

# Substitute Employee Issues

Presented by  
Unemployment Insurance Technical  
Subcommittee

# Section 1253c

## California Unemployment Insurance Code (CUIC)

Able and available for work:

- Report all refusal of suitable work.
- Report unavailability.
- Limited availability.

# Recess Period

## Section 1253.3 of the CUIC

- Must have reasonable assurance.
- Must not be working or on-call during recess period.
- If the claimant works for **more than one** school employer, the recess period for each of the employers must be considered.

# Reduce Liability for Substitutes

- Create a separate and reduced substitute list for recess periods.
- If on-call during summer school, protest the recess periods before and after summer school.

# Maintenance of On-Call List

- Clean up prior to mailing reasonable assurance letters.
- Question availability.
- Send termination letters.

# Terminations for Misconduct

- Although substitutes are at-will employees, claims can be contested.
- Provide detailed information regarding incident.
- Make sure the substitute knows why they were terminated.

# Questions and Answers





The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.