



March 10, 2021

TO: Unemployment Insurance Contact
Los Angeles County School and Community College Districts
Regional Occupational Centers/Programs
Selected Charter Schools

FROM: Gerald Yarbrough, Coordinator
Business Advisory Services

SUBJECT: Notification of Reasonable Assurance to Employees

Unemployment Insurance (UI) benefits are available to individuals who become unemployed through no fault of their own, and who meet all other eligibility requirements. Except for school recess periods, UI eligibility requirements for workers employed in educational institutions are essentially the same as for workers employed in all other industries.

California UI Code Section 1253.3 addresses eligibility for UI benefits during school recess periods. Recess periods are defined as “within term” recesses such as winter and spring breaks, or holidays, or “between terms” recess periods such as the traditional summer break.

If a school employee files a UI claim during any recess period, the primary consideration in determining eligibility for UI benefits is whether the employee has “reasonable assurance” of returning to work in the next school year or term.

Reasonable assurance is defined as a written, verbal, or implied agreement that the employee will work in the same or similar capacity during the ensuing year, term, or remainder of a term. Reasonable assurance exists when a **commitment is made by the school employer** to re-employ the worker in the next school year or term, or in the resumed term, and it is **communicated in an explicit manner**.

A written letter of reasonable assurance is the best way to communicate reasonable assurance. It is documented proof that the notification was made by the school employer. When employees receive a reasonable assurance letter notifying them they are expected to return to employment in the same capacity in the next school year or term, they are ineligible to receive UI benefits during recess periods.

At the initial protest level, and at the UI hearing appeal level, both the Employment Development Department (EDD) determination interviewers and the administrative law judges may award UI benefits to claimants if districts cannot prove that claimants received the reasonable assurance letters. Besides issuing the letter of reasonable assurance, school employers may also need to prove that the letter was received by their employees. We recommend that districts:

1. Obtain the employee's signature acknowledging receipt of this reasonable assurance letter on a list, or on the letter, preferably when the letter is given to them. If possible, keep the original signed letter, and give a copy to the employee.
2. If obtaining the employee's signature is not feasible, send the reasonable assurance letter by certified mail.

Failure to issue proper and timely written communication of reasonable assurance to your employees may result in incorrect eligibility decisions made by the EDD, and incorrect hearing decisions made by administrative law judges. This could result in increased UI benefits paid, increased local experience charges, and an increase in the UI contribution tax rate.

Attached are **three** sample reasonable assurance letters that can be adapted for use by your district or agency.

The first letter (Attachment No. 1) **must be given no later than 30 days before the end of the school year to all classified employees who work less than 12 months, including all classified substitutes, and specially funded classified employees**, if the district expects to employ them the next school year. Classified employees who do not receive a reasonable assurance letter 30 days before the last day of classes at the end of the school year are generally deemed eligible to receive UI benefits during the summer recess.

The second letter (Attachment No. 2) **must be given before the end of the school year to all certificated substitute and temporary/hourly contract employees** expected to work in the next school year. The certificated letter can be given at any time up to the last day that school is in session. The mention of retroactive UI benefits in the classified employee's letter does not pertain to certificated employees. If the end of the school year deadline is missed because of budgetary uncertainties, it is recommended that the reasonable assurance letter be given as soon as possible after your budget is secured. Once the letter is given to the employee, the employee may be found ineligible for the remainder of the summer recess period, and for all other holiday and recess periods throughout the upcoming school year.

The third letter (Attachment No. 3) may be used to inform **newly hired classified employees working less than 12 months, and all substitutes, both classified and certificated**, that they have reasonable assurance to return to work after all holiday and school recess periods during the current school year. Without this notice, newly hired employees may be eligible for UI benefits during holiday and recess periods in the current school year.

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Sample copies of your reasonable assurance letters, your reasonable assurance and lay-off list, the list or letters with the employee's signature acknowledging receipt of the reasonable assurance letter, and a copy of your school calendar should be e-mailed to Yarbrough_Gerald@lacoed.edu, and Sandra Sinift of Equifax Workforce Solutions (formerly TALX) at Sandra.Sinift@equifax.com, **by the end of this current school year**. If an employee's status changes during the summer recess period, please document it, and immediately notify Ms. Sinift via e-mail, and she will notify the EDD.

