

UNEMPLOYMENT GUIDE FOR CCSF PART-TIME INSTRUCTORS

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ELIGIBILITY

Individuals who lose their jobs are eligible for unemployment benefits if they are laid off, are fired for reasons other than misconduct, or resign for good cause. They must be able to work and be searching for a job. California community college part-time instructors are eligible for unemployment benefits during breaks between semesters even if they have an assignment for the following semester. This is because part-timers are “temporary employees” and have no “reasonable assurance” of re-employment the following semester. Their assignment is contingent on adequate enrollment, funding, program need, and district prerogatives. This is now the law as held by the California Court of Appeal in *Cervisi v Unemployment Ins. Appeals Bd.* (1989) 208 Cal.App.3d 635, 256 Cal.Rptr. 142, a lawsuit filed on behalf of CCSF part-timers.

Even if you are employed (teaching or doing other work) during summer or winter break, you may still be eligible for reduced unemployment benefits during the break. Similarly, if your teaching load is significantly reduced in the fall or spring semester, you may still be eligible for reduced unemployment benefits during that semester. In either situation you may be “underemployed.” Your eligibility and the amount of your benefits, if any, will depend on the amount of your income. The higher your income, the smaller your benefits. If in doubt, go ahead and apply. Just be sure to report all income. If your income is too high in any week, you will be denied benefits entirely for that week. You will not be penalized as long as you reported all income. If your income is not too high, you will still receive reduced benefits.

WHEN CAN YOU APPLY?

You should apply as soon as possible after you become unemployed (or underemployed), but not before then. Your application is only retroactive to the Sunday of the week in which you apply. You will get no benefits for any prior weeks, even if you were eligible. Therefore, if you think you might be eligible for partial benefits during your last week of teaching, you must be sure to apply no later than Saturday of that week. If you are not entitled to any benefits until the following week, then you can apply any time Sunday through Saturday of that following week and still get benefits for that week. But it is still advisable to apply as early as possible in order to receive your first check as early as possible.

If you are paid by load at CCSF, you become unemployed on the last day of the semester for full-time faculty (including final exams). You are deemed to work and are paid for all of the same days that full-time instructors work. This is usually 88 or 87 days a semester. It does not matter how many days or what days of the week you actually taught.

If you are paid hourly at CCSF, then you become unemployed after teaching your last class for the semester (or performing other service for which you are paid hourly).

If you apply online, it is recommended that you wait until you are actually unemployed as discussed above before applying. However, it probably doesn't matter if you apply before 5pm on your last day. If you apply by phone, then you will need to call well before 5pm, which is when EDD personal telephone service ends, to have any hope of getting through. In any event, you must apply no later than Saturday of that week if there is any chance that you will be entitled to reduced benefits for the week.

APPLICATION PROCEDURE

One begins by filing an application online, by phone, or by fax/mail with the California Employment Development Department (EDD). The claim is good for 12 months unless extended. There is a one-week waiting period (no benefits) for each 12-month period. Benefits are determined separately for each week and are paid every two weeks.

Applying online is recommended. You can apply online any time at www.edd.ca.gov (click on appropriate link to file application) or by phone M-F, 8am-5pm, at 1-800-300-5616. The online EApply4UI application form is fairly lengthy and contains some confusing questions for the uninitiated (discussed below) but there is no wait. Applying by phone involves fewer questions and an opportunity to explain your lack of reasonable assurance, but it may be difficult or impossible to get through by phone. (Supposedly you can get through by phone by dialing 130 or 240 immediately after the recorded message begins, but this has not been verified.) You can also apply by going to www.edd.ca.gov, completing application form DE 1101 (either complete it online and then print it or print it and then complete it by hand), and then mailing or faxing it to EDD.

If you have never applied before and intend to apply by phone, you might first go online and print out an application form so that you know what type of questions will be asked when you apply by phone (or at least read recommendations below). To print out the EApply4UI application form (not to be used for applying by mail or fax), go to <https://eapply4ui.edd.ca.gov/asp/cpgeApplyEntry.aspx>. (Note: Do not use this link to apply online because some preliminary questions must be answered before completing this form and applying online. To apply online you should start at www.edd.ca.gov.)

HOW TO ANSWER CERTAIN QUESTIONS ON THE APPLICATION OR BY PHONE

Here are certain questions from the online EApply4UI application and some recommended answers for part-timers. Similar questions appear on DE 1101 or may be asked if you apply by phone. If you answer certain questions online "Yes", then additional questions will appear requesting more information.

