



A Union of Professionals

Unemployment Benefits for PSRPs

History

In 1983, the federal government enacted legislation that took away the right of PSRPs to receive unemployment benefits between school years, often called “between terms.” This right was denied at the federal level, and the law was written in such a way that it was also illegal for states to provide this right to workers.

Nine years later, in 1992, the AFT and allied groups succeeded in changing the federal law so that PSRPs are now eligible for unemployment benefits—with one caveat. To make this change effective in any given state, it is necessary to modify existing state law governing the unemployment compensation system. This is also known as “passing enabling legislation.”

Current Status

Despite efforts of the AFT and our state affiliates, no state has managed to pass enabling legislation. Over the years, a number of states have tried—Indiana, Missouri, Montana and New York—but none has succeeded. In recent years, Montana and New York introduced comprehensive bills covering all school and college support staff. Legislation in Illinois focused on school crossing guards, and legislation in Maine targeted food service workers. In 2007, one bill has been introduced in Washington state and other states are expected to introduce bills.

Challenges

One of the challenges we face: Many state legislators misunderstand the concept; they think that simply passing enabling legislation means that all PSRPs will automatically receive unemployment compensation. That, however, is not the case. PSRPs would have the *right* to apply for unemployment compensation, but their eligibility for that compensation would still be determined by state criteria. If a PSRP doesn't meet the criteria, then he or she would not receive unemployment compensation between terms.

A second challenge we face is financial. If PSRPs became eligible for unemployment compensation, then school systems would have to pay into the unemployment fund. This amount varies from state to state but is a minimum of 5.4 percent (the trigger for making employers eligible for a federal tax credit.)

Union Response

The only way to ensure that PSRPs have an opportunity to be eligible for unemployment compensation between terms is if legislation is enacted at the state level. The AFT can help state affiliates by providing sample legislation and legislative campaign strategies. For more information, contact the PSRP department at psrp@aft.org. For information on state unemployment compensation laws, go to:

<http://workforcesecurity.doleta.gov/unemploy/uilawcompar/2004/comparison2004.asp>