

## **Eligibility Questions**

- If you have other employment for which you receive more than \$450/week it is likely your claim will be denied.
- If you will have a summer or intersession assignment and you will receive more than \$450/week it is likely your claim will be denied. However, you can and should apply for the period between the date of your last class meeting and the date of your first class meeting in the summer/intersession. It also does not hurt to apply even if you will have a summer or intersession assignment, not only to cover the period between classes ending and starting, but to keep your claim active in case you do not go over the earnings limit during your assignment (e.g.; you are only teaching one class).
- If you have a full-time *contract* assignment in the college district or another school district that you will be returning to in the next semester your claim will be denied.
- If you are receiving a pension, you *may* be denied, depending on the amount and the source of the pension.
- College faculty *are* eligible to apply for unemployment insurance during the winter break. However, Continuing Education faculty *are not* eligible to apply during the winter break since it is a recess of the fall semester, and the Continuing Education semester has not officially concluded. All faculty are eligible to apply during the summer.

To apply with EDD online go to <https://eapply4ui.edd.ca.gov/>.

## **Completing the Online Application**

**Steps 1-3** are self-explanatory.

### **Step 4:**

Question 1 a-e: This will be the Community College District (not the individual college), unless you will continue to work for another employer. If the latter, you will not be eligible to file until your last day of work for the other employer. If working in more than one District, put the District with the latest ending date.

Question 1 f-g: Put your Department Chair's contact info. Also, tell your chair, if they are contacted by EDD, to tell them that you do not have a reasonable assurance of continued employment because your class could be canceled due to low enrollment. There is case law which supports this [Cervisi vs. Unemployment Insurance Appeals Board (208 Cal. App. 3d 635)]. You need to educate your chair on this.

Question 3. Last Date Worked: Put the last date you were in class. If you worked in two Districts or more than one employer with two different end dates, put the latest date.

Question 4. What are your gross wages for your last week of work (regular pay only)? This one will require a little bit of calculation on your part. Sum your gross wages for all employment during the course of the semester, and then divide that answer by the number of weeks of the semester. For example, if you earned \$10,000 for the semester, and the semester was 16 weeks long, the answer is \$10,000 divided by 16 = \$625/week. If you worked in two or more different Districts with different length semesters, compute the amount for each District, and then take an average of these amounts.

Question 5. choose: "Laid off/Lack of Work"

5a: "I am a part-time, temporary, hourly college instructor who was laid off due to a lack of college assignments."

### **Step 5:**

Question 1 (multiple responses possible): If you have more than one employer, you will need to list all employers and wages and wages earned for each period listed.

Question 4 Are you currently working for or do you expect to work for any school or educational institution or a public or nonprofit employer performing school-related work?:

Answer YES

Question 4a Are you returning to work for the next school session?: Answer YES if you have a written or firm oral offer of employment at the time you file your claim. Answer NO if you are not sure or have any doubt you will have an assignment for the next semester.

Question 4b Has your employer given you reasonable assurance, either verbal, written, or implied, of returning to work for the next school session?: IMPORTANT: Answer NO in all cases. As an adjunct faculty member, you do *not* have a reasonable assurance of employment, regardless of what you have been given or told. This has been affirmed by the courts in *Cervisi vs. Unemployment Insurance Appeals Board* (208 Cal. App. 3d 635).

### **Step 6:**

1. What is your usual occupation? Temporary Hourly Instructor

2. What other work-related skills do you have? write whatever applies to you (mountain climber, violinist, basket weaver, etc.)

3. Is your usual occupation seasonal? Answer NO

4. Do you expect to return to work for a former employer? Answer YES if you have a written or firm oral offer of employment to return to work for a former employer (need not be a school district). Answer NO if you are not sure or have any doubt you will have any future work from former employers.

5. Do you have a date to start work? If you answered YES to 4, enter the first date of classes for the next semester, or the first date of work you expect to return to work for your non-school former employer.

6. Are you available for immediate full-time work in your usual occupation? Answer YES

7. Are you currently self-employed (have your own business or work as an independent contractor) or plan to become self-employed? answer as it applies to you

8. Are you a member of a union?

Yes  No

If Yes:

8a. Union Name

AMERICAN FED. OF TEACHERS

8b. Union Number

1931

8c. Telephone number of Union

(619) 640-1155

8d. Does your union look for work for you? [Help](#)

Yes  No

8e. Does your union control your hiring? [Help](#)

Yes  No

8f. Are you registered with your union as out of work?

Yes  No

8g. Are you going to receive strike benefits?

Yes  No

**Step 7:**

Answer questions 1-6 as they apply to you. Answer question 7 **YES**.

This should answer the majority of your most common questions in this process. If you have other questions about either completing the form or the process, please send them to AFT Guild President Jim Mahler at [aftjim@pacbell.net](mailto:aftjim@pacbell.net).

More information regarding this process can be found on the Guild's website, [www.aftguild.org](http://www.aftguild.org). Click on "Adjunct Issues," then select "Unemployment Benefits." □ □

Lastly, and most importantly, if you are denied, make sure in your appeal that you mention that you have "no reasonable assurance of employment as affirmed by Cervisi vs. Unemployment Insurance Appeals Board (208 Cal. App. 3d 635)."

If you need to appear in front of an Administrative Law Judge to appeal a *subsequent* denial, please contact the AFT office at 619-640-1155.