



Filing for Unemployment

DISCLAIMER

The information covered in this workshop is specific to reporting income received as as a non-tenured, part-time, contingent faculty member in California public institutions of higher education (CCC/CSU/UC).

If you currently work or have worked in another type of educational institution, industry, or profession during the qualifying period, you should consult the EDD website for help with calculating and reporting income.

WHO CAN APPLY?

All higher-ed part-time faculty with **contingent contracts** (dependent upon enrollment and funding) are legally entitled to unemployment benefits during breaks between semesters or quarters.

It does not cover breaks or holidays that occur mid-term.

WHY?

California Superior Court has ruled that employment contingent on enrollment, funding or program changes lacks “*reasonable assurance.*”

Due to the contingent nature of employment, non-tenured, part-time community college instructors do not have “*reasonable assurance*” of being employed in the succeeding quarter or semester.

CALIFORNIA UNEMPLOYMENT INSURANCE CODE

1253.3.(g)

For purposes of this section, “reasonable assurance” includes, but is not limited to, an offer of employment or assignment made by the educational institution, provided that the offer or assignment is not contingent on enrollment, funding, or program changes.

1253.3 g continued.

An individual who has been notified that he or she will be replaced and does not have an offer of employment or assignment to perform services for an higher educational institution is not considered to have reasonable assurance.

CERVISI

1989 California Superior Court Ruling

The provisions of Cervisi are applicable only to non-tenured, hourly instructors employed by an institution of higher education.

Such individuals are not subject to disqualification under the provisions of UIC Section 1253.3 if the offer of employment (whether made orally or in writing) contains the proviso that the employment is contingent on class enrollment or funding.

DETERMINE CONTINGENCY

- Check your offer of assignment for any clauses that establish the contingent nature of part-time faculty appointments (e.g., *this offer is contingent of funding, enrollment, or program changes*).
- Offer of assignment should have start and end dates, and may specify the contingent nature of course appointments.

ELIGIBILITY

- You're eligible even if you have been offered a class for the next term.
- You're eligible even if and your name appears in the schedule of classes.
- You're eligible even if you have signed next term's appointment letter.

WHY.....?

Because....

- As a part-time faculty employee with a contingent appointment, your class may be cancelled due to lack of funding or low enrollment, or you can be bumped by a full-time faculty member who needs the class to make load.

To be entitled to benefits, you must be:

- Out of work due to no fault of your own
- Physically able to work
- Actively seeking work
- Ready to accept work

FILING A CLAIM

- Apply as soon as the semester/quarter ends.
- First time application requires a one-week waiting period for which you will not receive benefits.
- It takes approximately 10 days to process a claim filed on-line, mailed or faxed.
- EDD will mail you materials, including a guide to benefits and a Notice of UI Award. Be sure to read these materials carefully.

RE-OPENING A CLAIM

- If you previously applied and received benefits within a one year period, when you apply, you are “re-opening an existing claim.”
- Re-opening does not require a one week waiting period.
- If your first claim is at the end of the fall term in December, then when you apply at the end of spring, that will be a re-open and an extension of your December claim (benefit amount does not change).

APPLICATION

- Online: <https://eapply4ui.edd.ca.gov/>
- Telephone: 1-800-300-5616
- EDD requires that you register or list your resume on a CalJobs search site. They will send you information on this.

FREQUENTLY ASKED QUESTIONS

When applying for benefits for the first time, some faculty may find several questions confusing.

Most important message:

“I am a part-time, contingent, community college instructor, with no contract and no reasonable assurance of re-employment.”

QUESTION #22

- **Are you a member of a union?**



This question is primarily relevant to “job shoppers” whose unions look for work for them. Faculty unions and associations do not provide job search services.

** If you are a member of a CFT or CTA local, you can answer “yes”, and then provide your local #. Since Independents do not have locals, answer “no”.*

QUESTIONS #27 and 27a

- **27: Last Date Worked**

The last day of the quarter, or the last day on which you give finals during finals week.

- **27a: Gross wages for last week of work**

Monthly salary \div 4 plus office hours (if not included in regular pay) and any other income from teaching activities (i.e., sub pay).

QUESTIONS #28 and 28A

- **28: Reason No Longer Working**

Choose: *Laid Off/Lack of Work*

- **28a: Provide a brief explanation**

Community College instructor; end of assignment with no reasonable assurance of reemployment

QUESTIONS #29, 30, and 31

- 29: Do you expect to return to work? 
You do not have a legally binding contract to return to work.

- 30: Do you have a date to start work? 
You are without contract and no guarantee (reasonable assurance) to return.

- 31. Are you an employee of a school? 
You are a temporary employee employed per semester/quarter as contingent labor.

QUESTION #33

33. Provide your employment history for the past 18 months, including your very last employer. If you worked for a temporary agency, a labor contractor, an agent for actors, or an employer where wages are reported under a corporate name, your wages may have been reported under that employer name. You may want to refer to your check stub(s) or W-2(s) to obtain the name of your employer.

Note: Failure to report all employers, periods of employment, and total wages may result in your benefits being delayed or denied. Provide as much accurate information as possible for each employer.

