may have difficulty accessing DI, UI, or WC even if they are aware of the benefits. Providing these workers with assistance in identifying and accessing these benefits would ensure that the existing system (problems and all) can be utilized to its fullest extent.

### ***Improve Coordination and Cooperation Across Federal Government Services for Older Workers***

In addition to the Office for Older Workers, DOL could establish and lead a Permanent Interagency Working Group that includes high-level officials from the DOL; the Department of Education, including the Rehabilitation Services Administration; the SSA, and the Department of Health and Human Services, among others.<sup>79</sup> Such coordination would not require statutory change, but simply leadership across federal agencies and departments.

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77 <https://www.naswa.org/conferences/96481/sessions?page=30>.

78 "The goal of this Toolkit is to provide resources for creating an exemplary organizational accommodation infrastructure thereby helping to ensure a disability-inclusive workplace. The Toolkit therefore provide resources to support organizational efforts to accommodate applicants, candidates, and employees with disabilities; to train those serving in roles critical to managing disability; and to promote disability inclusion throughout the workplace" (The JAN Workplace Accommodation Toolkit ([askjan.org](http://askjan.org))).

79 HHS administers many of the elements of the Older Americans Act, including support for state and local social and community services for older people. HHS also administers programs to prevent elder abuse. The Department of Education interacts with older workers primarily through its Rehabilitation Services Administration, which supports states and other entities in maximizing employment and independence of individuals with disabilities.

The interagency workgroup might explore all avenues to support older workers, including:

- Life-long learning/retraining programs/grants within the Department of Education targeted to older workers, including community colleges and trade schools
- Improving coordination and cooperation of state-related agencies.

This coordinated effort across agencies and departments might also focus on improving support for accommodations for workers with disabilities and other older workers, discussed above.

## Other Agencies and State-Level Options

While the large majority of supports for these older workers that the Task Force identified fall under the direct responsibility of SSA and DOL, there are also a few other smaller, but nonetheless important, policy options to consider.

### *Enhance and Better Enforce Age Discrimination Provisions*

Strengthening both provisions regarding age discrimination, especially those in the Age Discrimination in Employment Act (ADEA), and enforcement of them would help the target population.

- One bipartisan bill, the Protect Older Workers Against Discrimination Act, which was previously passed by the House, would restore rights for those filing age discrimination suits by not requiring them to prove that age was the only reason they were not hired.
- Another bipartisan bill introduced earlier, the Protect Older Job Applicants Act of 2021 (H.R. 3992), would clarify that the ADEA's prohibition against all forms of employment discrimination based on age applies to the hiring phase of employment.<sup>80</sup>
- Such legislative improvements would be boosted by corporate reforms like those AARP put forth in 2017 testimony before the Senate Special Committee on Aging. Its series of best practices for forward-looking companies that added “age” to their policies and practices<sup>81</sup> include:
  - Ensuring recruitment materials are designed for talent of all ages
  - Creating apprenticeship programs open to people of all ages to help recruit and retain talent
  - Designing cross-generational mentoring programs to help facilitate knowledge transfer
  - Conducting strategic workforce assessment to better understand the impact of the aging workforce on their organizations
  - Investing in the learning and skills development of workers of all ages
  - Offering programs such as phased retirement, job-sharing, caregiving leave, and other arrangements that meet older workers' needs

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80 Although the ADEA was meant to apply to all forms of age discrimination in hiring, recent court decisions have narrowly interpreted the applicability of its protections and excluded job applicants who are subjected to hiring practices with a discriminatory impact based on age, such as specifying a maximum number of years of experience.

81 McCann 2017, p.5

## ***Reform Workers' Compensation Programs***

Although it is the first U.S. social insurance program to have been enacted, WC is almost entirely a state program, with no federal oversight or regulations. As such, enhancements that would better support our target population – in terms of accessing benefits for those who are disabled, and continuing to work for those who can – would necessarily be state by state.

- Reforms to the WC program that researchers have identified might help these older workers and potentially improve coordination across programs and agencies. These include updating the classification/determination of disabling injuries, whether temporary or permanent, partial or total, and revisiting caps on disability benefits and process for lump-sum payments, both of which leave persistently disabled workers with no support. (Burton and Spieler 2001, Dworsky and Broten 2018).
- Because these require state-by-state adoption, absent federal standards or oversight for WC, the degree to which disabled workers receive the support they need will continue to be largely contingent on where they live and where the disabling injury occurred.

