



UPDATE

May 11, 2010

www.santarosa.edu/afa

(707) 527-4731

Attn: Adjunct Faculty — You May Be Eligible for Unemployment Benefits



Unemployment benefits are not a form of welfare — they are an earned benefit for which you, as adjunct faculty, have the right to apply between semesters and/or terms. Even if you have been offered an assignment for the following semester (or term, in the case of summer), you may still be eligible for unemployment benefits from the date of your last final exam through the date of your first class in the subsequent semester or term.

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

(cont. on page 2)

AFA has gone green!

Hard copies of AFA Updates and Newsletters are now available only by request.



Go to www.santarosa.edu/afa/communications.shtml to view, download, and/or print current and past issues of AFA's *Updates*, *Dialogues* and *Newsletters*.

If you would prefer to receive a hard copy in your campus mailbox or at your home address, send your request via email to afa@santarosa.edu or call the AFA office at 527-4731.

Save this
UPDATE
for future
reference!

Inside you'll
find info on:

[How to File
with EDD](#)

[Best Way to
Contact EDD](#)

[What do I say
in my telephone
interview?](#)

[Filing Advice
from FACCC](#)

[Free One-
Year FACCC
Memberships
Available](#)

and more . . .

Unemployment Benefits *(cont. from page 1)*

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 sessions, and between summer sessions and fall semesters. You may also be entitled to benefits between spring and fall if you requested but were not offered a summer assignment or if your class is 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 expected and required to actively seek employment, but not outside your line of work. 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, online, or by mail. (See box to the right.) Once you have submitted an application, you should allow ten days for processing.

Be advised that it can be difficult to get through by phone so our advice is to not wait until the last minute and be patient. You may need to dial the number repeatedly before even getting in the queue to speak with a representative. In certain

(cont. on page 3)



To File an Application with EDD:

Online *(recommended)*:

<https://eapply4ui.edd.ca.gov/>

By phone: Monday through
Friday, except holidays
8:00 a.m. – 5:00 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

By fax: 1 (866) 215-9159

By mail: EDD

MIC 40-NET

P.O. Box 826880

Sacramento, CA

94280-0001

**Keep your paycheck stubs
to calculate your earnings.**

Also, in filing your application/
claim, note that the name of
your employer is “Sonoma
County Junior College District”;
AFA does not have a local union
number as we are not affiliated
with any state or national union;
and AFA does not control your
hiring, help you search for
employment, or “register” you
if you are out of work.

AFA Publications Committee

Lara Branen-Ahumada
Publications Coordinator

Paula Burks
Cheryl Dunn
Ann Herbst
Janet McCulloch



Dan Munton
Audrey Spall
Judith Bernstein
Candy Shell

Questions or comments?

Call 527-4731 or send them to afa@santarosa.edu

Unemployment Benefits (cont. from page 2)

instances one cannot file online (for example, if you worked in another state in the past 12 months or are an owner of a business regardless of whether the business is currently active or not)

Once a claim is established, it remains active for one year. The first time you receive a benefit, 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 unpaid waiting period will not apply to claims reopened within the one-year period.) The EDD will mail you materials, including a *Notice of Unemployment Insurance Award* and a *Benefits Handbook*.

EDD will normally send you a letter after you file for unemployment benefits telling you the date and approximate time that an EDD representative will call you for a phone interview, in order to ask you some clarifying questions. (See “What do I say in my telephone interview?” in the box to the right.) **DO NOT MISS THIS PHONE CALL** or you may be automatically denied benefits. If for some reason you cannot make the phone interview, you must call the general EDD phone number *before* your scheduled phone interview. After answering your phone call, an EDD representative will then transfer you to the phone interviewer. You can then explain why you will not be able to take the phone call from EDD at the appointed time.

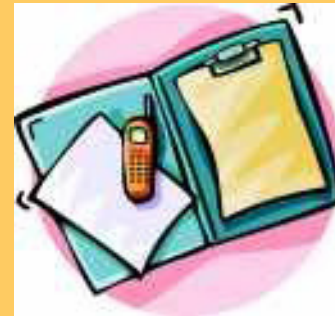
The effective date of your claim determines your “base period” and the amount of your benefits. Basically, your benefits will be based on the amount of your earnings during the highest of four quarters within a one-year base period that ends approximately six months prior to the date of your claim. The weekly benefit amounts range from \$40 to \$450, depending upon earnings. The current Benefit Table and detailed information that will help you determine your base period and your benefits are available on the EDD Website at www.edd.ca.gov/Unemployment/.