33-1. Employer Information

a. Employer Name [Help](#)

b. Mailing Address [Help](#)

c. City

d. State [Help](#)

e. ZIP Code

f. First day you worked for this employer (mm/dd/yyyy)

g. Last day you worked for this employer (mm/dd/yyyy)

h. Did you work full time or part time? Full Time Part Time

i. How much did you earn per hour? [Help](#)

j. How many hours did you work per week?

k. Provide wages earned from the employer listed above for the following quarters: [Help](#)

Gross wages earned from 01/01/11 to 03/31/11	Gross wages earned from 04/01/11 to 06/30/11	Gross wages earned from 07/01/11 to 09/30/11	Gross wages earned from 10/01/11 to 12/31/11	Gross wages earned from 01/01/12 to 03/31/12	Gross wages earned from 04/01/12 to 06/30/12
<input type="text"/>					

33-2 Did you work for another employer in the last 18 months?

Yes No

33a. During the past 18 months, did you work for any other employers not listed above in question 33?

Yes No

33b. If the EDD finds that you do not have sufficient wages in the Standard Base Period to establish a valid UI claim, do you want to attempt to establish a claim using the Alternate Base Period?

Yes No

QUESTION #40

- ***Are you currently attending or are you planning to attend school or training?***



Unless you are enrolled as a part-time or full-time student in an institution of higher education or advanced work training program that prevents you from working full-time, the EDD might conclude that you are not available for work and consequently deny you benefits.

SUPERVISOR/ PHONE CONTACTS

Your immediate supervisor is your Division Dean.

However, the phone contact should be for the person in HR or Payroll who processes part-time faculty hiring and is the primary contact for EDD.

AB 2293 (Nava)

To prevent part-time community college faculty members from being wrongly denied unemployment insurance based on incorrect information provided to EDD by their respective community college district employments.

Added Section 1142 to the Unemployment Insurance Code. This section allows EDD to assess a penalty against a District for willfully making false statements concerning an employee's lack of "*reasonable assurance*" of reemployment as outlined in Section 1253.3.

REQUIREMENTS

- **Are you available for immediate FULL TIME work in your usual occupation?**



Even if you aren't interested in full-time work, you must state you are looking for full-time work. You are not required to look for part-time work.

- **Be sure to register on CalJobs as “job seeker.”**

PHONE INTERVIEW

- You may be sent a letter requiring a “phone interview.” Make sure to be available for the call.
- Purpose: typically it is to clear up something on the application that might be considered a disqualifying factor.
- Don’ t get too verbal; just answer the questions simply and to the point. Reiterate: *You are a part-time faculty member without reasonable assurance of reemployment and no contract.* Contingent assignments are covered by the Cervisi Decision.

DENIALS

ALWAYS APPEAL A DENIAL!

First level is sending a letter of appeal addressing the EDD' s reason for denial.

Typically it could be:

- EDD thinks or has been told by a district that you have “reasonable assurance.” **You don’ t!**
- Reviewer of application has red-flagged one of your statements for clarification.
- Required forms submitted in late.

DENIAL RESOLUTION

- Typically a letter explaining your contingent employment as a part-time Community College Instructor is all it takes.
- If an appeal is denied you can appeal again.
- Do so!

SECOND LEVEL APPEAL

- The Final step of resolving an appeal is contesting a denial based upon a second phone interview or the letter submitted during the first level appeal.
- The second level requires that you appear in court before an Administrative Law judge.
- Though informal, you should be prepared to explain the reason that you were denied and why the judge should reverse the decision.

REMIND THE JUDGE

- **CALIFORNIA UNEMPLOYMENT INSURANCE CODE 1253.3, subd. (g)**

"reasonable assurance" includes, but is not limited to, an offer of employment or assignment made by the educational institution, provided that the offer or assignment is not contingent on enrollment, funding, or program changes.

- **CERVISI v. CUIAB**

Under the CERVISI statute, an assignment that is contingent on enrollment, funding, or program changes is NOT a "reasonable assurance" of employment.

BENEFITS

- Weekly benefits are available to a maximum of \$450 per week depending on your earning history. EDD includes all teaching work history from multiple districts. The rate established at the time your initial claim is filed will be applicable for one year and cannot change. Your benefit is based upon your Wages in Highest Quarter in an 18 month history.
- You may be qualified to continue limited benefits while working as “under-employed.” This occurs typically if your past terms have been at larger loads and you have suddenly dropped to a much lower load, in which case, EDD will make up some of the difference.

BENEFITS ARE TAXABLE

- Benefits are subject to Federal income tax, and you are required to claim UI benefits as income on your federal tax return.
- You may voluntarily request EDD to withhold 10% of your weekly benefits for federal taxation of UI benefits.
- You will receive a 1099G form at the end of the year for tax return purposes.

EDD BANK OF AMERICA DEBIT CARD



California
Employment
Development
Department

Unemployment
paid by Debit Card
or Direct Deposit
transfer.

Goodbye, snail mail.



MAKING IT WORK FOR YOU





Beginning in 2011, EDD began distributing benefits via debit card deposits to Bank of America. Rather than receiving a check, your benefit will be deposited to a Bank of America debit card account. When you received your card, you need to contact Bank of America to activate it. The card is valid for three years from the date of issue.

Once activated, you can opt for direct deposit transfer from Bank of America into your own bank account.

EDD Web-CertSM

On Line Continued Claim Certification

The EDD Web-CertSM method will give most claimants the additional option to certify online instead of sending in the paper Continued Claim form.

The questions asked on EDD Web-CertSM are the same as on the paper Continued Claim form. The paper claim form will continue to be issued to you every two weeks. However, if you choose to submit the online form, do not also submit the mail-in form. Submitting both forms could delay your benefits.



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