

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**ALYSSA A AYERSMAN**

Claimant

**APPEAL NO. 20A-UI-08300-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES MOINES IND COMMUNITY SCH DIST**

Employer

**OC: 05/24/20**

**Claimant: Appellant (1)**

Section 96.4-5 – Reasonable Assurance

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 9, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 26, 2020. Claimant participated personally. Employer participated by Rhonda Wagoner and Bobbie Jo Sheridan. Employer's Exhibit 1 was admitted into evidence.

**ISSUE:**

The issue in this matter is whether employer gave claimant reasonable assurance of continued employment for the upcoming academic year.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: claimant was employed as a Metro Kids staffer for the Des Moines Independent Community School District during the 2019 – 2020 school year. The 2020 school year was closed on March 26, 2020. Claimant continued to be paid by the district until the end of the school year on May 26, 2020. Claimant has resigned to again work for employer for the 2020-2021 academic year beginning on September 3, 2020.

Every year, employer puts out a survey in February to determine the number of Metro Kids workers who are willing to work over the summer. The number of workers that are hired is dependent on the number of students enrolled in Metro Kids as employer has to keep a proper ratio of employees to students. Once employer finds the workers who are willing to work over the summer another survey sent out to find the number of students participating in Metro Kids over the summer. Employer then in May offers contracts to employees over the summer.

In this matter, employer cancelled the summer program before any contracts were offered for the summer.

At all times claimant was reasonably assured of being rehired for the 2020-2021 school year. Claimant is to begin work on September 3, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4(5)b provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

5. Benefits based on service in employment in a nonprofit organization or government entity, defined in section 96.19, subsection 18, are payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the same basis of other service subject to this chapter, except that:

b. Benefits based on service in any other capacity for an educational institution including service in or provided to or on behalf of an educational institution while in the employ of an educational service agency, a government entity, or a nonprofit organization, shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or terms, if the individual performs the services in the first of such academic years or terms and has reasonable assurance that the individual will perform services for the second of such academic years or terms. If benefits are denied to an individual for any week as a result of this paragraph and the individual is not offered an opportunity to perform the services for an educational institution for the second of such academic years or terms, the individual is entitled to retroactive payments of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph.

Iowa Admin. Code r. 871-24.51(6) provides:

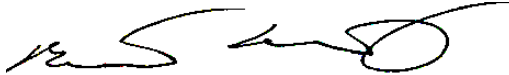
School definitions.

(6) Reasonable assurance, as applicable to an employee of an educational institution, means a written, verbal, or implied agreement that the employee will perform services in the same or similar capacity, which is not substantially less in economic terms and conditions, during the ensuing academic year or term. It need not be a formal written contract. To constitute a reasonable assurance of reemployment for the ensuing academic year or term, an individual must be notified of such reemployment.

The claimant did have reasonable assurance of continued employment for the 2020-2021 school year. As a result, the claimant is not considered unemployed.

**DECISION:**

The decision of the representative dated July 9, 2020, reference 01 is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



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Blair A. Bennett  
Administrative Law Judge

August 27, 2020  
Decision Dated and Mailed

bab/scn