



March 29, 2019

TO: District Superintendents of Kern County School Districts
FROM: Nick G. Kouklis, Chief Executive Officer
Self-Insured Schools of California
SUBJECT: Notification of Reasonable Assurance of Employment

The California Unemployment Insurance Code Section 1253.3 disqualifies employees from receiving unemployment insurance (“UI”) benefits during a recess period if those employees receive “reasonable assurance” of returning to work after the recess period is concluded. Failure to provide the proper written communication, where appropriate, could result in increased UI rates in future years. Therefore, it is our recommendation that reasonable assurance notifications be sent as described in this memo (samples attached). Reasonable assurance notifications should be dated with a specific date and mailed as close to that time as possible. It is suggested you have a method of assuring that your employees have received this notification, either by signing a roster, sending by certified mail, or some other means.

CAUTION – Please do not send out a blanket notice of reasonable assurance to all employees. Districts should evaluate their own staffing needs and circumstances. A notification of reasonable assurance should not go to anyone receiving either (a) layoff notice, (b) notice of a reduction in hours or pay that is greater than 20%, or (c) notice of non-reelection under Education Code Section 44929.21. **If you are in doubt, please contact your legal counsel and/or labor negotiator.**

CERTIFICATED EMPLOYEES

Regular certificated personnel working less than 12 months, including tenured and probationary teachers, administrators and all other certificated personnel, who have a continuing contract with the district and who have not received lay-off notices as required by Education Code Sections 44951 and 44955 or notices of non-reelection under Education Code Section 44929.21, have automatic reasonable assurance. No special letter of assurance is required.

YEAR-ROUND

Year-round certificated and classified employees should receive some type of written communication informing them of his/her schedule for the year. The purpose of the communication is to confirm the employee has reasonable assurance of returning to work after the break. Notification should be sent out prior to July 1 of each year.

CLASSIFIED EMPLOYEES

Reasonable assurance should be sent to 12 month employees that have at least a one week unpaid scheduled break during a recess period. Employees working less than 12 months must receive notification of reasonable assurance to return to work for 2019-2020. See enclosed Attachment B. Notification should be sent no later than 30 days before the end of the academic year or term. The offer must be communicated in an explicit manner to the employee.

NEWLY HIRED CLASSIFIED EMPLOYEES AND ALL SUBSTITUTES

(Hired after regular reasonable assurance notifications have been mailed)

All newly hired classified employees and all substitutes (classified and certificated) should be given notification of reasonable assurance at the time of hire. See enclosed Attachment C. Notice may be incorporated into your districts new hire packet. This will inform the employee that they have reasonable assurance to return to work after all recess periods during the current school year.

SUBSTITUTES

Substitute employees the district expects to use in the ensuing term are considered to have reasonable assurance of returning to work provided you have given notice of your intent to retain them on your substitute list. Send notifications only to those substitutes the district intends to continue to use for the next school term. Notification should be sent no later than 30 days before the end of the academic year or term. If your district would like to know substitute availability for the next school year, Attachment D is included for your use. Sample notifications of reasonable assurance for certificated and classified substitute employees are enclosed. Please refer to Attachment A for certificated subs and Attachment B for classified subs.

P.O. Box 1847, Bakersfield, CA 93303-1847
2000 K St • Larry E. Reider Education Center, Bakersfield, CA 93301

ph: 661.636.4710 fx: 661.636.4156 • sisc.kern.org

A Joint Powers Authority administered by the Kern County Superintendent of Schools Office, Mary C. Barlow, Superintendent

SUMMER SCHOOL SESSIONS

Please pay careful attention to preparations for the summer school sessions. It is recommended that districts establish a separate substitute list to be used exclusively during the summer session. District may want to limit the summer school session list to those the district will actually anticipate a need. Substitutes and part-time employees who are on-call during the summer school session may potentially be eligible for UI benefits.

REASONABLE ASSURANCE REQUIREMENTS

Per Unemployment Insurance Code 1253.3(i) the following concepts/statements listed below should be included on reasonable assurance notifications.

- The employee has reasonable assurance of returning to work after all recess periods.
- Nonetheless, the employee may file a claim for UI benefits. Entitlement for benefits shall be made by the Employment Development Department (EDD), not by the school district.
- If the employee is not offered an opportunity to perform services for the district in the next academic year/term, he/she may be entitled to UI benefits retroactive to the date the claim is filed, if the employee is otherwise eligible and he/she filed a claim for each week benefits are claimed, and if a claim for retroactive benefits is made no later than 30 days following the commencement of the next academic year or term. (applies to classified employees only)
- The status of the employee remains the same throughout the school year, including winter and spring breaks.

Questions about unemployment insurance or notifications of reasonable assurance contact Carmen Gonzales at (661) 636-4416 or cagonzales@kern.org.



**Please provide a copy of the following information to Carmen Gonzales.
Items may be e-mailed to cagonzales@kern.org, faxed to (661) 636-4063,
or mailed to SISC Finance PO Box 1808, Bakersfield, CA 93303-1808.**

1. Reasonable assurance notification letters sent to certificated and classified staff.
2. List of regular classified, certificated substitutes, and classified substitutes receiving reasonable assurance.
3. List of employees including substitutes working summer school and summer session dates.
4. List of employees receiving lay-off notices or non-reelection notices.
5. List of employees that had a reduction in hours. Include prior position and new position details on the list.
6. Continue to provide an updated list of rescinded layoffs until school resumes for the 2019-2020 year.
7. Reasonable assurance notifications that are sent after layoffs are rescinded.
8. EDD claim forms DE1101 C/Z may be forwarded to our office for processing.
9. Provide details regarding summer session job offers that substitutes have declined.

