

Unemployment Workshop

Santa Monica College Faculty
Association

Spring 2011

Essentials

- **Why File:** It is your right (Cervisi v. Unemployment Ins. Appeals Bd. (1989))
- **When To File:** Wednesday, June 15th
- **Where To File:** <http://www.edd.ca.gov>
- **How Much You Make:** Appendix B2 (fall / spring) $((\text{Step-Group} / 18) * \text{Units taught})$

Background

- 1989 - *Cervisi v. California Unemployment Insurance Appeals Board*
- The 1989 *Cervisi v. California Unemployment Insurance Appeals Board* states that adjunct faculty is eligible for benefits because the employment contract does **not** provide "reasonable assurance" of employment, because adjunct contracts are contingent upon funding and enrollment and not assured of actual employment.

Background (cont.)

- **Remember you have no guarantee of a contract for the next semester even if your name is in the schedule of classes.**
- This is true for **all** part-timers (including Associate Faculty).
- It does **not** matter if an adjunct is being paid during winter or summer for work previously completed (once you turn in grades, your work **is** completed!).

Why File?

- It is your right to file for unemployment (Cervisi - <http://www.aaup-ca.org/Cervisi.pdf>)
- It pays you for time not teaching.
- It encourages the district to hire full time faculty.
- Unemployment is **not** welfare.

When To File

Wednesday, June 15th

(The day after the semester ends)

Are You Eligible?

- You're eligible even if you have been offered a class for the next term.
- You're eligible even if and your name appears in the schedule of classes.
- ... as long as you are not earning any other income above \$310 per week from...
 - Other teaching
 - Side job
 - Self employment

Qualifications & Responsibilities

- You may also qualify for being “under-employed” during the semester/quarter if your load and pay has significantly gone down from previous terms.
- You are not expected to look for employment outside of your line of work.
- You are only expected to look for full-time work in your field.

How To File

- <http://www.edd.ca.gov>

- You can also apply by telephone (1-800-300-5616), by fax, or by mail (download the application from the EDD website).
 - Note that phone applications are less labor intensive, but can involve a long waiting period.
- Have a pay stub ready.

How To File (Cont.)

- Apply as soon as the semester/quarter ends.
- First time application (renewable each year) requires a one-week waiting period for which you will not receive benefits.
- It takes approximately 10 days to process a claim.
- EDD will mail you materials, including a guide to benefits and a Notice of UI Award. Be sure to read these materials carefully.
- EDD may require a phone interview.

Re-opening A Claim

- If you previously applied and received benefits within a one year period, when you apply, you are “re-opening an existing claim.”
- Re-opening does not require a one week waiting period.
- If your first claim is at the end of the fall term in December, then when you apply at the end of spring, that will be a re-open and an extension of your December claim (benefit amount does not change).

Answers To Key Survey Questions

When applying for benefits for the first time, some faculty may find several questions confusing.

QUESTION #22

- Are you a member of a union?
 - **NO.** Your union is a bargaining association, not a union as pertains to the EDD. This question is relevant only to “job shoppers” whose unions look for work for them. Faculty unions and associations do not provide job search services.

QUESTION #28

- Reason No Longer Working
 - Choose Laid Off/Lack of Work
- 28a: Provide a brief explanation
 - Community College instructor; end of assignment with no reasonable assurance of reemployment!

QUESTIONS #29, 30, and 31"

- Do you expect to return to work?
 - **NO** [You do not have a legally binding contract to return to work]
- Do you have a date to start work?!
 - **NO** [You are without contract / no guarantee to return]
- Are you an employee of a school.....?!
 - **NO** [You are a temporary employee employed per semester/quarter as contingent labor]

QUESTION #40

- Are you currently attending or are you planning to attend school or training?
 - **NO.** Unless you are enrolled as a part-time or full-time student in an institution of higher education or advanced work training program that prevents you from working full-time, the EDD might conclude that you are not available for work and consequently deny you benefits.

