

Avoiding Unemployment Claims For Summer Break

Insights

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In a recent denial of unemployment for a substitute teacher, a Florida court provided guidance to schools hoping to avoid unemployment claims for summer breaks. The case involved an unemployment claim by a substitute teacher following her submission of a renewal application to the school that stated: "I understand that returning the Renewal Application will ensure that I have a reasonable assurance of re-employment as a substitute teacher for the school term applied for."

The court denied her unemployment claim and reiterated that under Florida state law, unemployment benefits are not payable during an "established and customary vacation period or holiday recess," as long as the claimant has a reasonable assurance of being rehired the next school year. *Brown v. Florida Unemployment Appeals Commission*. The court also noted that the term "reasonable assurance" does not mean that the substitute teacher *must* be guaranteed assignments the next year to be ineligible for unemployment.

While unemployment compensation laws vary from state to state, many have similar provisions to the Florida statute. For further guidance or assistance in creating a statement to be signed by your employees who customarily do not work during summer break, contact your Fisher Phillips lawyer.

For more information, contact the author at SBogdan@fisherphillips.com or 954.525.4800.

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