



Edmund G. Brown Jr.
Governor



Patrick W. Henning, Jr.
Director

May 27, 2014

The Honorable Das G. Williams
California State Assembly
State Capitol, Room 4005
Sacramento, CA 95814

Dear Assemblymember Williams,

As requested, the Employment Development Department (EDD) is providing you with information on how the Unemployment Insurance (UI) program determines benefit eligibility for individuals employed by educational institutions. In order for unemployed individuals to qualify for UI benefits, they must meet certain monetary requirements by earning a specific amount in covered wages during a base period year (See enclosed Fact Sheet for additional information). In addition, all individuals must meet the following non-monetary eligibility requirements that include:

- Being out of work due to no fault of their own,
- Being able and available to accept full-time employment,
- Actively seeking full-time employment that is customary for their occupation, and
- Willing to accept a suitable offer of employment.

The above UI eligibility requirements also apply to individuals who are school employees. Furthermore, an eligibility requirement referred to as "reasonable assurance" applies whenever a UI claim is filed by a school employee, the claim is based in whole or in-part on school wages, and the school employee seeks UI benefits during a school recess or other type of break such as a holiday. Section 1253.3 of the California Unemployment Insurance Code (CUIC) is the statute that is used when applying the reasonable assurance provision to school employees.

Determining benefit eligibility under Section 1253.3 of the CUIC is fact specific and determined on a case-by-case basis as to whether an employee has a reasonable assurance of returning to employment with the school after the recess period. When school employees are provided reasonable assurance of employment after the recess period ends, they would not be eligible to receive UI benefits that are based on the school employment during the recess period.

The Honorable Das G. Williams
May 27, 2014
Page two

When school employees are not provided reasonable assurance of employment after the recess period, then they would be eligible to receive benefits provided they meet the other UI eligibility requirements cited above. The UI program does not consider school employees' titles when determining eligibility for UI benefits and when applying the reasonable assurance provision. For more information on reasonable assurance, please refer to EDD's website at:
http://www.edd.ca.gov/Unemployment/School_Employee.htm.

I hope this information provides clarity regarding the application of UI law on claims filed by school employees. If additional information regarding this matter is needed, please contact Gregory Riggs, Deputy Director, at (916) 654-7014.

Sincerely,


PATRICK W. HENNING, JR.
Director

Enclosure

cc: Gregory Riggs, EDD