

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHRISTOPHER HALLAM
Claimant

APPEAL NO. 20A-UI-11863-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CEDAR RAPIDS COMM SCHOOL DIST
Employer

OC: 05/31/20
Claimant: Appellant (2)

Section 96.4-5 – Reasonable Assurance

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 16, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 19, 2020. Claimant participated personally. Employer participated by Benjamin Happel. Employer's Exhibit 1 and Claimant's Exhibit A were 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 school security guard for the Cedar Rapids Community School District during the 2019 – 2020 school year. Claimant was paid throughout the school year even though Covid acted to end the school year early. The school year ended in March 2020 but claimant was paid through the end of May 2020. Employer failed to offer reasonable assurance of work for the next academic year as employer's letter of reasonable assurance for ongoing work did not apply to individuals in claimant's position. The letter forwarded by employer specifically mentioned that it only applied 'to special education paras only. Claimant was not a special education para. No other documentation which would provide a reasonable assurance of ongoing employment was offered by employer. Employer did not give information as to a verbal agreement entered into with claimant about ongoing employment prior to some time late in the summer.

Claimant did not know of a contract for the next school year when he applied for unemployment benefits.

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 not have reasonable assurance of continued employment for the 2020-2021 school year. As a result, the claimant is considered unemployed for the months of the summer period between sessions.

DECISION:

The decision of the representative dated September 16, 2020, reference 01 is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.



Blair A. Bennett
Administrative Law Judge

December 2, 2020
Decision Dated and Mailed

bab/mh