# Conclusion

Physically challenging jobs have not disappeared from the American economy, but many look different than they did even 20 years ago. Fewer of these jobs involve manufacturing, and more of them are now in the service sector. In many cases, the types of physical challenges involved are also different. Moreover, these physical occupations are not limited to young, White men, as many seem to believe; a growing share are older workers, with many of them older women and older workers of color.

While it is true that most Americans are enjoying physically easier work and increased longevity with better health, these workers are not. They seem to have been forgotten. Indeed, one limitation the Task Force encountered was a relative paucity of data documenting these workers' struggles and of research into their causes and potential solutions; several scholars who have worked in this space described the group as "invisible."

Many older people in these occupations struggle to work, yet they cannot afford to retire. Until they reach age 62 – the earliest age to claim Social Security retirement benefits – or qualify for Social Security disability benefits and can successfully navigate that complex process, they have no option but to continue working despite declining health, or to quit with little or no income to rely upon.

Even for those who do reach age 62 and claim those benefits, their monthly checks are far less than if they had been able to work longer and claim later and likely not enough to support them. This group is disproportionately Black and has less formal education than U.S. workers as a whole and is less likely than other groups of workers to have retirement savings of their own.

This Task Force does not claim to have all the answers, but offers a number of possible measures that, if implemented, individually or in concert, could help this group of forgotten workers. At the very least, the Task Force hopes that identifying them as a group calls attention to their plight, and to the urgent need for a policy response.

Help can take many forms, but the most constructive assistance will come through improvements to Social Security programs – retirement and disability both – and to DOL employment supports, including a sharper focus on the needs of older workers. Without these supports, this target population of older workers in physically challenging jobs will continue to struggle, at substantial cost not only to them and their families, but society more broadly.

# Appendix A: Policy Options

Agency	Option
<b>Social Security Administration (SSA): Retirement</b>	Raise Social Security minimum benefit Create retirement bridge benefit in Social Security Revise Social Security earnings test Make it easier for workers to claim partial early retirement benefits
<b>SSA: Disability and Benefits</b>	Update and simplify special medical-vocational profile provisions Develop and fund program to assist older low-income claimants in applying for disability benefits Eliminate reconsideration stage of appeals process Review of rules and regulations affecting disability determination process Modernize vocational information Remove supplemental security income budget from discretionary spending caps Address disability implications of long-COVID
<b>Social Security Administration: Communication</b>	Improve SSA communications and public education about Social Security benefits <ul style="list-style-type: none"> <li>• Work to increase the use of “my Social Security” accounts</li> <li>• Build on redesigned Social Security statements to reach a wider population</li> <li>• Determine and communicate strategy for field-office outreach</li> </ul>
<b>Department of Labor (DOL) Programs</b>	Expand the Senior Community Service Employment Program to make DOL services more widely available Improve employment, rehabilitation, and training programs for older workers <ul style="list-style-type: none"> <li>• Design specific training programs targeted to low-skilled workers</li> <li>• Improve access to and quality of employment and training programs for older job seekers</li> <li>• Target additional rehabilitation and training resources to older workers</li> </ul>

<b>Agency</b>	<b>Option</b>
<b>DOL Programs (continued):</b>	<p>Strengthen Unemployment Insurance (UI) coverage for older workers</p> <ul style="list-style-type: none"> <li>• Extend UI benefit duration</li> <li>• Create a job seekers' allowance</li> <li>• Expand local supports</li> </ul> <p>Take Steps to ensure that older workers are a prime focus at DOL</p> <ul style="list-style-type: none"> <li>• Establish an office for older workers</li> <li>• Develop separate performance measures for older workers</li> <li>• Beef up work on accommodations through improvements to both information and enforcement</li> <li>• Expand the availability of navigators</li> </ul> <p>Improve coordination and cooperation across federal government services for older workers</p>
<b>Other Agencies and State-Level Options</b>	<p>Enhance and better enforce age-discrimination provisions</p> <p>Reform Workers' Compensation programs</p>

# Appendix B:

## Disability Determination Process

The Social Security Administration administers two main disability programs – the Social Security Disability Insurance (DI) program (part of Title II of the Social Security Act) and the Supplemental Security Income (SSI) program (Title XVI of the Act).