You will find instructions for creating a spreadsheet to provide Equifax a list of the names of individuals who will receive reasonable assurance letters. Please contact me if you would like the instructions in electronic format. (Attachment No. 4)

Please keep copies of all reasonable assurance documentation. If you are required to attend an unemployment insurance hearing, this documentation will substantiate that a reasonable assurance letter was given and received by the employee.

This bulletin and its attachments are posted on the Los Angeles County Office of Education website at:

www.lacoed.edu/bulletins.aspx

Use the "Search" function to locate a specific bulletin by number or keyword.

If you have questions regarding this bulletin, please contact me via e-mail at Yarbrough_Gerald@lacoed.edu, or call me at (562) 922-6122.

Approved:
Octavio Castelo, Director
Business Advisory Services

GY:ah
Attachments

**Sample Letter of Reasonable Assurance for ALL CLASSIFIED Employees
Who Work Less Than 12 Months
Includes ALL Classified Substitutes and Hourly Classified Employees
(Per Unemployment Insurance Code Section 1253.3[i])**

Date:

Employee Name
Address
City, CA Zip Code

Salutation:

Notification of Reasonable Assurance – Classified Employee

The (School District) hereby notifies you that you have reasonable assurance of returning to work in the next school year, which begins (month, day, year), after the summer recess period. You will also have reasonable assurance of returning to work in your usual capacity at the close of all holiday and recess periods during the year. During the recess periods there will be no need for your services, unless you are notified in writing.

We are required by the Unemployment Insurance (UI) Code to inform you that you may file a UI claim. If you choose to file a claim, your entitlement to benefits will be determined by the Employment Development Department (EDD) and not by this school district or its unemployment claims administrator, Equifax Workforce Solutions. If you are not offered an opportunity to perform services in the next academic year/term, you may be entitled to UI benefits retroactive to the date you filed an initial claim, if you file a claim for retroactive benefits within 30 days after the start of the next academic year/term, if you filed a claim for each week benefits are claimed, and if you are otherwise eligible.

The official mailing address provided below should be given to the EDD when filing a claim for UI benefits:

(Name of School District)
c/o Equifax Workforce Solutions
PO Box 23020
Oakland, CA 94623-2302

This letter is the only official and authorized notification you should rely on when determining your employment status for the next academic year or term.

Please complete the information on the next page regarding your availability and return it to the district personnel office no later than (month, day, year).

Sincerely,

Verification of Receipt

Contact Name
Title

Employee Signature

Attachment No. 1 to:
Informational Bulletin No. 5341

Employee Name
Address
Page 2

(Circle One)

I do/do not plan on returning for the next school year.

Signature

Date

Return to:

District Name
Attention: Personnel Office
District Address

**Sample Letter of Reasonable Assurance for CERTIFICATED
Substitute and Temporary/Hourly Contract Employees**

Date

Employee Name
Address
City, CA Zip Code

Salutation:

Notification of Reasonable Assurance – Certificated Substitute

As this school year comes to an end and schools close for the summer recess, we wish to thank you for your services rendered during the course of the past school year.

You are hereby notified that you have reasonable assurance of returning to work for us in the next school year as an on-call substitute. You also have reasonable assurance of returning to work in a substitute capacity at the close of all holiday and recess periods during that year. **Your services will not be needed during this summer recess period unless you are notified in writing.**

If you are not interested in being a substitute, or have restrictions, please complete the information on page two.

We expect to contact and offer you substitute assignments in the same manner as in the previous school year. We are making this offer to you based upon the district's continuing need for substitute teachers as demonstrated in prior years, as well as your excellent work history and record of availability.

Of course, as in the past, compensation for these assignments will be at the regular substitute rates in effect for this district.

The official mailing address provided below should be given to the Employment Development Department when filing a claim for unemployment insurance benefits:

(Name of School District)
c/o Equifax Workforce Solutions
PO Box 23020
Oakland, CA 94623-2302

To update our files, please complete the information on page two and return it to the district personnel office. **If we do not hear from you by (month, day, year), we will assume that you are willing to work without any restrictions after the summer recess.**

Have a happy and productive summer.

Sincerely,

Verification of Receipt

Contact Name
Title

Employee Signature

Date

Attachment 2 to:
Informational Bulletin No. 5341

Employee Name
Date
Page 2

Please complete the questions/statements below that best describe your availability to substitute for the next school year at our district.

