



### The Part-Time Employee and Unemployment Insurance: Question and Answer

**A Ski school instructor works part-time with more hours in the winter and less in the summer. This employee consistently applies for unemployment benefits based on loss of hours and receives partial unemployment. How can an employee working part-time with no guarantee of full-time work and fluctuating hours receive unemployment benefits? How is this possible?**

Per the EDD Statute, section 1252, an employee is eligible for partial unemployment as long as they are working part-time with no guarantee of full-time work. The benefits are calculated based upon the quarter in which they file. For example, if an individual files in 4<sup>th</sup> Quarter 2015, the base period that will be used to compute unemployment is 2<sup>nd</sup> Quarter 2015, 1<sup>st</sup> Quarter 2015, 4<sup>th</sup> Quarter 2014, and 3<sup>rd</sup> Quarter 2014. Whatever quarter is the highest is typically the amount the individual will receive in unemployment. Because the case above is considered “partial employment,” the state will take what they would earn in unemployment each week and minus what their total earnings were. The employee would receive the difference.

An individual is considered “unemployed” under section 1252 if, in any week, they meet the following conditions:

- A. Any week during which he or she performs no services and with respect to which no wages are payable to him or her.
- B. Any week of less than full-time work, if the wages payable to him or her with respect to the week, when reduced by \$25 or 25% of the wages payable, whichever is greater, do not equal or exceed his or her weekly benefit amount.
- C. Any week during which he or she perform full-time work as a juror, or a witness under subpoena.

For more information on this and other pesky Unemployment Insurance questions, please contact us.