Note that federal legislation signed into law on February 17, 2009, allows for a weekly \$25 stimulus payment, which will be automatically added to each week of unemployment benefits, as part of the regular benefits check paid to eligible workers in California for weeks of unemployment that start on or after February 22, 2009 through October 3, 2010.

Additional information about federal extensions of California’s unemployment insurance benefits is available at: www.edd.ca.gov/unemployment/Federal_Unemployment_Insurance_Extensions.htm.

(cont. on page 4)

What Do I Say in My Telephone Interview?



Be sure to let EDD know that you are a temporary, part-time employee who has been laid off for lack of work. (Do NOT say you are on a break.) If you have been offered an assignment for the fall/spring, explain 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.** We also recommend having on hand a copy of Article 16 of the AFA Contract (posted online at www.santarosa.edu/afa/contract.shtml), in particular, paragraphs 16.06 and 16.07, which speak to cancellation of hourly assignments.

You should also mention your entitlement to benefits under the *Cervisi* decision, which states, “an assignment that is contingent on enrollment, funding, or program changes is not a ‘reasonable assurance’ of employment.”

Internet Is the Best Way to Contact EDD

There have been no changes to the filing process for unemployment benefits through EDD. According to FACCC Director of Government Relations Andrea York, “The Internet is now the best place to start with your new or existing claim. Because of the budget cuts coupled with record high unemployment rates, the EDD has been severely impacted in their ability to provide services in a timely manner. The best thing to do is to work over the email.”

“The EDD has a great system for getting any questions answered but it is labeled ambiguously as “Email us” under the “Contact UP” link on their website.”

www.edd.ca.gov/Unemployment

“If you click that link, you will be navigated through a series of prompts that will alert your email to the correct department. You have the opportunity to write an email asking as many questions as possible. Then, you leave your preferred method of response. I recommend the telephone, because then you can ask follow-up questions if need be without additional waiting time. The average response time is three to five working days. I know this seems like a long time, but again, the budget cuts have really impacted response times.”

Unemployment Benefits (cont. from page 3)

What if my claim is denied?

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 *Cervisi* court case mentioned earlier in this article. 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. (The *Cervisi* decision, the *Field Directive* and sample language to use in an appeal letter is posted on the AFA Website at: www.santarosa.edu/afa/adjunct_ui.shtml.)

Note: Unemployment benefits 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 on that income.

AFA has assembled some information that will assist you in filing for unemployment benefits, including, among other documents, copies of the *Cervisi* decision and the EDD *Field Office Directive* transmitting the *Cervisi* decision to EDD staff, sample language to use in an appeal letter, the EDD Unemployment Benefits application form and other information from the EDD Website. All of these documents can be found on the AFA Website at: www.santarosa.edu/afa/adjunct_ui.shtml.



If you would like a hard copy of these materials, contact the AFA office at (707) 527-4731 or afa@santarosa.edu. Note: the AFA office will close on Friday, May 21, 2010 at 12:00 p.m. Although the office will not be regularly staffed over the summer, voicemail and email messages will be returned minimally twice a week. Normal office hours will resume at the beginning of the Fall 2010 semester, starting at 8:00 a.m. on Monday, August 16, 2010.

Unemployment Filing Advice from Faculty Association of California Community Colleges (FACCC) Director of Government Relations Andrea York

Hello Faculty,

I have been speaking with an unprecedented number of FACCC members who are experiencing difficulties reaching the EDD to check on the status of a claim, or are having other delays in receiving benefits. The EDD is trying to maintain grace under pressure as they are stretching to meet the needs of the unemployed at a time when they are understaffed, underfunded and are being forced to shut down operations three times a month due to furloughs. I spoke with a representative from the Government Relations Department today and was given a briefing on how to address many issues. As many of you have experienced, it is nearly impossible to contact the EDD through the telephone. According to the EDD these are specifics you should know:

