

A lesson on layoffs for school employees



What teachers and other employees should know about unemployment benefits in Texas

If you work for an educational institution and lose your job through no fault of your own, you might qualify for Unemployment Insurance (UI) benefits under the Texas Unemployment Compensation Act (TUCA). Eligibility for benefits is determined on a case-by-case basis.

Teachers and other employees of educational institutions generally do not qualify for UI benefits during scheduled breaks in the school

year when they have a contract or reasonable assurance of having a job in the next academic term or after the breaks.

This year, budget cuts at the state and local level may force layoffs at many educational institutions statewide that affect teachers, instructors, professors, technical support, librarians, janitorial and cafeteria staff, and more.

Frequently Asked Questions

I'm a teacher who lost my job. Can I get UI benefits?

Two issues determine whether you qualify for UI benefits:

1. Job Separation

You must have lost your job **through no fault of your own**. For example, your contract was not renewed or you were furloughed, laid off, or are part of a reduction in force (RIF). A firing because of misconduct disqualifies you from receiving benefits.

2. Past Wages

You must have earned **enough past wages** to qualify for benefits. If you do not have enough wages, you cannot get benefits.

What is “reasonable assurance” and why is it important?

Reasonable assurance is a commitment (written or oral) that you will have a job after scheduled breaks or in the next academic term at **your school or any other school**. It is important because reasonable assurance determines whether you can use your school wages to qualify for benefits.

- If you **have** reasonable assurance, the Texas Workforce Commission (TWC) **cannot use** your school wages to compute your benefits and you may not have enough wages to qualify for benefits.
- If you **DO NOT** have reasonable assurance, TWC **can use** your school wages to compute your benefits, so you may qualify.

Does accepting incentives to resign or retire affect my benefits?

It depends. Resigning or retiring from a job voluntarily might disqualify you from receiving benefits. Some schools are offering financial incentives to persuade employees to resign or retire. If you accept incentives to resign or retire, you might not qualify for benefits. However, if your employer would have laid you off anyway, you could qualify even though you resigned or retired.

How does my retirement check affect my unemployment benefits?

If you qualify for unemployment benefits, TWC will reduce your weekly benefits by any pension amount you received from an employer whose wages we used to calculate your benefits.

Would I receive benefits if I signed a letter of resignation rather than accepting a layoff?

It depends. Leaving a job voluntarily might disqualify you from receiving benefits. However, you may receive benefits if your employer would have let you go due to budget cuts, regardless of whether you signed the letter of resignation.

I work for an educational institution, but I’m not a teacher. Does the law apply to me?

Yes. The laws on UI benefits apply to school employees working in non-instructional positions.

Will TWC use wages I earned from a non-school job to compute my benefit amounts on my UI claim?

Yes. If you earned wages from a **non-school** job, TWC will use those wages to compute the benefit amount for your claim.

If my old school rehires me, or I sign up as a substitute teacher, or accept a job with another school district, may I continue to receive benefits?

Probably not. TWC must stop using your school wages to compute your benefit amount when you:

- have reasonable assurance of a school job; or
- sign up as a substitute teacher; or
- Accept a job with **any educational institution**.

When TWC stops using your school wages to compute your benefit amount, you might not qualify for benefits during school breaks. If you have sufficient wages from a **non-school** job to qualify for benefits, TWC might be able to pay benefits based on the non-school wages.

What should I do if I get a school job (or get reasonable assurance of a job)?

Call a TWC Tele-Center immediately at 1-800-939-6631 once you have reasonable assurance of a school job.

When should I apply for UI benefits?

Apply for benefits once you are unemployed at the end of the school year. Log on to ui.texasworkforce.org or call a Tele-Center (1-800-939-6631) to speak with a service representative. After you apply, TWC will send you the UI Benefits Handbook, instructions on payment request and other ongoing requirements.

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