

The 2023 Minnesota Legislature passed unemployment insurance for hourly school employees.

This document will be updated as more information comes from the Department of Employment and Economic Development.

This bill passed after more than three decades of public sector unions diligently fighting for it, making Minnesota the first state to provide for this basic safety net for school workers. The new rule, which has been a priority for hourly school workers across the state for decades, fixes the current law that excludes hourly school workers from the Unemployment Insurance program that most Minnesotans have access to, including seasonal jobs like construction, resort workers, and landscaping. To help ensure workers have enough economic stability to continue doing this work, hourly school workers are eligible as of May 28 to use UI like everyone else this summer.

The only way to be sure whether you qualify for unemployment benefits and what your benefit amount will be is to apply – applications now open! – and answer the questions honestly.

Q: Where do I apply for unemployment benefits?

A: mn.gov/uimn

Q: Should I apply for unemployment benefits this summer?

A: Yes, if you are not working this summer or are working a significantly reduced schedule, you should apply.

To be eligible for unemployment benefits you must be actively looking for work and you must accept suitable offers of employment. The union encourages you to accept jobs that are offered to you – especially summer school and extended school year positions with your district – AND apply for unemployment, as you may be eligible for a partial benefit.

Q: I am still working 10 hours a week and provide one of the following services: summer meals, meal delivery, childcare or education support with the school district. Will I be eligible for unemployment?

A: The only way to know whether you're eligible for UI benefits is to apply and answer the questions honestly. Unemployment offers a partial benefit for individuals who work at jobs where they make less. It's probably in your self-interest to work summer school and collect the partial unemployment payment.

Things to consider: Should there be a break between the end of the school year and before summer school starts, you should apply for unemployment as there are five weekdays without work that must be served before unemployment eligibility may begin. When working at summer school, should your hours drop in a week, and you were not eligible before, you may now be eligible and should apply. If there are weekdays after summer school ends and school begins you should apply as you may be eligible.

Q: Am I eligible for unemployment this summer even though I have never been eligible in the past?

A: On May 28, 2023, the law changed, unemployment now works the same for hourly school employees as it does for all other workers. You can now apply for and receive unemployment compensation so long as you meet all the other eligibility criteria.

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www.educationminnesota.org

Education Minnesota is an affiliate of the American Federation of Teachers, the National Education Association and AFL-CIO.  5567



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Q: What is a genuine job offer?

A: The staff at UI make the final determination about what is considered an offer, and that decision depends on your specific circumstances. Generally, a job offer includes the position or title, number of hours and days you'd work, the wage rate, and other terms of employment. A letter only asking you to "sign up for" or "turn down" summer work is not a specific enough offer of employment. However, because you have a relationship with your district, UI may consider any offer addressed specifically to you and including the dates you're being offered work to be a genuine offer of employment. We strongly discourage trying to split hairs over what is or isn't an offer. Declining a genuine job offer would make you ineligible for unemployment benefits for eight weeks, and you could be required to pay UI back.

Q: I'm not sure whether what I received was a job offer. What should I do?

A: You should err on the side of overreporting. UI will determine whether what you received is a genuine offer of employment that qualifies as suitable work. That said, read the questions carefully and respond only to what is being asked—don't provide extra information. UI generally does not consider job offers received while you were working. Typically, UI will ask whether you received an offer of employment during the week you're applying for benefits or for another specific time period. You can also clarify with your employer by asking directly when they want you to start and what the days, hours and type of work would be—or whether they are simply inviting you to apply.

Q: What if I'm offered a summer job outside my normal job duties? What is suitable employment?

A: The staff at UI make the final determination about what is considered suitable employment, and that decision depends on your specific circumstances. Generally, suitable employment involves similar work, pay, hours, days and a reasonable distance from your home. We're hearing about painting and cleaning positions being offered to noncustodial or nonmaintenance staff. If you decline an offer, be prepared to explain why. UI staff are experienced in reviewing information provided by workers across a wide range of industries, but you should avoid using jargon or shorthand that may be unfamiliar to people who don't work at your school. We encourage you to report these offers to UI if they occur during a week you apply for benefits or during a specific time period listed on your application, so they can determine whether the offer was suitable.

Q: I've worked at summer school for several years, and this year I did not sign up to work summer school. Am I still eligible for unemployment?