Are you a member of a union? ["Yes" if you belong to AFT Local 2121 at CCSF, which we hope you do; otherwise "No." Note: If you are not a member, "agency fees" equivalent to union dues are still deducted from your paycheck." Do not confuse agency fees with union dues.]

If Yes and more information is requested:

Union Name: **SFCCD Federation of Teachers**
Union Number: **2121**
Telephone Number of Union: **(415) 585-2121**
Your union does NOT look for work for you
Your union does NOT control your hiring
You are NOT registered with your union as out of work
You are NOT going to receive strike benefits.

Note: the foregoing answers are extremely important to make clear that our union does not operate a hiring hall or help its members find work.

Information about your very last employer:

Name of Last Employer: **City College of San Francisco**
Number and Street/P.O. Box and Number: **33 Gough Street** [Use this address for the district office, not the address where you actually taught]
City: **San Francisco** 25d. State: **CA** 25e. ZIP Code: **94103**
Telephone Number of Last Employer: **(415) 241-2246** [Use this number for Human Resources, not the number for your department chair or supervisor]
What is the full name (first and last) of the person who was your immediate supervisor?
[Name of your department chair or supervisor]

Last Date Worked: [Either last full-faculty instructional day if you are paid by load or last date actually worked if you are paid hourly]

What are your gross wages for your last week of work? [To calculate this number, see explanation below.]

Reason No Longer Working: **Laid Off/Lack of Work**

Please provide a brief explanation:

My temporary part-time teaching job ended. My next assignment is contingent on enrollment, funding, and program changes. [Note: this answer is extremely important. Omit second sentence if you do not have an assignment for the next semester.]

Do you expect to return to work for a former employer? [“Yes” if you have an assignment, otherwise “No.” Note: “Maybe” would be a better answer but it is not an option. If this is asked during a phone interview or at an appeal hearing, say that you hope and expect to show up for the first class meeting but do not know if your assignment will be canceled before or after the first class meeting because of the contingencies.]

Do you have a date to start work? [“Yes” if you have an assignment, otherwise “No.”]

If Yes and more information is requested:

What date will you start work: [If you are paid by load, insert first flex day of the next semester. If you are paid hourly, insert the earlier of your first paid flex day or your first workday of the next semester or summer session.]

Are you an employee of a school, educational institution, or training facility? **Yes**

If Yes:

Are you returning to work for the next school session? [**“Yes” if you have an assignment, otherwise “No”**]

Has your employer given you reasonable assurance, either verbal, written, or implied, of returning to work for the next school session? **No** [**Note: this answer is extremely important.**]

List the names of all of the employers you worked for in the last 18 months, the dates you worked for each employer, the wages you earned from each, and how you were paid. Please also indicate the employer you worked for longest by selecting the radio button next to that employer.

Employer: [**If you worked for CCSF more than one semester in the last 18 months, it is easiest to just list CCSF once for the entire period of time you worked for CCSF, even though you were “unemployed” between semesters. If this becomes an issue, you will need to explain that you answered this way for simplicity but that you were in fact unemployed between semesters.**]

Earnings: [**To calculate earnings at CCSF for the last 18 months, log into WEB4 at the CCSF web page with your faculty ID, click on Employee Services, and display earnings for the last 18 months. If you apply before your last semester paycheck(s) is received, then you will have to also include income from the last paycheck(s) even though you have not received it yet.**]

How were you Paid? [**If you are paid by load, none of the available options is appropriate. “Hourly” is recommended. Pay by load assumes that a part-timer works a certain number of hours in a semester, and so it is related to “hourly” pay in that sense. In the unlikely event that this becomes an issue, you will need to explain how our pay by load works, how none of the options was appropriate, and that you chose the best option available.**]

Is your usual occupation seasonal? **No**

Are you available for immediate full-time work in your usual occupation? **Yes** [**Note: this answer is extremely important.**]

WHAT HAPPENS NEXT?

Every two weeks you must complete and promptly return by mail a short continued claim form answering certain questions and stating how much, if any, money was earned during each of those two weeks (more info below). A check is sent within a few days. If income was reported on the continued claim form, then a check for reduced benefits or no check at all will be sent depending on the amount of income reported. Note that the back of the continued claim form requires you to document your job search efforts. You do not need to fill this out unless the appropriate box on the front of the form requires it.

You will receive a notice and instructions to register for work online. This must be done and is easy to do.

