

CCFA

Chaffey College Faculty Association

Transfer of Accumulated Leave

Faculty who continue to teach at one or more community college after leaving Chaffey should coordinate with Chaffey's Human Resources department to arrange for the transfer of unused sick leave to another college where the faculty member has been employed for more than one year. Contact the HR department of that school to obtain its form for the transfer of accumulated leave. It's important that this be done as soon as possible since colleges have some latitude in interpreting STRS regulations and may impose deadlines for transfer of accumulated leave. For further information, contact STRS by one of the methods suggested online: <http://www.calstrs.com/contact-us>

If you are beginning or continuing CALPERS contributions while discontinuing STRS, The California Teachers Association provides current information on its CTA Invest web site: <http://ctainvest.org/home/CalSTRS-CalPERS/pension-information/changing-jobs-your-CalSTRS-CalPERS-options.aspx>

Upon STRS system retirement, CalSTRS will convert unused sick leave to additional service credit using the information Human Resources will provide for STRS on the Express Benefit Report form. You may contact Chaffey's HR Department at 909-652-6520.

--Portions adapted from the CALSTRS Member Handbook 2014

Contact Human Resources at 909-652-6520

- To ensure processing of your accumulated sick leave and address other STRS issues.
- To get further information about ChaffeyVIEW, e-mail, and other network access.
- To turn in any Chaffey-owned property--keys, key cards, etc.
- To ensure that your Chaffey employment information will or won't be released as you request to potential employers.

Contact a member of the CCFA Grievance Committee or of Rep Council

- To discuss your situation
- For assistance with any of the items in this handout

<http://www.ccfa.us/>

Unemployment Benefits for Part-Time Faculty

Part-time faculty have the right to apply for unemployment benefits between college sessions and/or semesters. In the landmark *Cervisi* case (1989) brought by the AFT local at San Francisco City College, the California Court of Appeals ruled that part-time, temporary instructors are eligible for unemployment if they have a teaching assignment that can be canceled for lack of funding, low enrollment, or other factors.

Because the contingent contract offered to adjuncts by a community college is merely a tentative offer of employment that could be canceled for various reasons (see below), it does not constitute “reasonable assurance” of employment.

How do I apply for benefits?

For your application, you will need information:

- You should have your past year’s pay stubs/advices handy; please note that whatever the date on the pay stub/advice, you are paid from Flex days at the start of the semester through Finals week, unless you have a specified shorter-term contract.
- Ideally, you should have a copy of your current contract with Chaffey. If you don’t have it, one of your school’s Administrative Assistants should be able to provide a copy to you.

The easiest way to apply is online at the Employment Development Department (EDD): <http://www.edd.ca.gov/Unemployment/>. 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.

Once a claim with EDD is established, it remains open for one year. There are additional EDD regulations, but the EDD will maintain your claim for one year, and send you a Benefits Handbook and a Notice of Unemployment Insurance Award.

What you need to know when you file for unemployment.

Tell EDD that you are a temporary, part-time employee who has been laid off. If you have an assignment for an upcoming semester, emphasize that *you have a tentative assignment which may be withdrawn at the District’s discretion at the last minute because of funding, enrollment, or other changes.*

Accordingly, *Cervisi v. California Unemployment Insurance Appeals Board* (1989) 256 Cal.Rptr.142 entitles part-time faculty to unemployment benefits. The *Cervisi* decision states, “an assignment that is contingent on enrollment, funding, or program changes is not a ‘reasonable assurance’ of employment.”

If your name is in the schedule of classes, bring to the attention of the EDD Article 18.7.2 of Chaffey’s current contract:

- 18.7.2** When identifiable, temporary (part-time) faculty shall have their names included in the Schedule of Classes for their sections each term. Such inclusion shall not

constitute a contract of employment between the faculty and the District, nor preclude any change in or deletion of assignment.

In filing your claim, please note that CCFA's local number is CTA local 1148. CTA and CCFA neither control your hiring, nor look for work, nor register you if you are out of work.

What should I do if I am denied benefits?

With your denial notification, you will receive a form to appeal the denial decision. Complete and return the form. Include the following statement in the body of your appeal:

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.

You must file your appeal within 20 calendar days after the mailing date of the denial notice. The EDD will then make a re-determination (and pay benefits) and process the appeal.

While in process, you must continue to file claim forms for each two-week period and continue to look for work in your occupation.

Where can I get help?

If you have any questions or comments, please call a colleague on CCFA's Membership Committee—Check www.ccfa.us for contact information.

Resources

For filing information and details about eligibility see the Employment Development Department (EDD) website: <http://www.edd.ca.gov/Unemployment/>.

The California Part Time Faculty Association website has useful links, including a link to the *Cervisi* decision and a handbook by Robert Bezemek: www.cpfa.org/unemployment.html