In addition to disabled people younger than full retirement age who receive DI benefits on their own earnings record, people whose disabilities began before age 22 may be eligible for Title II benefits based on the earnings record of a disabled, deceased, or retired parent. Title II benefits are also available for disabled widows or widowers aged 50 or older on the earnings record of their late spouse or ex-spouse, if the deceased person made sufficient FICA contributions during their life.

To be insured for Title II disability benefits on their own earnings record, workers must meet a duration-of-work test (fully insured) and a recency-of-work test (disability insured) based on past work “covered” by Social Security. Credit for work is measured in quarters of coverage (QCs), with workers receiving one QC for every \$1,510 in earnings in 2022, with a maximum of four per year.

- To be fully insured, a worker must have at least as many QCs as the number of years between the year the worker turned age 21 and the year in which the worker became disabled.
- To be disability insured, the worker must have earned at least 20 QCs during the 40-quarter period that ended when the worker became disabled.
- The requirement is eased for those disabled before age 31, and there are special rules for those who had a previous period of disability.

People under age 65 who have limited income and resources can receive SSI payments based on disability or blindness (and may also qualify for Title II benefits on their own or another’s record). SSI is also available to financially eligible people aged 65 and older, without the need to prove disability.

The definition of adult disability is the same for SSI and Title II: the inability to engage in any substantial gainful activity (SGA) due to a medically determinable physical or mental impairment(s) that has lasted or can be expected to last for a continuous period of not less than 12 months or that can be expected to result in death.

When an individual applies for disability benefits, whether online, in person, by telephone, or by mail, the application is processed at an SSA office (where non-medical eligibility factors such as insured status, immigration status, income, assets, living arrangement, and marital status are evaluated) and sent to federally funded state agencies (usually called Disability Determination Services, or DDSs) for a medical determination.

The DDS first obtains evidence from the claimant’s own medical sources, commonly referred to as Medical Evidence of Record (MER). When that evidence is unavailable or is insufficient to make a determination, the DDS may arrange a consultative examination to obtain additional evidence.



Once all the necessary evidence is obtained, a DDS adjudicative team consisting of a medical or psychological consultant and a disability examiner makes the determination according to a procedure provided for in SSA regulations known as the “sequential evaluation process.” For adults, this is a five-step process that requires sequential review of:

1. *The Work Test* — whether the claimant is performing “substantial gainful activity,” which in 2022 is \$1,350 a month for non-blind and \$2,260 a month for blind individuals,
2. *The Severity Test* — whether the claimant’s impairment or impairments cause more than a minimal limitation on the ability to perform basic work activities and either will last at least 12 months or result in death,<sup>82</sup>
3. *The Medical Listings Test* — whether the impairment(s) meets or equals in severity one of SSA’s Listings of Impairments,
4. *The Previous Work Test* — the claimant’s ability to perform his or her past relevant work, and
5. *The Any Work Test* — the ability to do other work based on age, education, and work experience.

Claimants who are performing substantial gainful activity are denied, as are claimants without severe impairments. Claimants who pass these two steps and meet or equal a listing are found disabled; those who do not move on to Step 4. Claimants who are found able to return to past relevant work are denied; the rest are assessed in Step 5 for the capacity to do other work. If they cannot perform a significant number of jobs on a full-time basis, they are found disabled. However, if the inability to work or the meeting or equaling of a listing is the result of drug addiction, alcoholism, or failure to follow prescribed treatment (as these are defined by SSA), no benefits are awarded.

If the DDS has determined that the claimant qualifies for benefits under the sequential evaluation process, SSA completes any outstanding non-disability development, computes the benefit amount, and begins paying benefits. DI benefits begin the sixth full month after the disability is found to have begun (the “disability onset date”) with a maximum of 12 months of retroactive payments before the date the application for benefits was considered filed (the protective filing date, or PFD). SSI benefits begin the month after the PFD or onset date, whichever is later; there are no retroactive benefits for months prior to the PFD.

