

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE A WOODYARD
Claimant

APPEAL 21A-UI-09462-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTHEAST IOWA COMMUNITY COLLEGE
Employer

OC: 05/17/20
Claimant: Appellant (2)

Iowa Code § 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

On April 2, 2021, the claimant, Julie A. Woodyard, filed an appeal from the March 25, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was unemployed between academic years or terms. The parties were properly notified of the hearing. A telephonic hearing was held at 10:00 a.m. on Friday, June 18, 2021. The claimant, Julie A. Woodyard, participated. The employer, Northeast Iowa Community College, participated through Connie Kuennen, Executive Director of Human Resources. Claimant's Exhibit A was received and admitted into the record without objection.

ISSUE:

Does the claimant have reasonable assurance of continued employment in the next school term or year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began employment with the employer on July 22, 2019. Claimant was hired as a part-time library assistant, and she is currently employed with the employer in this position.

While the employer is an educational institution, the library is both the college's library and a branch of the Dubuque County Library System. Because it serves the larger community, it remains open year-round. Traditionally, employees of the library work twelve months out of the year.

Claimant opened a claim for benefits when the college library was closed due to COVID-19. Claimant worked from home as much as she could, but most of her job responsibilities are at the circulation desk and involve checking in and recording new periodicals and books. These responsibilities could not be performed from home. Therefore, effective May 17, 2020, claimant opened a claim for unemployment insurance benefits. Claimant filed weekly continued claims for benefits until the week ending August 1, 2020. After that, the library reopened and claimant returned to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did not have reasonable assurance of continued employment.

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 Code section 96.4(5)*c* 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:

c. With respect to services for an educational institution in any capacity under paragraph "a" or "b", benefits shall not be paid to an individual for any week of unemployment which begins during an established and customary vacation period or holiday recess if the individual performs the services in the period immediately before such vacation period or holiday recess, and the individual has reasonable assurance that the individual will perform the services in the period immediately following such vacation period or holiday recess.

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.

As a year-round employee of the employer, claimant did not have reasonable assurance of continued employment of the type that would disqualify her from receiving unemployment insurance benefits. Rather, she was a year-round employee unemployed due to the pandemic. As such, benefits are allowed.

DECISION:

The March 25, 2021 (reference 01) unemployment insurance decision is reversed. Claimant did not have reasonable assurance of continued employment. Claimant was a year-round employee unemployed due to the pandemic. Benefits are allowed, provided she is otherwise eligible.



Elizabeth A. Johnson
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June 30, 2021
Decision Dated and Mailed

lj/ol