

**FACT SHEET #150 MAY 2018**

## **What is Denial Period?**

During a “Denial Period,” a person hired to work during a regularly recurring seasonal period (or school year), does not receive unemployment benefits if the employer has given the worker “reasonable assurance” of returning to the work at the start of the next season (or school year). Reasonable assurance is an employer’s reasonable assertion that a job will be available at the beginning of the next season, based upon the facts and circumstances known to the employer at the time the assurance is given (for more information, see [Fact Sheet 151, Understanding Reasonable Assurance](#)).

### **What Kinds of Workers Can be Subject to a Denial Period?**

**School Employees:** This includes instructors, researchers, and principal administrators, as well as all other school employees working for school districts, community college districts, educational service agencies (such as intermediate school districts), charter schools, public or non-profit colleges and universities, and other public or non-profit schools (but not employees of private schools). The Denial Period applies to these workers during the period between school terms, and to vacation periods within a school term. The Denial Period applies to unemployment benefits from all non-private schools where the worker was employed, if the worker has “reasonable assurance” of work from any non-private school.

**Head Start Employees:** If operated by a local board of education (school district), the denial period applies during the period between school terms and to vacation periods within a school term.

**School Bus Drivers Working for Private Bus Companies:** The Denial Period applies if at least 75% of the worker’s wages with the bus company were for driving a school bus. The Denial Period applies to workers in K-12 and higher education schools during the period between school terms, not holidays or vacation periods.

**School Workers Working for Contractors Providing School Services:** This includes services such as food service, security services, custodial services, crossing guards, coaches or other services provided to a school by a contractor. The Denial Period applies to workers in K-12 and higher education schools only during the period between school terms, not holiday or vacation periods.

**School Crossing Guards:** The Denial Period applies during the period between school terms but not vacation periods within a school term.

**School Coaches:** The Denial Period applies during the period between school terms and to vacation periods within a school term.

**Professional Athletes:** The Denial Period applies during the period between sport seasons to workers whose recent past wages were earned substantially from participating in sporting events, or from training or preparing to participate in sporting events.

**Workers Hired by Governmental, Private, or Non-profit Employers as Seasonal Workers:** The Denial Period applies to workers hired primarily to work during regularly recurring periods of 26 weeks or less within any 52-week period by any employer (except a construction employer). It includes a governmental entity (such as a city, county, township, or village) that hires seasonal workers.

**What is the Effect on a Worker's Entitlement to Unemployment Benefits?**

A worker subject to a Denial Period cannot receive unemployment benefits during the Denial Period based on the kind of work described above but could receive benefits during that period based on work other than described above. If a school worker (other than an instructor, researcher, or principal administrator); school bus driver working for a private contractor; or a school worker working for a contractor providing school services had been given reasonable assurance of returning to work and was not rehired at the start of the new school year, that worker can claim retroactive unemployment benefits if he or she was regularly certifying for benefits (that is, reporting to "MiWAM or MARVIN") during the Denial Period.

A Denial Period does not apply to a seasonal worker required to begin work before the start of the normal seasonal work period or required to continue working after the end of the normal seasonal work period. In the case of a school worker, if a labor dispute delays the start of the school year, the Denial Period ends at the originally-scheduled start of the school year.

For more information about Denial Periods, call the UIA Employer Customer Service at 1-855-484-2636.