Generally, a claimant has 60 days to appeal an unfavorable decision. If the claimant appeals an initial unfavorable decision, a different adjudicative team in the DDS makes a “reconsideration” decision. A claimant receiving an unfavorable reconsideration may request a hearing before an SSA ALJ. The claimant may submit additional information and evidence at the reconsideration and ALJ levels. Vocational and/or medical witnesses contracted by SSA may also testify at ALJ hearings.

Claimants receiving unfavorable ALJ decisions may request review by the SSA Appeals Council, and those who receive an unfavorable Appeals Council decision may seek judicial review by filing a civil action in federal district court.

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82 See [https://www.ssa.gov/OP\\_Home/rulings/di/01/SSR85-28-di-01.html](https://www.ssa.gov/OP_Home/rulings/di/01/SSR85-28-di-01.html).

# Appendix C: Interactions Between the Bridge Benefit and the Disability System<sup>83</sup>

The bridge benefit is intended to work alongside the existing disability insurance (DI) system but not compete with that system for resources or add to the backlog at the hearing and appeals level. To that end, the bridge benefit only borrows terminology and paperwork from DI but otherwise would be housed and funded out of the Old Age & Survivors Insurance (OASI) Trust Fund for retirement beneficiaries. All other rules, such as the windfall elimination provision, government pension offset, and retirement earnings test, would apply to recipients of this benefit.

The front end of the application for the bridge benefit would be very similar to the disability application, but this application would be much more streamlined than the existing application. No medical records or educational history would be sought. A person would, however, be asked to detail at least the following information about each job held in the most recent 20 years, like the current DI application:

- How much walking or standing the job required;
- How much stooping, kneeling, crouching, and reaching the job required; and
- Where the job required handling large or small objects, the weight of the objects, and how often lifting occurred.

Although the Department of Labor has created a new system to assess available jobs in the economy, current SSDI assessments still consider actual jobs based on the outdated Dictionary of Occupational Titles. Given that jobs change over time and new jobs emerge, categorizing people by job title or place of work – as opposed to the actual challenges of the job – is not the best marker of how much arduous work a person has done.

The Task Force purposely did not select an exact number of years of arduous work a person would need to have undertaken to qualify for the bridge benefit. A well-crafted standard would take into account the aggregate amount of arduous work conducted in the prior 20 years, with more weight given to recent arduous work. The benefit should also be constructed so that it is gradually easier to obtain the benefit the older a person is, similar to the existing DI system. Those deemed ineligible for the benefit would be informed how much additional arduous work they would need to undertake to qualify and would be allowed to reapply at a later date.

A person could apply for the bridge benefit and DI simultaneously, enabling it to also serve as a bridge between cessation of work and a resolution of the person's disability status. It is expected that determining eligibility for the bridge benefit would likely be a quicker and more straightforward process than determining whether a person qualifies for DI benefits. A person who receives the bridge benefit could also withdraw a

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83 The jobs themselves could be pre-populated using existing SSA arrangements with the IRS and payroll companies.

DI application or appeal, which might reduce the number of initial applications and/or appeals. Indeed, one advantage of this entire benefit would be the positive impact on DI applications: some people who today apply for DI as a borderline case may instead opt for the bridge benefit and reduce the number of applicants for DI.

# Appendix D: Policy Option – Revise SSA’s “Special Medical-Vocational Profiles”

## Responsible Entity: Social Security Administration

Action: Revise the Special Medical-Vocational Profiles for certain low-skilled, low-education older workers and improve processing of these claims to expedite adjudication and increase the percentage allowed without the need for an Administrative Law Judge hearing.

## Background

The Special Medical-Vocational Profiles are provisions in SSA’s regulations (20 CFR 404.1562; 416.962) and Program Operations Manual System (<https://secure.ssa.gov/poms.NSF/lrx/0425010001>) that provide pathways for workers with significant vocational limitations to be found disabled more easily.

Updating and simplifying these provisions, making them easier to operationalize, and flagging cases could help SSA to make a determination that these workers are disabled at the initial level more frequently, rather than requiring the claimant to go through the lengthy appeals process. This would improve outcomes for these claimants, who could receive benefits much sooner, and decrease costs for SSA, which has long struggled with lengthy backlogs at the hearings level.

