



Unemployment Insurance Benefits for Adjunct Faculty

How to respond to a denial from the Employment Development Department(EDD)

If EDD denies your claim for unemployment insurance benefits, it's probably because of one of the following reasons:

- (1) The person at EDD who is handling your case does not know how the community college system operates vis a vis adjunct faculty. (Usually they confuse us with K-12. For example, EDD may confuse the "winter break" between the end of the fall semester and the beginning of the following spring semester with what is known in the K-12 system as a "holiday recess.") In the California community college system, there are no "recess" periods—all adjunct employment is temporary, and on a semester-to-semester basis, contingent upon other factors (see the last paragraph below).
- (2) EDD may think or may have been told that you have *reasonable assurance* (key words) of being hired for the next semester; however, this is not true, strictly speaking, since all adjunct employment is temporary and contingent on other factors (see the last paragraph below). Note: This problem is less likely to occur in the future, due to the passage in 2005 of AB 2412 (Yee), which allows for the assessment of penalties against districts that provide false statements about adjuncts' reasonable assurance of returning to an academic assignment in an upcoming term.

AFA recommends that, prior to filing, you read the following paragraph carefully, so that you understand the principle behind the right of adjunct faculty to claim unemployment insurance benefits. **If you need to appeal a decision from EDD, first check the California Unemployment Insurance Code (CUIC) section(s) that EDD cites on your denial letter.** (Here's the link to the CUIC: http://www.leginfo.ca.gov/.html/uic_table_of_contents.html .) If EDD has cited the CUIC section that pertains to *reasonable assurance* (1253.3), then use the exact wording in the paragraph below in your appeal letter—it was written by the lawyer who argued and won the *Cervisi* case.

"I hereby appeal the decision denying me benefits. The basis of my appeal is that the decision and its rationale misstates and misapplies the facts, and misstates and misapplies the law. I believe I am entitled to benefits because I am a part-time, temporary community college faculty member. At the conclusion of any given academic term I have no reassurance of continued employment because any future assignments are contingent upon enrollment, funding, being bumped by a full-time or permanent or probationary employee, or because I can be terminated due to lack of funds or because of program changes. As such, I have no legal reassurance of re-employment in accordance with the decision *Cervisi v. Unemployment Insurance Appeals Board* (1989) 208 Cal.App.3d 635, [256 Cal.Rptr. 142]."