

# **Bond Case Briefs**

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## **EMPLOYMENT - NEW YORK**

### **In re McCollum**

**Supreme Court, Appellate Division, Third Department, New York - June 19, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 04544**

Employer, a school district, appealed two decisions of the Unemployment Insurance Appeal Board which ruled that it was liable for additional unemployment insurance contributions based on remuneration paid to the coordinator of its adult education program and others similarly situated.

The Supreme Court, Appellate Division, held that substantial evidence supported determination that claimant was an employee of the school district, such that school board was liable for additional unemployment insurance contributions.

Claimant testified that when she was hired, she received training, was given a school district computer for use in her job, maintained a file cabinet and mailbox at the school and had use of the photocopier and postage machine, as well as access to school district transportation, that she performed most of her work at the school, and that the superintendent had disapproved classes and directed her to hire a specific teacher against her wishes, and both claimant and the superintendent testified that claimant also provided office help and performed general records management duties for the district.