_____ I **wish to remain** on the substitute list for the next school year.

_____ I do not wish to remain on the substitute list for the next school year.

_____ I am interested in being called to substitute for the next school year **without restrictions**.

_____ I am interested in being called to substitute with the following **restrictions** (please indicate restrictions and not mere preferences).

I AM NOT AVAILABLE FOR:

Grade Level(s): _____

Subject(s): _____

Additional Restrictions (Days, Times, Work Sites): _____

My signature also acknowledges receipt of the Reasonable Assurance notice.

Print Name _____
Signature _____
Date _____

Current Address, City, State, and Zip Code

Return to:

District Name
Attention: Personnel Office
District Address

**Sample Letter of Reasonable Assurance for ALL NEWLY HIRED
CLASSIFIED Employees Who Work Less than 12 Months
Includes ALL SUBSTITUTES, both CLASSIFIED and CERTIFICATED**

Date

Employee Name
Address
City, CA Zip Code

Salutation:

Notification of Reasonable Assurance – Newly Hired Employees

You are hereby notified that you have reasonable assurance of returning to work at the close of all holiday and recess periods during the current school year.

OR

Dear New Hire:

We are pleased that you are joining the team at (School District). This letter is written to assure you that you will have reasonable assurance of returning to work at the close of all holiday and school recess periods during the current school year.

I wish you great success in your new position!

Sincerely,

Contact Name
Title

I, _____, have read the above letter and understand that I have reasonable assurance of returning to work at the close of all holiday and school recess periods during the current school year.

Signature

Date

Attachment No. 3 to:
Informational Bulletin No. 5341

Separation Comma Delimited Text File

Legend:

Red/Bold font – Fields noted with red/bold font are minimal requirements. No records will be posted if the red/bold data is not included. If this is the only data available, I can use just the red/bold information to get basic information into our system. All other fields are optional and will be populated in our permanent tables if you supply the data.

Column (data type)	Description
Social Security Number (A)	This column has to include 9 numbers with or without the hyphens. I have a stripping function to remove hyphens. Less than 9 numeric characters will reject as an invalid social security number. The maximum field length is 11 to allow for two hyphens.
Inhouse / Company Code (B)	This has to be the first four characters of the inhouse. If more characters are on the spreadsheet, you can reject it or use the mid text function in Excel to remove the remaining characters.
Location (C)	Please leave blank. Equifax will insert your district code.
State (D)	This is a 2-character field for the standard state abbreviations (ex. Missouri should be “MO”) and must not exceed the 2-character limit. If a value in this field is not a valid state abbreviation, the program sets the state to “00” to denote that the state value was sent, but not valid.
Last Day of Work (E)	This is a date field containing the last physical day the person worked for your company. The preferred format is MM/DD/YY. Dates can be reformatted using the option the format cells – date. After this is done, if the date is still wrong, you can find and replace. (i.e. find / and replace with – or vice versa)
First Day of Work (F)	This is the first physical date the employee worked for your company. The preferred format is MM/DD/YY. Dates can be reformatted using the option the format cells – date. After this is done, if the date is still wrong, you can find and replace. (i.e. find / and replace with – or vice versa)
Return Date (G)	This is the date field containing the date the client expects this employee to return to work. The preferred format is MM/DD/YY. Dates can be reformatted using the option format cells-date. After this is done, if the date is still wrong, you can find and replace (i.e. find/ and replace with).

Separation Reason Code (H)	This is a 4-character numeric code: <ul style="list-style-type: none"> • 7670 Reasonable Assurance • 7600 Lay off • 8700 End of Assignment • 1000 Retired
End Row (N)	This must be the last row. Because comma delimited files pulled from Excel do not consistently include all the columns with no data once headers are removed, I force a lower case “e” as one character as the last field of every row. This forces the other columns to fall into place. Currently, the program anticipates this e to be present as the last character or the row is not considered complete.

Notes:

If multiple rows are necessary for one person, the program weeds out duplicate separations based on matching social security numbers, separation codes and last day of work values, even if the files are not posted on the same day. This may occur when an employee receives two types of special pay. For each special payment, I require a complete row (the data noted in red at minimal). The program will not post a new separation, but needs the separation information to discern which existing separation to attach the special pay data to.

If a rehire or return to work date is being supplied, please add one extra row after the end row, labeled “Rehire”, I have to massage this data slightly to cause it to post appropriately.