

UNEMPLOYMENT INFORMATION

1. **California State Law:** guarantees all part-time, temporary faculty the right to file for unemployment benefits during a school break, even if tentatively scheduled to teach the following semester. Because adjunct work is contingent on enrollments and departmental need adjuncts are legally temporary, part-time workers.
2. **Underemployed over Winter break.** Adjunct faculty members without sufficient earnings from other employment may be eligible for unemployment insurance over winter break. “Underemployed” adjuncts may be able to receive reduced benefits. To maximize benefits, adjuncts should apply as soon as possible after the last day of the semester.
3. **Reasonable Assurance** Unlike many teachers, who know they will have a job to come back to in the spring, adjunct faculty are “temporary” employees, and do not have “reasonable assurance” of re-employment the following term. Their assignments are made on a tentative basis and may be cancelled for a number of reasons: enrollment, program changes, assignment of a full-time faculty member, or district prerogatives.
4. **A Landmark 1989 Decision:** (*Cervisi v Unemployment Ins. Appeals Bd*) established that “an assignment that is contingent on enrollment, funding, or program changes is not a ‘reasonable assurance’ of employment.” Part-time faculty have the right to apply for unemployment benefits between college sessions and/or semesters. In the landmark Cervisi case (1989) brought by the AFT local at San Francisco City College, the California Court of Appeals ruled that part-time, temporary instructors are eligible for unemployment if they have a teaching assignment that can be canceled for lack of funding, low enrollment, or other factors.
5. **Tentative Offers:** Because the contingent contract offered to part-time by Mendocino College is a merely a tentative offer of employment, that could be canceled for various reasons (see below), it does not constitute “reasonable assurance” of employment.
6. **What you need to know when you file for unemployment**

Be sure to let them know you are a temporary, part-time employee who has been laid off for lack of work. If you have an assignment for the fall/spring, explicate that you have a tentative assignment for the upcoming semester and that your assignment may be

withdrawn at the District's discretion at the last minute because of funding, enrollment, or other changes.

7. **How do I apply for benefits?** Applications can be filed online at.

<https://www.edd.ca.gov/Unemployment/>

8. **For a complete step-by-step guide to filing for unemployment, see:**

<http://contingentworld.com>

<https://contingentworld.com/unemployment/>

9. **Please note that you are paid from the beginning of academic calendar week through the end of the academic semester** (unless you have a specified, shorter-term contract). This is true even if you stop teaching before the final date listed in your individual contract. Once a claim is established, it remains open for one year. The first time you receive benefits for the claim, you are subject to a one-week unpaid waiting period. If you reopen your claim any time during that year, no additional waiting period will apply. The EDD will mail you materials, including a Benefits Handbook and a Notice of Unemployment Insurance Award. You should also mention your entitlement to benefits under the case of *Cervisi v. California Unemployment Insurance Appeals Board* (1989) 256 Cal.Rptr.142. The *Cervisi* decision states, "an assignment that is contingent on enrollment, funding, or program changes is not a 'reasonable assurance' of employment."

10. **What should I do if I am denied benefits?**

With your denial notification, you will receive a form to appeal the decision that has been made. Complete and return the form. Include the following statement in the body of your appeal: I am appealing the denial of benefits based on my status as a part-time, temporary community college instructor. My continued employment is contingent upon minimum enrollment, proper funding, and not being replaced by a full-time tenure track instructor whose class(es) may not have met enrollment requirements. As such, I do not have 'reasonable assurance' of employment the coming semester, as per the *Cervisi* decision."

11. **Appeal:** If you decide to appeal the EDD's decision, you must continue to file claim forms for each two-week period and continue to look for work in your occupation.

12. **Deadline** for appeal: You must file within 20 calendar days after the mailing date of the denial notice. The EDD will then make a re-determination (and pay benefits) or process the appeal.

13. Where can I get help?

If you have any questions or comments, please contact MPFA or visit

<http://contingentworld.com>

14. Resources

For filing information and details about eligibility see the Employment Development Department (EDD) website: <https://www.edd.ca.gov/Unemployment/>.

The California Federation of Teachers also website has a useful guide for filing for unemployment in California: <http://cft.org/your-work/community-college/part-time/unemployment>