A: The only way to know whether you're eligible for UI benefits is to apply and answer the questions honestly. Unemployment offers a partial benefit for individuals who choose to work at jobs where they make less. It's probably in your self-interest to work summer school and collect the partial unemployment payment.

Q: I work a second job outside the school district. Should I still apply for unemployment benefits this summer?

A: The only way to know whether you're eligible for UI benefits is to apply and answer the questions honestly. Unemployment offers a partial benefit for individuals so you may still be eligible based on your reduced work hours from the school district.

Q: Do I have to look for work if I'm going to apply for unemployment?

A: To apply for unemployment there is an expectation that you are looking for work (online, in the newspaper, and so on). Generally, that is similar work, and there is no expectation you will take a position that pays significantly less.

Other frequently asked questions about how to apply:

Q: Is this a members' only benefit?

A: No, unemployment now works the same for hourly school employees as it does for all other workers. If you are seeking assistance from Education Minnesota on your specific situation, you must be a member.

Q: I work during the normal school year (10 months) but my wages are split out and paid over 12 months. So, I'm getting paychecks during the summer, even though I'm not working. Am I still eligible for unemployment benefits during the summer?

A: UI is always more concerned with when you worked, rather than when you get paid for the work. If you are off during the summer, you should apply for benefits. When you file your weekly request, UI will ask if you worked during the week you are requesting:

- If you did work, then answer "yes" and they will ask you how much you worked in the week and how much you will be paid by your employer for the week.
- If you didn't work, you can say "no". If you are just getting a payment in the summer for work you did during the school year, you don't have to report the payment.

Q: The district contributes or pays my health insurance and/or other insurance premiums during the summer. Will I lose my insurance benefit if I apply for unemployment insurance, and/or do I have to report the district's insurance contribution as income?

A: Filing for unemployment does not impact your insurance benefits, and insurance contributions are not considered income for purposes of unemployment.

Q: One of the questions you will respond to when applying for unemployment is a union-related question.

A: Our union is not listed. You should select "other." This question is related only to those workers who part of a "hiring hall" union. Hiring hall unions directly place their members with their employers. Hiring hall unions only exist in the building trades and do not represent school employees.

Q: How long does it take to apply for unemployment and file a claim each week?

A: The first time can take a while (but often takes as little as 15 minutes) as you must set up an account and answer a significant number of questions. The best thing to do is apply online and to answer all the questions fully and honestly. The UI program does have a call center in case you have questions, but they are expecting to be busy and wait times could be longer than normal.

Weekly claims after that: This is quick. You answer six or seven questions. It is important that you answer "yes" to the first question if you worked at all during the week for which you are requesting benefits.

Q: Are ESPs considered "seasonal" employees? The application asks.

A: No, your job is not classified as seasonal work within the definition of unemployment insurance or under the Public Employees Labor Relations Act.

Q: How should I answer the question about the reason I am filing? The options are termination, quit, layoff or seasonal.

A: If your work ended because of the end of the school year, you are considered laid off. If you did quit or were terminated, you need to say that when you apply.

Q: What do I put for a recall date when it asks?

A: You should answer “No” that you do not have a recall date if you have not received a direct communication from your district on when they plan to rehire you in the fall. You should answer “Yes” if you have received a letter or email with a specific date and enter that date when prompted.

Q: Is this taxable income?

A: Yes

Frequently asked questions about the appeals process**Q: I’ve been denied unemployment and their letter says I can appeal. What should I do?**

A: For any week you intend to receive unemployment benefits, you must request benefits. Follow all the steps and timelines in the process (even if you are denied many times). This includes responding to all communication they send you and filing the appeal.

Q: Do I have to file for unemployment every week even if I’m denied?

A: For any week you intend to receive unemployment benefits, you must request benefits (even if you are denied many times) because eligibility is determined on a week-by-week basis. Unemployment compensation is only available for the weeks you file a claim. You should request benefits every week.

Q: If I am initially denied, but then win on appeal, will any unemployment compensation be paid retroactively?

If you win on appeal, unemployment compensation may be paid retroactively to the first date you applied for it. However—and this is very important to remember—you must continue to request benefits each week throughout the appeal process. If you don’t apply each week, you likely will not receive any retroactive unemployment compensation.

As your union, we are providing you with the information we have and will update information on our website as we receive additional information. It’s up to you to decide if you want to apply for unemployment benefits.