

EDD Phone or In-Person Interview Tips

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EDD Interviews

When applying for unemployment benefits, applicants are often required to take part in a telephone interview conducted by EDD (Employment Development Department).

Occasionally applicants are asked to report to EDD in person for a personal interview. But this is very rare these days.

This guide will provide you with 20 tips and information on handling these interviews.

TIPS & ADVICE

1

Give a cell phone number instead of a home phone number on your application for benefits. Then you can still participate in a phone interview if you are not at home.

2

The purpose of the interview is for EDD to determine your eligibility for benefits. EDD is usually trying to determine whether you have “reasonable assurance” of continued employment for the next semester. But sometimes they are investigating weeks you previously received benefits and to see if you had excessive earnings or unreported earnings.

3

It is important to take part in the interview. If you do not, EDD will determine your eligibility based upon available information. In that event, there is a greater likelihood that EDD will deny your benefits.

4

It is difficult to reschedule an interview. Don't use an excuse that might make you ineligible for benefits that day (sick, out of town, etc.).

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Interviews are random. Some claimants have them and some don't. It's not an indicator that you've done anything wrong in your application.

6

Most EDD interviewers are just trying to do their job. However, some may be a little aggressive, accusatory, or downright nasty. Keep your cool. Be patient and polite.

7

If you have received notice of a phone interview, be sure to look at the instructions and sample questions on the back and be prepared to answer all of the questions. Usually only a few of them are asked. The specific questions asked and the total number of questions asked will vary depending on the EDD interviewer. Nonetheless, EDD interviewers are simply trying to find out whether you are eligible and entitled to unemployment benefits.

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In general, you want the interviewer to understand the following:

- During the last semester you were a temporary, part-time employee
- You are not on a "school recess"
- At the end of last semester your assignment ended and you were laid off
- You do not know for certain you are "returning" in next semester
- You may have an "assignment offer" for next semester, but it is a tentative assignment offer contingent on funding, enrollment, program changes/needs, and/or being bumped by a full-timer; thus *you do not have reasonable assurance of continued employment* next semester.

9

Listen to the questions very carefully. Do not let the interviewer trick you (either intentionally or unintentionally) into admitting that you are on a school recess, that you were not laid off at the end of last semester, or that you have reasonable assurance of continued employment next semester. None of these are true.

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Last semester you were a temporary, part-time, hourly employee with no contract.

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You are not on recess. As adjunct/part-time faculty, you were laid off at the end of last semester (or said a different way, your temporary assignment for last semester ended). You were still laid off and are not on a recess even if you have an assignment for next semester. If the interviewer phrases any question implying that you are on a recess, then politely explain that you are not on a recess.

Example: The interviewer asks, "When did your recess begin?" Do not respond by stating the last date that you worked in the last semester. Instead, explain that you are not on a "recess." Neither SDCCD nor GCCCD are closed/on recess during intersessions/summer sessions, and you simply did not get an assignment for either of them. Explain that you were laid off at the end of last semester or that your temporary, part-time assignment last semester ended. You may have to do this several times. Just be polite and patient. The interviewer should eventually give up. Also, if your written assignment for last semester gave an ending date, then read that part of your assignment to the EDD interviewer to make it even more clear.

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If you have an assignment for next semester, remember, it is *contingent on enrollment, funding, and program changes*. Again, repeat this as often as necessary, even if you are getting tired of doing so. This lack of reasonable assurances and contingent conditions are documented in:

- Your TAO/Hire Letter/Assignment Offer/NPAS Paperwork
- Union Contract Language (for Adjuncts only - SDCCD: Article 5.1 / GCCCD: Article 11.1)
- Education Code section 87482.3(d) (for Adjuncts only)

You should mention these various items and read it to the EDD interviewer to emphasize the point.

Note: If your assignment is with another community college district outside SDCCD or GCCCD and the assignment documentation does not say that it is contingent on these factors, then you might ask your chair/supervisor to include that language in future assignments offers in your department, because it's likely, even if it not expressly stated, that your assignment is based on these three facts. Sample language that could be used: "This assignment is contingent on adequate enrollment, funding, program need, and district prerogatives." This language would also be very good evidence in case you are denied benefits on the ground of reasonable assurance and you must file an appeal.

13

No written layoff notice is required. Feel free to admit that you did not receive one. Last semester you were only hired to teach that semester. It was a temporary job. The end date was known (or could be easily ascertained if not known) when you were hired to teach that semester. No written layoff notice is required by law or otherwise for part-timers. Some EDD interviewers have allegedly asserted that a part-timer is on a recess if the part-timer did not get a written layoff notice and has an assignment for the following semester. This is totally bogus.

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Very few (if any) part-timers have written employment contracts. Unless you actually have a written contract signed by your district *guaranteeing* you employment for next semester and giving you rights in case of a breach by the district, you do not have a contract for employment next semester. You only have a tentative assignment offer from the district contingent on the three factors mentioned above. An assignment offer is not a contract. The district can cancel the assignment at any time.

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Even if you are in a temporary/adjunct hiring pool, that does not give you reasonable assurance of continued employment (like may occur in K-12 districts for substitute teachers).

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If you teach in more than one community college district, then you may have to repeat your responses for each district, although some specifics may be different.

Example: You may have received a written notice of assignment for next semester in one district and oral notice in another district. But the general principles are the same in all districts:

- You are not on a school recess; you were laid off at the end of last semester
- Any assignment you have for next semester is contingent on enrollment, funding, and program changes
- You do not have reasonable assurance of employment next semester

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If necessary, mention the *Cervisi* appellate court decision which held that community college part-time instructors are entitled to unemployment benefits between semesters because their assignment are contingent on enrollment, funding, and/or program changes, thus they do not have reasonable assurance of continued employment.

- *Cervisi v Unemployment Ins. Appeals Bd.* (1989) 208 Cal.App.3d 635, 256 Cal.Rptr. 142.

TIPS & ADVICE

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The above points are redundant, but do not be surprised if you have to be just as redundant when answering questions from the EDD interviewer.

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There may be situations where they are trying to determine eligibility for past weeks that you've already received benefits for. Sometimes the interviewer is trying to determine if you had excessive earnings or failed to report earnings for those weeks. The most common weeks that pop-up on audits are the weeks immediately prior to the start of a semester or in the intersession period (i.e. between Fall & Spring semesters). To demonstrate that your assignment began and started on certain dates, refer to your Hiring Letter/Tentative Assignment Offer (TAO) and the Academic Calendar for your district.

You are only employed and earning wages with SDCCD/GCCCD when you actually have an active assignment. If you are instructional faculty, explain that your pay for your assignments are split up equally (same amount in each check) and paid monthly regardless of the actual hours earned that month.

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If you are denied benefits for any reason, it is critical that you file an appeal before the deadline as stated in the letter from EDD explaining your appeal rights. It is difficult to win an appeal that is not filed on time. Therefore, we strongly advise you to contact Jessica Thompson at aftrep.jessica@gmail.com or call the AFT Guild office at 619-640-1155 for assistance with the filing of your appeal as soon as you receive your denial letter from EDD. We will be able to provide you with free legal assistance and we have never lost a case on appeal. Hopefully, any need to appeal should be greatly reduced if you answer the interview questions as advised above.



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