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M E M O R A N D U M

July 31, 1978

TO: Tony Ficchio
FROM: Beryl Weinberg
SUBJECT: Unemployment Insurance

January 1978 was the effective date of a new federal law requiring states to cover public employees with regular state unemployment insurance. For the past few years, teachers have been covered by the Supplementary Unemployment Assistance (SUA), a federal law enacted to cope with high unemployment. Although SUA was totally federally funded, it was administered by the State Employment Insurance Bureau under the same rules and regulations as a regular unemployment insurance.

We had a number of problems getting unemployment insurance for adjunct personnel under the Federal law. A number were turned down under Section 590.10 of the New York State Unemployment Insurance Law which held that teachers who had a contract for employment the following semester were not eligible for unemployment insurance over the summer. This provision was obviously directed to the annually employed teachers who were paid in 10 months instead of 12 months. After a number of appeals, we succeeded in getting a reversal by the Unemployment Insurance Appeal Board and agreement that adjunct personnel had no real contract for employment in the fall because too many conditions were attached to the offer of employment. Attached you will find material relating to this decision.

Now that our people should be covered under regular unemployment insurance, we are again facing the problem of Section 590.10 as well as some strange rulings in relation to a full-time student who is employed as an adjunct. The Industrial Commissioner has issued a ruling

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to be ineligible for unemployment insurance a contract for re-employment is not required, a reasonable assurance of such re-employment will do. Our position is that no adjunct has reasonable assurance of re-employment; too many adjuncts have been told on the first day of class that there would be no course for them.

More important, I think that we must make the point that there is no justification for treating adjunct teachers any differently from other seasonal workers. Other workers in seasonal industries who are laid off for lack of work collect unemployment insurance even though they know they will be returning to work when the season begins. It is on this basis that we should make our final appeal and, if necessary, go to court.

BW/gdc
opeiu #153

Attachment