## Current Provisions

There are currently three profiles under this section:

1. “Arduous Unskilled Work” profile: For workers who have a history of 35 years of more of arduous unskilled work, can no longer perform this work due to a severe impairment, and have no more than a “marginal” (sixth grade or less) education.
2. “No Work Experience” profile: For workers who have a severe impairment, have no past relevant work experience (in last 15 years), are age 55 or older, and have no more than a “limited” (7th to 11th grade) education. Note that there is no need to complete a residual functional capacity (RFC) evaluation for this profile.
3. “Lifetime Commitment” profile: For workers who have a severe impairment, are age 60 or older, and have worked 30 years or more in a field that is unskilled, or is skilled or semi-skilled but with no transferable skills, and can no longer perform this work due to a severe impairment.

## Changes for SSA to Consider

- 1. Update and standardize the educational requirements for all three profiles to require no more than a high school education.**

Rationale: Educational qualifications for jobs have changed dramatically in the last few decades. The value of a high school diploma as an educational credential has greatly diminished, with many more jobs requiring a college degree. In addition, since these are older workers, in most cases their high school diploma would have been obtained decades ago, further diminishing its value for employment. Therefore, having a high school diploma should not disqualify a claimant from consideration under these profiles, as is the case currently. In addition, standardizing all three profiles to require the same educational level would simplify this provision, making it easier to train staff and potentially increasing use of the profiles.

- 2. Examine the impact of standardizing the age requirements for the “No Work Experience” and “Lifetime Commitment” profiles at age 55, shortening and standardizing the duration requirements for the “Arduous Work” and “Lifetime Commitment” profiles at 25 years, and expanding the “Lifetime Commitment” profile so that work need not all be “in one field of a very similar nature.”**

Rationale: It is likely that even with a shorter duration requirement of 25 years, a lower age requirement of 55, and an expansion of “lifetime commitment” to those who have worked 25 years at a variety of unskilled jobs and/or jobs with skills that do not transfer, most claimants who fit the revised profiles would still meet the statutory definition of disability. If this is the case, it suggests that some claimants who under current policy are not being allowed until a later stage of the disability determination process (e.g., under the medical-vocational grids at the hearing level) could instead be more quickly and easily allowed at the DDS level with the modified policy. In addition, making the special profiles more consistent would simplify the rules, and shortening the duration requirement would make development of the work history easier.

- 3. Establish a method to “flag” claimants who might fit one of these profiles and target their applications for special processing. For example, SSA could establish a flag to identify claimants who are 50 and older, have no more than a high school education (if the above change is made), and whose past relevant work is either entirely absent or shows a pattern that might be consistent with the “Arduous Work Profile” or “Lifetime Commitment Profile.” These applications could then be routed to examiners with special expertise in applying these profiles.**

Rationale: This would make it more likely that potential allowances under these profiles would not be missed, allowing more cases to be approved at the Disability Determination Services (DDS) level rather than a later stage. SSA’s Electronic Claims Analysis Tool (eCAT) should be studied and revised as needed to ensure that claimants who meet the special profiles are identified and receive policy-compliant decisions.

**4. Consider whether revisions to disability application forms, the Disability Report (SSA-3368-BK), or other forms would be useful to better identify claimants who should be considered under the special profiles.**

Rationale: Identifying claimants who should be considered under the special profiles creates efficiency for SSA and state agencies, increases decisional accuracy, and allows claimants to receive their benefits faster.

# Appendix E:

## Transition Memo, Consortium for Citizens with Disabilities, Social Security Section

The Consortium for Citizens with Disabilities Social Security Task Force congratulates President-elect Biden and Vice President-elect Harris on their victory. We hope that the next four years are a time of progress for people with disabilities, including the millions of Americans who receive Title II Social Security benefits and/or Supplemental Security Income (SSI). We would be happy to discuss the ideas below in greater detail with your administration.

