

Adjunct faculty have the right to apply for unemployment benefits during breaks between semesters when they are not employed. For example, even if you have been offered an assignment for the Spring 2020 semester, you still may be eligible for unemployment from the date of your last final exam in December through the date of your first class in the spring.

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 spring semesters, between spring semesters and summer, and between summer and fall semesters. You may also be entitled to benefits between spring and fall if you were not offered a class during that time or if your class was 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 unemployment benefits, you will 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. (See below.)

TO FILE AN APPLICATION :

By phone: Monday through Friday, except holidays; 8:00 a.m. - 12:00 p.m.:

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

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

To file by TTY for deaf or hard of hearing callers: 1 (800) 815-9387

On-line (recommended method): <https://eapply4ui.edd.ca.gov/>

By mail: EDD
MIC 40-NET
P.O. Box 826880
Sacramento, CA 94280-0001

The first time you apply to EDD, you will be subject to a one-week waiting period, for which you will not receive benefits. (This one-week, unpaid waiting period applies to each claim, which is for a one-year period. The waiting period will not apply to claims reopened within the one-year period.) Once you have submitted an application, you should allow ten days for processing. The EDD will mail you materials, including 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](#) or the [California Unemployment Insurance Code](#).

Occasionally, the EDD staff is not familiar with the regulations pertaining to adjunct faculty, and unemployment claims submitted by adjunct faculty are denied. The right to unemployment benefits was established in March 1989, in the court case mentioned earlier 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. AFA can provide you with sample language to use in an appeal letter.

Note: Unemployment benefits are not a form of welfare. They 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.

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

EDD Notice of Potential Overpayment

Some adjunct 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 Mendocino College. If you have received such a notice, MPFA recommends that you contact the Payroll Department. They can provide you with a letter of clarification that you can attach to your appeal to EDD, which should resolve the matter.