

## **Frequently Asked Questions Regarding Educators and Coronavirus/COVID-19 – Unemployment benefits**

### **I was just nonrenewed or received a separation notice. Am I eligible for unemployment?**

#### **Teachers**

Teachers are under a continuing contract for employment until they are dismissed or nonrenewed. Tenn. Code Ann. § 49-5-409(a). So while under contract, teachers are not eligible for unemployment benefits for any week of unemployment that occurs during the period between two successive academic years or terms. See Tenn. Code Ann. § 50-7-302(b)(2)(A). Also, teachers are not eligible for unemployment if those teachers have a “reasonable assurance” that they will perform services as a teacher for *any* educational institution in the second of the academic years or terms. *Id.* When teachers are nonrenewed, however, they are no longer under contract and have no reasonable assurance that they will be employed for the next academic year or term. As such, these nonrenewed teachers should go ahead and apply for unemployment.

Teachers usually receive nonrenewals at the end of the school year. Because of this, it is unclear whether these nonrenewed teachers would qualify for unemployment before the next academic year or term begins. If a teacher has applied for unemployment but ends up under contract with another school system for the next academic year, then that teacher would not qualify for unemployment. If a teacher is unable to find employment after the school year starts, however, then that teacher may end up qualifying for unemployment. Regardless, teachers who have been nonrenewed should apply for unemployment as soon as possible because unemployment benefits should relate back to the date the teacher first applied for unemployment.

Because of the shutdown caused by COVID-19, the Tennessee Department of Labor has received a high volume of claims. The fastest and most efficient way to file an unemployment claim is to go to [www.Jobs4TN.gov](http://www.Jobs4TN.gov). If you file with any other method, you could significantly delay the processing of your claim.

#### **ESPs**

For anyone who is in a position that does not require a teaching license (such as ESPs), you are “hired at the will of the director of schools.” Tenn. Code Ann. § 49-2-301(b)(1)(DD). Even so, state law also makes such an individual ineligible for unemployment for any week that occurs during the period between two successive academic years or terms *if* that individual performs services in the first of the academic years or terms *and* there is a “reasonable assurance” that he or she will perform services in the second of the academic years or terms. Tenn. Code Ann. § 50-7-302(b)(2)(B)(i). If you receive a separation notice and have no “reasonable assurance” that you will perform services in the second of the academic years or terms, you should go ahead and apply for unemployment.

Just like with teachers, it is unclear whether these individuals would qualify for unemployment before the next academic year or term begins. Regardless, if you have received a separation notice, you should for unemployment as soon as possible. If you are denied unemployment compensation and you were “not offered an opportunity to perform the services for any education institution for the second of the academic years or terms,” then you shall be entitled to retroactive payments for each week that you timely filed a claim for compensation. *Id.* - 302(b)(2)(B)(ii).

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