

FACT SHEET #165 April 2017

Denial of Unemployment Benefits for Seasonal Workers

Employees may be denied unemployment benefits between seasons if the employer has applied for and received seasonal designation under the law. An employer may apply for seasonal designation if the employer regularly operates no more than 26 weeks within a 52-week period. This does not apply to workers in the construction industry.

WHEN WILL A SEASONAL WORKER BE DENIED UNEMPLOYMENT BENEFITS?

A seasonal worker will only be denied unemployment benefits between seasons if each one of the following conditions is met:

- When applying to be a seasonal employer, the employer posts a copy of the application form for all workers to see.
 - The application must be received by the UIA not less than 20 days before the expected beginning date of the season.
- The UIA issues a determination that the employer is a seasonal employer.
 - If the designation is granted, the employer will receive Form UIA 1156, *Notice to Workers of Employer's Designation as Seasonal*, specifying the beginning and ending dates of the normal work period.
- The employer posts Form UIA 1156 telling workers that the UIA has determined that the employer is a seasonal employer.
 - The employer must post the notice in a place where the workers will easily see it. The notice must tell workers the period the UIA says is the employer's "normal seasonal work period," a period of up to 20 weeks. The UIA will not deny benefits to a worker whose employer has not posted this notice.
- The worker receives written notice that they are seasonal.
 - When a worker is hired, the employer must inform them in writing that they are seasonal and that benefits may be denied during the period between seasons. The UIA will not deny benefits to a worker who does not receive this written notice.
- The employer has given the worker "reasonable assurance" of returning to work next season.
 - Reasonable assurance is not a guarantee of work, but it is an employer's honest belief that there will be work for next season for the seasonal worker. The work should be about the same as the worker's last job as far as skills needed, location, wages and benefits. If it turns out that a worker who had reasonable assurance for the next season is not actually given a job in the new season, that worker could receive benefits in the new season and could possibly receive retroactive benefits for the prior period between seasons. However, to get these "back benefits," the worker must have filed a claim at the end of the old season, and must have continued to report online or by phone between seasons, as directed by the UIA.
- The employee works only during the employer's normal seasonal work period.
 - If a worker begins work before the start of the employer's normal seasonal work period, or continues working past the end of the period, the worker will not be denied benefits when the season ends.

If a person worked for more than just a seasonal employer, the worker might still be able to collect some benefits based on earnings with the non-seasonal employer.

For more information about benefits for seasonal workers, call UIA Customer Service at 1-866-500-0017.