

Unemployment Insurance

Updated Information on Substitute Teacher/Seasonal Workers Continued UI Eligibility

During the COVID-19 pandemic, the U.S. Department of Labor and the Kentucky Office of Unemployment Insurance permitted substitute teachers and other employees of educational institutions to claim unemployment insurance benefits for up to 39 weeks.

Recently, the U.S. Department of Labor provided additional guidance to clarify the continuation of eligibility specifically during regularly scheduled breaks. A regularly scheduled break is a period that begins during an established and customary vacation period or recess. Examples of a regularly scheduled break include summer break, fall break, winter break, spring break, etc.

Substitute teachers/ seasonal workers who have reasonable assurance of returning to the same or similar job are not eligible for benefits (UI, PEUC, PUA, or EB) during a regularly scheduled break.

Frequently Asked Questions:

Q: If I do not have reasonable assurance of a return am I eligible to continue UI benefits?

A: Yes. If the school system has not provided the worker with reasonable assurance of returning to work following the regularly scheduled break the employee is eligible to continue UI benefits. Benefits would continue until the time when the school system makes an offer of reasonable assurance to the employee.

Q: Why am I not eligible for a PUA claim if I have reasonable assurance of returning to work when school starts?

A: You are no longer unemployed due to COVID but are unemployed due to a regularly scheduled break.

Q: What is reasonable assurance?

A: "Reasonable assurance" is a conclusion based on whether a person has acknowledgment they will perform services for the school system again for the coming academic year. Reasonable assurance may include a contract, a written and/or verbal offer, etc.

Q: I am substitute teacher and was supposed to work in a summer program but cannot able due to COVID-19 closures. Can I continue on UI?

A: Yes. If you were scheduled to work in a summer program but are unable to do so you are still COVID affected and would be eligible for benefits on a PUA claim.

Q: I do not have a reasonable assurance of return because my district has not determined if it will provide in-person instruction for the next school year, am I eligible to continue on UI?

A: Yes. If you have not received an offer of reasonable assurance of returning to work in the same or similar capacity as held in the previous school year, you would be eligible for UI benefits until such time as reasonable assurance has been offered.

Q: If I am denied, is there an appeal process?

A: Yes. School employee non-separation issues will be investigated, to determine when the offer of reasonable assurance was provided and an appealable determination will be rendered.

Reference: KRS 341.360 (1)(b) (2) (3) & (4)