UNEMPLOYMENT INFORMATION AND HISTORY

FOR PART-TIME FACULTY

The court case defining unemployment for part-time community college faculty is CERVISI v UNEMPLOYMENT INSURANCE APPEALS BOARD, Feb. 1, 1989, which in states in part, “an assignment that is contingent on enrollment, funding, or program changes is not a ‘reasonable assurance’ of employment.” (Sec. 1253.3, subd. (g))

Part-time, temporary faculty of California community colleges are entitled to unemployment compensation for periods between semesters, including summer breaks. This principle was established in Unemployment Insurance Code 1253.3 and CERVISI v. CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD (1989) 208 Cal. App. 3d 654. But, since CERVISI, some public employers and many Employment Development Department (EDD) offices have deliberately or mistakenly ignored or misconstrued it’s holding.

CERVISI covers ALL part-time faculty – instructors, nurses, librarians, counselors, and other academic employees. Faculty obtain the benefits of CERVISI even if they receive an assignment for the upcoming school year and are assured of teaching at least one class session. Generally, that one class session is still subject to cancellation prior to the commencement of the class based upon enrollment, funding, or district needs.

Faculty are entitled to unemployment benefits even if their employer requires them to sign a form stating that they have a “reasonable assurance” of reemployment. These adhesion agreements, known as “yellow dog contracts”, are null and void. The only measure of reasonable assurance is whether the assignment is contingent upon enrollment, funding, bumping, or district needs - saying there is reasonable assurance does NOT make it so.

EDD has written technical manuals to guide its offices in implementing the Unemployment Compensation System. With respect to CERVISI, the manual is defective because it does not ask the right questions. Many EDD offices look for any excuse to deny benefits; a few scofflaws routinely deny benefits. Since no California part-time faculty has a signed contract with their district/department guaranteeing them a teaching position for the next semester, we are entitled to unemployment compensation.

After filing, if you are contacted by personnel of the EDD, by all means quote the CERVISI case to them. Following CERVISI, EDD issued Field Directive 89-55UI, now part of its manual for EDD offices, describing CERVISI. Tell whoever from EDD is questioning you to look at Field Directive 89-55UI because it explains to all EDD personnel the definition of “reasonable assurance” and how CERVISI is to be applied.

As a warning, EDD is trying everything to discourage part-time faculty from claiming benefits, but don’t let that stop you. Even if you are denied benefits, you have a right to appeal and the UF will help you on this - an appeal doesn’t cost money. The denial is used as a roadblock to further frustrate part-time faculty from claiming unemployment compensation. I have yet to hear from even one part-time faculty who was turned down on an appeal. It is a simple procedure and CERVISI is the law and EDD cannot get around it even though it tries. EDD counts on part-time faculty not knowing their rights or becoming discouraged from pursuing them. Don’t give up though if you are refused; I will lead you through the appeals process.

Many unemployment offices around the state are closing and most claims are handled by telephone or online. Within California the EDD office can be reached at (800) 300-5616 between the hours of 8:00 AM and 5:00 PM. When calling in a claim you must have the following information available: Social Security number, the name of your very last employer, employer’s mailing address and zip code. When you call to file a claim, have the above information ready and follow the selections of the recorded messages. Online you can electronically file as well at [www.edd.ca.gov](http://www.edd.ca.gov)

It is that simple.

To claim unemployment benefits, a claimant must be unemployed and not receiving funds from another job or other sources, such as retirement benefits (although can you can be on Social Security). Unemployment benefits are not automatic; to receive these benefits the claimant must file a claim. A claimant cannot be forced to accept a job out of their field of employment and you need only be looking for "full-time" work in your field of expertise.

Please let me know if I can be of any further assistance.

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