NK:cg
Enc.

c: District UI Contact

ATTACHMENT A

Sample Notification of Reasonable Assurance for
CERTIFICATED Substitutes

DATE:

TO:

FROM:

SUBJECT: Notification of Reasonable Assurance for **2019-2020**

You are hereby notified that you have reasonable assurance of returning to work for us in the **2019-2020** 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 the year. Your services are not required during the summer recess period, unless you are notified in writing by last day of school **<date>**.

We will continue to need and rely upon substitute personnel to fill the many vacancies that occur throughout the year. For this reason, your name will be retained in the substitute pool for service in the **2019 – 2020** academic year, unless you indicate to us otherwise. You can be assured that you will be contacted and offered assignments in the same manner as in the previous school year. Your status will remain the same throughout the school year, including winter and spring recess periods.

You may, nonetheless, file an Unemployment Insurance (UI) claim. Your eligibility for benefits will be determined by the Employment Development Department (EDD) and not by this school district. The official mailing address provided below should be given to the EDD if you choose to file a claim for unemployment insurance benefits:

<Name of School District (not school site)>
c/o SISC
P.O. Box 1808
Bakersfield, CA 93303-1808

This notification is the only official and authorized notification on which you should rely when determining your employment status for the next academic year/term. Unless you notify us to the contrary, we look forward to seeing you after the summer recess.

ATTACHMENT B

<p style="text-align: center;">Sample Notification of Reasonable Assurance for CLASSIFIED Substitutes & Less Than 12 Month Employees</p>

DATE:

TO:

FROM:

SUBJECT: Notification of Reasonable Assurance for **2019-2020**

The <School District> hereby notifies our **regular classified employees**, who work less than a 12 month schedule each year, that you have reasonable assurance of returning to work in the **2019-2020** school year, after the summer recess period. You also have reasonable assurance of returning to work in your usual capacity at the close of all holiday and recess periods during the year. Your services are not required during the summer recess period, unless you are notified in writing by the last day of school <date>.

Classified substitutes have reasonable assurance of being called for substitute work in the **2019-2020** school year, after the summer recess period. You also have reasonable assurance of being called for substitute work in the same capacity as this year. Your status will remain the same throughout the school year, including winter and spring recess periods. Your services are not required during the summer recess period, unless you are notified in writing by the last day of school <date>.

You may, nonetheless, file an Unemployment Insurance (UI) claim. Your eligibility for benefits will be determined by the Employment Development Department (EDD) and not by this school district. 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; provided that you are otherwise eligible and you filed a claim for each week benefits are claimed, and if the claim for benefits is made within 30 days after the start of the next academic year/term.

The official mailing address provided below should be given to the EDD if you choose to file a claim for unemployment insurance benefits:

<Name of School District (not school site)>
c/o SISC
P.O. Box 1808
Bakersfield, CA 93303-1808

This notification is the only official and authorized notification on which you should rely when determining your employment status for the next academic year/term. Unless you notify us to the contrary, we look forward to seeing you after the summer recess.

ATTACHMENT C

**Sample Notification of Reasonable Assurance for
Newly Hired
Classified Employees and All Substitutes Employees
(For Employees hired after regular reasonable assurance notifications have been mailed)**

DATE:

TO:

FROM:

SUBJECT: Notification of Reasonable Assurance for **2019-2020**

Newly-Hired Certificated Substitute Employee

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. Your services will not be needed during the recess periods.

Newly-Hired Classified Employee

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. Your services will not be needed during the recess periods.

You may, nonetheless, file an Unemployment Insurance (UI) claim. Your eligibility for benefits will be determined by the Employment Development Department (EDD) and not by this school district. 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; provided that you are otherwise eligible and you filed a claim for each week benefits are claimed, and if the claim for benefits is made within 30 days after the start of the next academic year/term.

The official mailing address provided below should be given to the EDD if you choose to file a claim for unemployment insurance benefits:

<Name of School District (not school site)>
c/o SISC
P.O. Box 1808
Bakersfield, CA 93303-1808

Signature

Date

ATTACHMENT D

**Classified and Certificated Substitutes Employees
Substitute Availability Questionnaire**

To update our files, please complete the survey below. If we do not hear from you by <date>, we will assume that you are willing to work without any restrictions. Please check the appropriate box below. Be sure to sign, date, and return the sheet to <Name of School District (not school site)>

- I am interested in being called to substitute for the **2019–2020** school year without restrictions.
- I am interested in being called to substitute for the **2019–2020** school year with the following restrictions: (indicate actual restrictions and not mere preferences)
- I am **NOT** interested in being called to substitute for the **2019–2020** school year.

I am **not** available for:

Grade level(s):

Subject(s):

Other Restrictions: (Days, time, or work site)

Signature

Print Name

Date Signed

Telephone

Address

City

State

Zip

Return completed questionnaire to:

**Name of School District (not school site)
District Address**