

Reasonable Assurances

RI General Law 28-44-68 states, in part, that



- An individual with educational wages (wages from a school, college, university or educational institution) used to establish their claim and who works for an education service agency, which is defined by this law as a governmental agency established and operated exclusively for providing services to one or more educational institutions, shall be denied the use of their educational wages between terms and during the vacation periods if this individual has written reasonable assurance of working in the next academic term or the week after the holiday or vacation period.

Definitions:



■ Between Terms:

- The period which commences on the next Sunday at the end of the first academic term, and continues through the Saturday after school reopens for the ensuing or next academic term.

Subsection (b) 1998 Law Change

“Reasonable Assurance”



Defined in the Law:

“Reasonable Assurance” means a written agreement by the employer that the employee will perform services in the same or similar capacity during the ensuing academic year, term or remainder of a term. Further, reasonable assurance would not exist if the economic terms and conditions of the position offered in the ensuing academic period are substantially less than the terms and conditions of the position in the first academic year, term or period.

Reasonable Assurance: What does the Law State?



- Unemployment Benefits based on service in employment for non-profit organizations and educational institutions and governmental entities are payable ***except*** that:
 - For services performed in an instructional, research, or principal administrative capacity for schools and institutions of higher education benefits shall not be paid based on those services for any week of unemployment commencing during the period between 2 successive academic years or terms if that individual performs services in the first of those academic years or terms
 - ***and*** that individual has reasonable assurance in writing of returning in the second of those academic years or terms.

What does the Law State in Sub-section 2?



- For individuals who perform services in a non-professional capacity:
 - Unemployment Benefits are not payable on the basis of services performed for an educational institution for any weeks of unemployment commencing during a period between two academic years or terms if that individual performed services in the first academic term and has reasonable assurance of performing services in the second academic term.
 - However, if this individual is denied benefits and they are later not offered the opportunity to perform services in the second term, this individual shall be entitled to receive retroactive payments. Individuals must have filed a timely claim for compensation for each of these said weeks.

What does the Law state in Sub-Section 3 about school vacation week?



- Any school employee shall be denied benefits for any week, which starts during a customary vacation period or holiday recess, if that individual performs those services in the period preceding the vacation or holiday recess, and has reasonable assurance of performing services in the period following the vacation or holiday period.

Definitions: (continued)



- **Vacation or Holiday Week or Period:**
 - must be a calendar week beginning on a Sunday
 - if vacation or holiday period begins during the week, ie: Thanksgiving on a Thursday, this cannot be considered as a vacation or holiday period.

Appeals from Claimants



- Appeals must be mailed or faxed within 15 days of the mailing date of the decision
- Appeals will be reviewed and then forwarded to the Board of Review for a hearing

Appeals from Employers - Employer Charges



- Appeals must be mailed or faxed within 15 days of the mailing date of the decision
- Charge appeals will be reviewed and if a change to the charge is not made at the department level, it will be forwarded to the Board of Review for a hearing