**Rescind Harmful Regulations and Subregulatory Guidance:** the following rules and subregulatory guidance make it harder for people to obtain and maintain disability benefits:

- The rule removing inability to communicate in English as a vocational factor.
- The “all evidence” rule, which has made case files excessively lengthy.
- Rules on setting the manner of hearing that reduce the notice SSA provides when the date or other factors about a hearing change.
- The portion of the “program uniformity” rules that allow decisionmakers to ignore evidence or documents submitted close to the date of a hearing.
- The portion of rules on evaluating medical evidence that weaken the weight given to the opinions of treating providers and VA disability findings.
- The rule allowing hearings to be performed by Administrative Appeals Judges.
- Social Security Ruling 17-4p, which in addition to being impermissibly vague, violates Executive Order 13891 about guidance documents.

SSA should also revise Administrative Message (AM) 18029 and other guidance to clarify that collateral estoppel applies when individuals who are already eligible for disability benefits via either Title II or Title XVI file a subsequent application for a different disability benefit.

### Withdraw and Avoid Harmful Proposed Rules and Proposals

- SSA should withdraw its proposed rules about Continuing Disability Reviews (CDRs) and musculoskeletal disorders. These rules would make it more difficult for people with disabilities to obtain and maintain benefits.
- SSA should not raise the age categories on its disability determination “grids” or otherwise adjust consideration of vocational factors to the disability standard stricter.
- SSA should not make policies, or encourage Congress to make any changes that weaken HIPAA, HITECH, or state and local laws protecting medical data.

## Expand Outreach to Potential Beneficiaries

- SSA should follow the law and mail the Social Security Statement annually.
- There should be a moratorium on field office closures for at least one year after the end of the COVID-19 public health emergency.
- SSA should alter the retirement benefits application to better identify and assist those who may also be eligible for disability benefits.
- The iSSI system should be expanded so more people can apply for SSI online.
- SSA should mail notices to Title II beneficiaries with low benefit levels to inform them about SSI. This program has already been piloted and increased SSI uptake by 340%.
- SSA should develop a comprehensive outreach plan for the child SSI program in accordance with 42 U.S.C. § 1383d(a).

## Improve the Disability Determination Process

- SSA should use the SSTF's recommendations to improve initial and reconsideration level decision making.
- SSA should amend its regulations to reduce the period of time considered for past relevant work from the current 15 years.
- SSA should improve access to the entire electronic file for cases at the initial and reconsideration levels through Appointed Representative Services (ARS).
- SSA should end its "single submission" procedure for iAppeals, which forces claimants to supply more information than regulations require.
- SSA should gather and publish data about the race and ethnicity of claimants and beneficiaries.

## Effectuate Favorable Decisions More Efficiently

- SSA should collect and publish data on the time it takes from when a favorable decision is issued to when people receive monthly and retroactive benefits, then use this information to set and track goals in its Annual Performance Plans and Reports.
- SSA should improve processing of representative fees by recognizing firms as representatives and adjusting the cap on fees payable under a fee agreement.
- SSA should not direct claimants and beneficiaries to mail green cards to the agency and should offer in-person appointments, even while offices are closed to the public for the pandemic, to anyone who needs important personal documents (passports, birth certificates, marriage licenses, etc.) verified.



## Simplify SSI Rules

- We support Congressional action to remove in-kind support and maintenance (ISM) from consideration as income for the SSI program, but SSA could improve efficiency and accuracy by removing provision of food from consideration, no longer inquiring about “earmarking,” better identifying public assistance households, creating online and phone reporting for ISM and living arrangement changes, and raising the \$5 tolerance rule.
- Improve and streamline documentation requirements for “temporary institutionalization” so people who are hospitalized can more easily keep their benefits.
- Exclude a household’s second car as “essential to the means of self-support of such individual (and such spouse)” when a spouse uses the automobile in the course of their job or for travel to and from work. This would require amending 20 CFR 416.1218(b)(2).

## Streamline Processes for Beneficiaries and SSA

- SSA should revisit the interim final rule on overpayments and automatically the relief process for COVID-related overpayments and extend the timelines to reflect the true length of the pandemic.
- Work with the Department of Education so that all SSI and SSDI beneficiaries who are statutorily eligible for Total and Permanent Disability discharges of their federal student loans have their loans automatically discharged.
- Ensure that comparison point decisions are included in each Continuing Disability Review (CDR) case, and set goals for accuracy in processing requests statutory benefit continuation.
- Enhance SSA’s wage reporting systems to inquire about work incentives. This might increase uptake of work incentives and ensure payment accuracy.

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