1. File Online. According to the EDD, over 80% of claims are filed electronically. When you file electronically you are put into the system immediately and you are assigned a confirmation number which gives you a paper trail. Plus, the EDD claims that e filing is processed more quickly than any other type. You can go here to file: <http://www.edd.ca.gov/Unemployment/>. On the right hand side of the page there is a section that reads “Quick Links,” and click on the “Apply Online” link. From there, you will be navigated through the process.
2. If you have a question(s) regarding the status of your claim, regardless of how you filed, you should also email the EDD through the online website at the address above. On the left hand side is a link that says “Contact Us.” Click there and follow the prompts, there is a drop list of issue areas and you can email them with your specific questions. They will respond to you via email or telephone – your choice. The EDD claims that average wait time for a

(cont. on page 6)

FACCC Helps with Unemployment Claim Denials

If you are an adjunct faculty member whose unemployment benefit claim has been denied by the EDD based upon reasonable assurance of continued employment, you may be interested in contacting the Faculty Association



of California Community Colleges (FACCC). Andrea York, FACCC’s Director of Government Relations, is working with EDD to help resolve those denials. You may also contact Andrea for help with the initial filing and with any denial claims at (916) 447-8555 or ayork@faccc.org.

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

Advice from FACCC *(cont. from page 5)*

response is 3-5 days. The EDD said that email requests are processed more quickly than other requests. I advise listing “telephone” as your contact if you have a working cell phone, because then you can ask additional questions once you have a representative on the line.

You can also check on the status of your check, once you have a benefits amount established, through a “check status only” telephone line. Contact information and instructions are here: www.edd.ca.gov/Unemployment/FAQ_-_Contacting_UI.htm#WhereismyUIcheck .

3. Update your mailing address through the postal service! The EDD does not use the mailing address that you write down on your application. They use the last known address that the postal service provides them. Once a week the postal service sends the EDD an updated list of all address changes that they have processed and that is what the EDD uses to mail out your claim forms, checks, etc. If you have listed a different address than the one that the postal service has on record for you, you will probably not receive your information.
4. The problem might be with your employer. It is very rare, but occasionally districts give the wrong information regarding your employment. If you experience this, you should call your local grievance officer immediately!



5. If you are on extended unemployment insurance benefits, you will be automatically asked to list the employment you have sought, this is from Federal law. Go ahead and list the work you have looked for. Even those who are not on extended benefits may be asked to list the employment they have sought. You are required to look for work in your area of residence that is within your field. They know that there isn't any work available, just be honest and list the websites you look at, where you might have sent in resumes, etc.

(cont. on page 7)

EDD Notice of Potential Overpayment

A few adjunct faculty members 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 SRJC. If you have received such a notice, AFA recommends that you contact Deepa Desai (527-4500 or d-desai@santarosa.edu) or Lisa Hotchkiss (527-4200 or l-hotchkiss@santarosa.edu) in 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.

To view the “Filing for Unemployment Workshop” — a guide to the process presented in Fall 2009 at the FACCC Education Institute’s Part-time Symposium, go to: www.santarosa.edu/afa/Forms/FACCC_EDDPresentation.pdf

Advice from FACCC *(cont. from page 5)*

6. Remember, CCC Part-Time Faculty have NO REASONABLE ASSURANCE of returning to work, regardless of any letter from the district stating that you will have a class(es). Marking this incorrectly is still the number one reason claims are denied. Some districts state that this is a contract, but it is not a contract in the legal sense and you should not state that it is a contract on your application. The Cervisi Decision, a landmark court decision, established that part-time community college faculty have no reasonable assurance of returning to work. If you ever find yourself having to defend reasonable assurance with an EDD representative, you should reference the Cervisi Decision.



However, if you also concurrently teach as a substitute in a K-12 school, the Cervisi Decision does not automatically apply to you. You will probably be denied, then need to seek an appeal from an EDD administrative judge. Please contact me if you

are in this situation and seeking EDD benefits.

I hope that you and your colleagues find some of these tips helpful. As always, I let people know that I am not an attorney and these comments do not and should not substitute for legal advice!

Please feel free to contact me with any questions, comments or suggestions.

Best,

Andrea

Andrea York, Director of Government Relations
FACCC
1823 11th Street
Sacto, CA 95811
T- (916) 447-8555
F- (916) 447-0726
ayork@faccc.org
www.faccc.org



Attn: Adjunct Faculty Want a One-Year FACCC Membership for Free?

