

## WINTER UNEMPLOYMENT UPDATE

### UNEMPLOYMENT AVAILABLE TO PART TIME FACULTY BETWEEN FALL AND SPRING

### BENEFITS ALSO AVAILABLE BETWEEN FALL AND WINTER INTERSESSION

Part time faculty who are not working between the end of the Fall 2009 semester and the Spring 2010 semester can qualify for unemployment benefits even if they have been offered an assignment in the Spring 2010. Part time faculty who are working in a Winter Intersession can also receive benefits. The Cervisi decision of 1989 ruled that a part time “assignment that is contingent on enrollment, funding, or program changes is not a ‘reasonable assurance’ of employment”, and therefore, part time faculty can apply for unemployment compensation when not working. The Faculty Association urges all part time faculty to apply for benefits between Spring and Fall, or between Summer and Fall and during the winter between Fall and Spring or between Fall and Winter Intersession.

#### HOW TO APPLY FOR UNEMPLOYMENT BENEFITS

Apply for benefits immediately after completing the last class of the semester. If you are teaching at PCC, this means you can apply after your last final exam. If you are teaching at another college that finishes later than PCC, you cannot apply until you have finished your last class at that school. That school will also be the school that you claim as your last place of employment.

Contact the California Employment Development Department (EDD) at either <[www.edd.ca.gov](http://www.edd.ca.gov)> or call 1-800-300-5616. Recent experience finds that applying on-line is most effective; phone lines are often busy. File immediately because your claim begins when you file, not when your job ends. You can not collect retroactive payments.

If PCC is your last place of work, you will provide EDD with the following address:

Pasadena City College  
Human Resources  
1570 Colorado Blvd.  
Pasadena, CA 91106-2003

The Human Resources phone number is 626-585-7123.

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Before you apply, you should review the information available on-line that can help make the process and the outcome smoother. First, visit the Faculty Association's web site at <[www.profaculty.com](http://www.profaculty.com)> and go to the Part Time section for more information on applying for unemployment. Another highly recommended source of information is the California Part-Time Faculty Association web site at <[www.cpfa.org/](http://www.cpfa.org/)>. On the CPFA website, under the section "Resources for Activists", click on "Unemployment Benefits: Rights and Responsibilities" for comprehensive information about the procedures and pitfalls of applying for unemployment benefits. If you have further questions, call the Faculty Association at 626-585-7261 (we will respond as soon as possible, but we may have limited staffing during the winter).

## PROBLEMS APPLYING FOR UNEMPLOYMENT BENEFITS

The EDD does not make the filing process easy. In addition, in these difficult economic times, with unemployment up across the state, you should expect the EDD to be over extended. Often people have difficulty getting through by phone. People in the past have found success calling very early on Friday morning, but getting through is very difficult. You can also apply on-line, which has been successful in the past. When you apply on-line, an EDD representative may call to confirm information on your application.

However you apply, remember that you, as a part time employee, have not "reasonable assurance" of future employment. Even though the college has scheduled you for one or more classes in the Winter or Spring, you can lose your assignment because of budget cuts, low enrollment, or other reasons that you cannot control. Further, if you lose your classes, the college has no obligation to find a comparable replacement. In most cases, if you lose your classes, they will not be replaced. On your unemployment application, or if you speak directly to an EDD Representative, you need to explain that you are a part time faculty member who has no "reasonable assurance" of future employment, and you can refer to the Cervisi ruling to support your claim. Even though the Cervisi ruling is almost 20 years old, many EDD representatives still are not aware of its application.

Do not be discouraged if your claim is rejected. This does not mean that you do not qualify. Instead, a denial of a claim often means that the EDD has misinterpreted your status. You must appeal, which is time consuming, but you will almost inevitably prevail and you will receive all your legitimate claims dating from the time you initially applied for benefits. Consult the resources referred to in this article for samples of the letter you will need to submit with your appeal.

Good luck.

Preston Rose, Part-Time Faculty and Vice-President, Faculty Association