
School Recess Laws and You

Reasonable Assurance

“Reasonable assurance” means whether it is likely you will be returning to work for a school after a break. To have reasonable assurance, the pay for the work cannot be less than 90% of the amount you earned in the prior year or term (not including the benefits your employer paid you) and is based on either:

- 1) A contract that is an agreement that can be enforced, does not have any contingencies, and which provides wages for a year; or
- 2) An offer of work for the next academic year or term.

If you do not have a contract but you receive an offer of work:

- a) It can be written, oral, or implied as long as it was made by someone with the authority to offer you a job;
- b) It must be in the same or similar role as the work you did in the prior year or term;
- c) It must not have contingencies within your employer’s control but the offer may have contingencies that are outside of your employer’s control if it is very likely they will be met; and
- d) All the circumstances demonstrate it is very likely there will be a job for you in the next academic term or year.

Break Periods

You may not be eligible for unemployment insurance benefits when the school is on break between terms or years. If the conditions of your job have changed and you no longer have reasonable assurance, you may be eligible for unemployment insurance benefits.

“Professional” and “Nonprofessional” Employees

Oregon’s laws relating to unemployment insurance benefits for school employees follow the federal guidelines. You are a “Professional” employee if the role you work in is instructional, research, or principal administrative. You are a “Nonprofessional” if you work in another role for a school.

“Professionals,” “Nonprofessionals,” and Reasonable Assurance

If you have an agreement to work in a “Professional” role from term to term, whether one term follows the next, you may have reasonable assurance. If you work in a “Nonprofessional” role, you only have reasonable assurance if you have an agreement to work if one term follows the next.

If you work in a “Professional” role and lose reasonable assurance in the middle of a break, contact the department immediately to have your eligibility reviewed. You may qualify for benefits at the point you lost reasonable assurance, if you filed claims for unemployment insurance benefits at the same time.

If you work in a “Nonprofessional” role, you can be paid retroactive unemployment insurance benefits if you lose reasonable assurance and you:

- 1) Filed a new unemployment insurance claim before you found out you do not have reasonable assurance;
- 2) Filed weekly unemployment insurance claims for every week you wished to claim unemployment insurance benefits and met the standard eligibility requirements for unemployment insurance benefits; and
- 3) Let the department know when you receive confirmation you will not be returning to work.

For more information about the eligibility requirements for unemployment insurance benefits, please contact the Unemployment Insurance Contact Center at 877-345-3484 or visit our website at employment.oregon.gov.