Through an agreement between the Faculty Association of California Community Colleges (FACCC) and AFA, ten eligible adjunct faculty members will receive a one-year FACCC membership at no cost. FACCC is a statewide, nonprofit association that lobbies on behalf of community college faculty before the State legislature, governor, California Community Colleges Board of Governors, CalSTRS board, and other important political forums.

If you are a member of AFA, have at least a 40% load this semester and have been an adjunct faculty member for six or more semesters at SRJC, you are eligible to be selected as one of the lucky SRJC ten.

The first ten eligible adjunct faculty members to call the AFA office at 527-4731 or send an email to afa@santarosa.edu with their name, department, telephone number, and email address will be selected. This is a great opportunity to become more informed about what's happening at the state level.

All Faculty Association

2010-11 Executive Council Members, Officers, and Staff

AFA Executive Council Members

Warren Ruud, Mathematics, <i>President & Negotiator</i>	527-4357	wruud@santarosa.edu
Dan Munton, Mathematics, <i>VP (Santa Rosa)</i>	527-4706	dmunton@santarosa.edu
Cheryl Dunn, College Skills, <i>VP (Petaluma)</i>	778-3965	cdunn@santarosa.edu
Paula Burks, Learning Resources, <i>Secretary/Treas.</i>	527-4544	pburks@santarosa.edu
Audrey Spall, Counseling, <i>Concil/Grievance Officer</i>	527-4891	aspall@santarosa.edu
Alix Alixopulos, Social Sciences *	527-4999, vm 5146	halixopulos@santarosa.edu
Lara Branen-Ahumada, P.E.Dance & Athletics and Theatre Arts, <i>Negotiator-Note Taker</i> *	527-4999, vm 5180	lbranen-ahumada@santarosa.edu
John Daly, Counseling	527-4689	jdaly@santarosa.edu
Dianne Davis, Disability Resources, <i>Negotiator</i>	527-4913	ddavis@santarosa.edu
Brenda Flyswithhawks, Behavioral Sciences	527-4613	bflyswithhawks@santarosa.edu
Karen Frindell, Chemistry	527-4377	kfrindell@santarosa.edu
Lynn Harenberg-Miller, Comm. Studies, <i>Negotiator</i> *	527-4238	lharenberg-miller@santarosa.edu
Reneé Lo Pilato, Work Experience	527-4808	rlopilato@santarosa.edu
Michael Ludder, Social Sciences *	527-4999, vm 5215	mludder@santarosa.edu
Sean Martin, Philosophy	527-4607	smartin@santarosa.edu
Mike Starkey, Computer Studies *	527-4999, vm 5414	mstarkey@santarosa.edu
Julie Thompson, English, <i>Publications Coordinator</i>	522-2752	jthompson@santarosa.edu
Jack Wegman, Social Sciences, <i>Negotiator</i>	527-4610	jwegman@santarosa.edu

* = Adjunct faculty

One adjunct faculty seat vacancy

AFA Officers

Ann Herbst, Mathematics, *Chief Negotiating Officer* 527-4732 a Herbst@santarosa.edu

AFA Office Staff

Judith Bernstein, *Office Coordinator* 535-3765/527-4731 jbernstein@santarosa.edu
 Candy Shell, *Office Coord./Bookkeeper/Web Mistress* 535-3766/527-4731 cshell@santarosa.edu

Fall 2010 AFA Meetings

AFA Executive Council meetings are typically held on the second and fourth Wednesdays of the month from 3:00 p.m. – 5:00 p.m. Check AFA's Website calendar for locations. Fall 2010 meetings are scheduled for:

August 25 • September 8 • September 22
 October 13 • October 27
 November 10 • December 8

All faculty members are welcome to attend. Members' concerns are handled as the first item on the agenda. If you can't make it to a meeting, contact any Council member (see above).

Fall 2010 AFA Office Hours

Monday – Thursday: 8:00 a.m. – 3:00 p.m.
 Friday: 9:00 a.m. – 12 noon
 Phone: (707) 527-4731
 Fax: (707) 524-1762
 email: afa@santarosa.edu
 Website: www.santarosa.edu/afa/

The AFA office is located in Analy Village (at the south end of the Bech parking lot) in Building A, Room 649 (next door to the Copy Center).