

Part-Time Faculty

You may be eligible for Unemployment Benefits

Unemployment benefits are not a form of welfare; they are an earned benefit. Part-time faculty have the right to apply for unemployment during breaks between quarters. For example, even if you have been offered an assignment for the subsequent quarter, you still may be eligible for unemployment from the date of your last final exam through the date of your first class in the new quarter.

According to a 1989 court ruling *Cervisi et al v. Unemployment Insurance Appeals Board*, ***part-time community college instructors do NOT have "reasonable assurance" of being employed by the school employer in the succeeding school year, because of the contingent nature of their employment.*** Specifically, the Superior Court concluded that "under the statute, an assignment that is contingent on enrollment, funding or program changes is not 'reasonable assurance' of employment." Thus, you may be entitled to unemployment benefits between fall and winter quarters, between winter and spring quarters, and between summer and fall quarters. You may also be entitled to benefits between spring and fall if you requested but were not offered a summer assignment or if your class is cancelled.

In order to qualify, you must meet specific eligibility requirements, including total or partial unemployment. (Note: if you are also employed by a school district in a classified position, some restrictions may apply.) You are not expected nor required to look for employment outside of your line of work; however, EDD may ask you to post a resume on-line or attend a job search training session.

In order to file a claim for benefits, you need to complete and submit an application to EDD. This can be accomplished in several ways: by telephone, by fax, on-line, or by mail. Once you have submitted an application, you should allow ten days for processing.

Once a claim is established, it remains active for one year. The first time you receive a benefit from the claim, you are subject to a one-week unpaid waiting period. If you reopen the claim at any time during the twelve months, no additional waiting period will apply. The EDD will mail you materials, including a Benefits Handbook and a Notice of Unemployment Insurance Award.

Your benefits will be based on the amount of your earnings during the four quarters of a one-year "base period" that ends approximately six months prior to the date of your claim. The effective date of your claim determines your base period and your benefit amount. Benefit tables and detailed information that will help you determine your base period and your benefits are available on the EDD web site.

Senate Bill 40, which was passed in 2001, increased the maximum weekly benefit amount from \$410 to \$450 for new claims filed on or after January 2, 2005. Note: The rate established at the time your initial claim is filed will be applicable for one year from the filing date and cannot change during the year. For more information, see the EDD web site.

Occasionally, the EDD staff is not familiar with the regulations pertaining to part-time faculty, and unemployment claims submitted by part-time faculty are denied.

The right to unemployment benefits was established in March 1989, in the court case mentioned previously in this article, *Cervisi vs. California Unemployment Insurance Appeals Board*. It is also referenced in *Field Directive No. 89-55UI* from the EDD Operations Branch to EDD Field Office Managers. If your request is denied, you may appeal the decision, and refer to this court ruling and the Field Directive. A copy of the Cervisi decision, the Field Directive, and sample language to use in an appeal letter can be found in *The Community College Part-Time Faculty Compensation Handbook* located on the CPFA website: www.cdfa.org/bezemek.html.

For detailed assistance in filling out an application, go to the following FA website link: http://fa.fhda.edu/faculty_pt_news.html and click on *PT Faculty Eligible for Unemployment Insurance Benefits During Summer Break*.

Note: Unemployment benefits are subject to federal (but not state) income tax. You may voluntarily request that EDD withhold 10% of your weekly benefits for federal taxation of unemployment insurance benefits. You will receive a form 1099G at the end of the year. Be prepared to claim the benefits as income and to pay federal taxes.

If you have questions or need more information, contact Mary Ellen Goodwin at the FA Office at (650) 949-7746 or at goodwinmaryellen@fhda.edu.

FACCC Helps Members with Unemployment Denials

If you are a part-time faculty member whose unemployment benefit claim has been denied by the EDD based upon reasonable assurance of continued employment, you may be interested in contacting the Faculty Association of California Community Colleges (FACCC). Andrea Harvey, a FACCC legislative advocate, is working with EDD to help part-time faculty resolve those denials. There is a form that you will need to complete and return to FACCC, which will give them permission to access your records and work on your behalf towards reaching a resolution with EDD. The form is available at: www.faccc.org.

If you have any questions, contact Andrea Harvey at (916) 447-8555 or aharvey@faccc.org. All FHDA part-time faculty members are automatically members of FACCC and are eligible for this service.

Note: Assembly Bill 2412, passed in January 2005, requires that community college districts provide EDD with accurate information regarding the reasonable assurance of continued employment for faculty who apply for unemployment benefits (or districts may be fined).

Notice of Potential Overpayment

Some part-time faculty have reported receiving a Notice of Potential Overpayment from EDD. These notices typically occur due to a difference in payment reporting methods between EDD and FHDA. If you receive such a notice, FA recommends that you contact Patty Jobs at De Anza College (408) 864-8711 or Ruth Olsen at Foothill College (650) 949-7204. They can provide you with a letter of clarification that you can attach to your appeal to EDD, which should resolve the matter.

To File an Application:

By phone: Monday through Friday, except holidays, 8:00 a.m. to 5:00 p.m.

To file in English: 1 (800) 300-5616

To file in Spanish: 1 (800) 326-8937

To file by TTY : 1 (800) 815-9387

By fax: 1(866) 215-9159

On-line: <https://eapply4ui.edd.ca.gov/>

By mail: EDD

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