

# A LESSON ON LAYOFFS FOR SCHOOL EMPLOYEES



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What teachers and other school employees should know about unemployment benefits in Ohio, and when benefits would be allowed.

## Who is considered a school employee?

For unemployment purposes, a school employee is an individual who works or provides services for an educational institution or educational service agency.

A **professional** school employee is one who performs in an instructional, research, or principal administrative capacity, such as a teacher, principal, etc.

All other school employees are considered to be **non-professional** employees, such as custodians, cafeteria workers, teacher's aides, etc.

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**The law establishes special eligibility provisions for individuals employed by educational institutions and educational service agencies. The special provisions apply to both "professional" and "non-professional" employees (with minor differences, as described here).**

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### Basic Eligibility Requirements

- Unemployed when application is filed
- Worked at least 20 weeks and earned sufficient wages in employment that is covered by Ohio Unemployment Law (during four of the last five completed calendar quarters before claim begins)
- Unemployed through no fault of the individual

### Special Eligibility Provisions

Employees of educational institutions do not generally qualify for benefits during:

- scheduled breaks in the school year, or
- between school years or terms if they have a contract or reasonable assurance of returning to work, in the same or similar capacity, after the break or in the next school year or term.

**Eligibility for benefits is determined on a case-by-case basis.**

Apply for benefits once you are unemployed. Log on to [www.unemployment.ohio.gov](http://www.unemployment.ohio.gov) or call a customer service representative at (877) 644-6562.



## Frequently Asked Questions



### What is “reasonable assurance”?

Ohio law recognizes reasonable assurance as a written agreement or verification that the employee will perform services in the same or similar capacity during the next academic year or term. (Note: Reasonable assurance is a provision that is required by federal law.)

### Why is “reasonable assurance” important?

Reasonable assurance is important because it determines whether you can use your school employment (weeks worked and wages earned) to qualify for benefits during between school-term periods and holiday/vacation periods.

- If you **have** reasonable assurance and you have only worked in school employment, you will not be paid benefits between terms.
- If you **have** reasonable assurance and you worked in both school and non-school employment, you may only be paid benefits between school periods if you have sufficient non-school employment to qualify (without using your weeks and wages from school employment).
- If you **do not have** reasonable assurance, you may be paid benefits based on all weeks and wages from school and/or non-school employment.

### If I am eligible for benefits between school-term periods, will I be required to look for work?

If returning to work within 45 days, you must remain available for work with your school employer only. However, if you expect to return to work, but will be unemployed for more than 45 days, you must personally apply for work with at least two employers during each week you claim benefits. You must also be available to work for the school employer, another school employer, or any other employer who offers suitable work.

### What if my employer offers me a position to return to work and the position requires that I perform services in a different capacity?

Reasonable assurance would not apply and benefits may be payable using all weeks and wages from school and/or non-school employment.

### What if the employer does not provide “reasonable assurance” or the opportunity to return to work is contingent upon sufficient enrollment, adequate funding, or changes in the program. Will I be eligible to receive benefits during the between-term period?

Regardless of whether you are a professional or non-professional, if the offer of work is contingent upon sufficient funding or enrollment, you would not have reasonable assurance for the next school year or term.

### At the end of the school term, my school employer gave me a return to work date for the next school year. Before the term began, my position was eliminated (which means you are laid-off). Am I eligible for retroactive benefits?

You may be eligible for retroactive benefits if you are a **non-professional**, school employee and meet all of the following requirements:

- laid off by the school employer,
- not previously disqualified for benefits (other than reasonable assurance to return to work),
- you continued to file weekly claim for benefits during any between term periods, and
- you meet all other eligibility requirements.

For professional school employees, eligibility would begin with the cancellation of the reasonable assurance.

### Will the fact that I chose to receive my earnings stretched out over 12 months rather than 9 months of the regular school year keep me from receiving benefits once the school year is over?

The wages you would be receiving after the end of the school year is for work performed prior to your last day worked and would not be deductible from your unemployment compensation weekly benefits.

### Would I receive benefits if I signed a letter of resignation rather than accepting a layoff?

Leaving a job voluntarily might disqualify you from receiving benefits. However, you may receive benefits if your employer would have let you go due to budget cuts, regardless of whether you signed a letter of resignation. Always file a claim and receive a written determination from ODJFS as to your status to receive benefits.

### Does accepting incentives to resign or retire affect my benefit rights?

Resigning or retiring from a job voluntarily might disqualify you from receiving benefits. If you accept incentives to resign or retire, you might not qualify for benefits. However, if your employer would have laid you off anyway, you may qualify even though you resigned or retired. Again, file a claim to receive a written determination.