You may also receive one or more other types of notice (supposedly sent to randomly selected claimants). You may receive a notice of a telephone interview (usually only few minutes long). You should try very hard to be available for the phone interview because it gives you a chance to explain your lack of reasonable assurance. If you are not available, your claim is decided on the basis of available information and benefits may be denied. You may receive a notice to attend a personal interview (15-30 minutes) or a group job search workshop (about an hour), each with a strange sounding name. These are more inconvenient but should be complied with. Failure to attend could result in a penalty. The personal interview and group workshop also each require you to submit written documentation of your job search efforts, so be sure to keep a record of all such efforts. You may or may not be able to reschedule any of these events. If you attempt to reschedule and say that you will be on vacation, you will probably be deemed unavailable for work during that time and could be penalized if you say otherwise on your claim form.

If you have any problems with EDD, it is easiest to contact EDD online through its website. It is very difficult to reach a person at EDD by phone.

When you return to work the next semester, you can just stop returning the continued claim forms and you will get no more checks. Your claim will remain open for the balance of the 12-month claim period. But if you might be entitled to reduced benefits for either of the two weeks covered by the continued claim form, then you should mail the form, report all income earned and write “still working” in the appropriate space. If eligible, you will get a check for reduced benefits.

When you become unemployed again (the next summer or winter break), then you start the whole process over with a new application online or by phone whether you are starting a new claim or continuing with an open claim.

HOW TO CALCULATE AND REPORT INCOME FOR LAST WEEK OF TEACHING AND FIRST WEEK (FLEX WEEK) OF FOLLOWING SEMESTER

In your application you need to report gross earnings for your last week worked. You also have to report those same earnings in the biweekly continuing claim form if you claim benefits for that week. When the next semester starts, you will need to report earnings for flex week if you submit a claim form for that week.

How to Report Earnings for Pay-by-Load (PBL) Assignments

Last week worked before summer or winter break: If you are paid by load for a semester long assignment, you are paid a fixed amount for the entire assignment. You are not paid hourly. You are deemed to work the same days as full-time faculty, regardless of which or how many days you actually work. First calculate your daily pay by dividing your semester pay by the total number of full-time faculty workdays in the semester (usually 88 in fall and 87 in spring, including flex days, but check the CCSF Instructional Calendar to make sure). Then multiply

your daily pay by the number of workdays in the last week of the semester. Follow these steps:

Step 1: Multiply gross monthly pay (see your pay advice) from PBL assignment(s) times 5 = semester PBL pay;

Step 2: Divide semester PBL pay by number of full-time faculty workdays in that semester = daily pay;

Step 3: Multiply daily pay times number of full-time faculty workdays in last week worked = gross earnings for last week worked to be reported to EDD.

First week (flex week) of the next semester: When you return to work the next semester, you will have to report your earnings for the first week (flex week) if you claim benefits for that week. As above, first calculate your daily pay by dividing your semester pay by the total number of full-time faculty workdays in the semester. Then multiply your daily pay by the number of workdays in the first week (flex week) of the semester. This includes all independent study and professional development flex days because you are deemed to work and are paid for all flex days, just as full-time faculty members are. Follow these steps:

Step 1: Multiply gross monthly pay (see your pay advice) from PBL assignment(s) times 5 = semester pay;

Step 2: Divide semester pay by number of full-time faculty workdays in semester = daily pay;

Step 3: Multiply daily pay times number of full-time faculty workdays in first week of the semester, including all flex days = gross earnings for first week (flex week) to be reported to EDD.

How to Report Earnings for Hourly Pay Assignments

Last week worked before summer or winter break: Multiply the number of hours worked times your hourly pay. The result is your gross earnings for that week to be reported to EDD.

First week (flex week) of the next semester: Part-timers paid hourly are paid for a flex day if they are assigned to work on the same day of the week that a flex day occurs. Therefore first add all hours worked and all hours you are assigned on the days of the week on which flex days occurred. (E.g., if you have hours assigned on Monday and a flex day occurred on Monday, include your Monday hours.) Multiply the sum by your hourly pay. The result is your gross earnings for that week (to be reported to EDD).

APPEAL

Part-timers are sometimes denied benefits on the grounds that they have reasonable assurance of employment (in spite the *Cervisi* decision), for misreporting income, or for other reasons. Sometimes a penalty is imposed (e.g., loss of three weeks benefits the next time a claim is filed). If you wish to contest a denial of benefits or penalty, you must timely file a notice of appeal. The

notice from EDD will tell you the deadline. You may appeal by letter or use the form provided with the notice. After you submit your appeal, EDD still has the power to make a “re-determination” in your favor without the necessity of a hearing. If EDD chooses not to do that, you will receive a notice of a hearing before an administrative law judge. You may be accompanied by a representative (need not be an attorney) at the hearing. Contact the union for assistance in filing the appeal and/or in appearing at the hearing.

Good luck!