REQUIREMENTS

- Are you available for immediate **FULL TIME** work in your usual occupation?
 - **YES!**
 - Even if you aren't interested in full-time work, you must state you are looking for full-time work. You are not required to look for part-time work.
- Be sure to register on CalJobs as “job seeker.”

Calculating Your Wages

- Part-timers are paid hourly.
- Refer to Contract, Appendix B2
 - <http://bit.ly/l7bVqs>

Your **Rate** is your hourly pay.

- Multiply your rate by 18 to get your step/group.
- Multiply your rate by units taught to get your weekly wage.
 - Ex. $\$81.61 * 9 \text{ units} = \734.49 weekly wage.

EARNINGS - COMPENSATION						DEDUCTIONS/TAXES/MISC		
BASIS	DESCRIPTION	END DATE	RATE	UNITS	AMOUNT	EMPLOYEE DEDUCTIONS	CURRENT AMOUNT	YTD TOTALS
C H	REGULAR	04-30-2010	58.19	24.00	1,396.56	PRE-TAX REDUCTIONS		
C H	REGULAR	04-30-2010	78.50	36.00	2,826.00	STRS ARP	168.90	666.79
						EMPLOYEE DEDUCTIONS		
						MEDCAR DED	61.22	241.71
						FWT	449.04	1,984.90
						SWT	140.68	845.83
						ADD SWT	50.00	
						CCFA	24.49	96.67
						FACCC DUES	5.62	22.48
						PARKINGFEE	12.50	25.00
						EMPLOYER CONTRIBUTIONS		
						STRS CASH	168.90	666.79
						MEDCAR CON	61.22	241.71
						SUI	12.67	50.02
						WORK COMP	57.85	228.38
						KAISER	472.65	1,890.60

***** LEAVE BALANCES *****	CURRENT TAXABLE BALANCES		YTD TAXABLE BALANCES		CURRENT PAY SUMMARY	
VACATION	FEDERAL	4,053.66	FEDERAL	16,003.13	GROSS PAY	4,222.56
SICK LEAVE	STATE	4,053.66	STATE	16,003.13	REDUCTIONS	168.90
COMP TIME	MEDI GROSS	4,222.56	MEDI GROSS	16,669.92	TAXES	700.94
	OASDI GROSS		OASDI GROSS		DEDUCTIONS	42.61
	CA SDI GROSS		CA SDI GROSS		NET PAY	\$3,310.11
	GROSS EARN'S	4,222.56	GROSS EARN'S	16,669.92		

DISTRICT NAME	DISTRICT ADDRESS
SANTA MONICA COM COLLEGE	1900 PICO BLVD SANTA MONICA, CA 90405

What If You Are Denied?

- **Appeal immediately.**
- Copy and paste:
 - "I am appealing the denial of benefits based on my status as a part-time, temporary community college instructor. My continued employment is contingent upon minimum enrollment, proper funding, and not being replaced by a full-time tenure track instructor whose class(es) may not have met enrollment requirements. As such, I do not have 'reasonable assurance' of employment the coming semester, as per the *Cervisi* decision."

Benefits

- Weekly benefits are available to a maximum of \$450 per week depending on your earning history. EDD includes all teaching work history from multiple districts.
- The rate established at the time your initial claim is filed will be applicable for one year and cannot change. Your benefit is based upon your Wages in Highest Quarter in an 18 month history.
- You may be qualified to continue limited benefits while working as “under-employed.” This occurs typically if your past terms have been at larger loads and you have suddenly dropped to a much lower load. EDD will make up some of the difference.

Important Notes

- Always file. It is your right.
- Always ask for an assignment.
- Don't assume you are guaranteed employment.
- SMCFA does not control your hiring, look for work, or register you if you are out of work.

Resources

- Part-time Salary Schedules
 - <http://bit.ly/l7bVqs>
- Ultimate Guide To Unemployment
 - <http://bit.ly/azwNGF>
- California EDD Website:
 - <http://www.edd.ca.gov/unemployment>