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FACCC (Faculty Assoc. of Calif. Comm. Colleges)
Sent: Tuesday, July 14, 2009
To: CCC-PartTime@yahoogroups.com
Subject: [CCC-PartTime] EDD Update

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 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:

http://www.edd.ca.gov/Unemployment/Where_Is_My_Check.htm

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.

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 is a contract on you 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 legal advice!

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

Best,

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