

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

What are my rights?

Unemployment Benefits are NOT a form of welfare! You can file an Unemployment Claim with the California's Employment Development Department (EDD) because your employer (the College) refuses to guarantee your employment for next semester. In fact, p Part-time faculty have the right to apply for unemployment benefits of up to \$450 per week between college sessions and/or semesters. You can also apply for Unemployment Benefits if the District offered you a class but you turned it down, as long as you are fully unemployed (not working for any other employer) that semester.

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.

The recent addition of "seniority" for part-time faculty at Chaffey does not affect Unemployment rights in any way.

When should I apply for Unemployment compensation?

You need to apply by the end of the Friday of the first week you are unemployed. You will not receive any compensation for any week in which you fail to file by Friday.

EDD also requires you to verify your employment status at least once every two weeks, which takes about 5 minutes online.

How do I apply for benefits?

For your application, you will need some information:

- You should have your past year's pay stubs/advice handy; whatever the date on the pay stub/advice, you are employed from Flex days at the start of the semester through Finals week, unless you have a specified shorter-term contract. Make sure to have your December Pay Advice available, as it shows your total yearly income. You can access your Pay Advices through MyChaffeyView at <https://mycas.chaffey.edu/cas/login?service=https%3A%2F%2Fmy.chaffey.edu%2Fpaf%2Fauthorize>
- 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. All contracts are also listed at <http://ccfa.us/contracts.html>

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. Initiating a first claim can take up to two hours due to the amount of employment information you might have to fill in.

EDD created a new system for running its online application process in October 2017. This new system is called the “Benefits Program Online” and can be directly accessed at http://www.edd.ca.gov/Benefit_Programs_Online.htm Follow these directions to create a new account in the system:

- Click the “Log In or Register” button in the middle of the page. You will have to create a new account if you have not used the “Benefits Program Online” before. This program just started in October 2017, so you will probably have to create a new account if this is the first time you are opening an Unemployment claim since that time. Either Log In (on the left) or Register a new account (on the right).
- Check the box to Agree with the Terms and Conditions and click on “I Agree.”
- Fill out the form and click “Next” at the bottom. Make sure to write down you account info somewhere, as the system will ask you to answer these questions whenever you log in!
- Review your choices and click “Submit Registration” at the bottom.
- You can now log in to the program by clicking the “Log In” button.
- Use the “Log In” option on the left to enter your email account and then password.
- Click on “UI Online” on the left. You can now either start a new Unemployment claim or re-open the one you started earlier this year. Claims last an entire calendar year from the week that you first opened a claim.

Once a claim with EDD is established, it remains open for one year. The first time you apply to EDD, 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's one-year period. The waiting period will not apply to claims reopened within the one-year period.)

Once you have submitted an application, you should allow ten days for processing. The EDD will mail materials to you, including a Notice of Unemployment Insurance Award.

What should I tell EDD when I 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.

How do I update my employment status?

EDD will require you to verify your employment status every two weeks. EDD will send an e-mail reminder to you (including the link to their website) asking for verification. You will not need to send verification form(s) through US mail if you use the online system.

EDD will ask you to verify that you have been looking for work each week. If you check the "yes" box, the system will ask for contact information for the places you have looked for work. Submitting this information is OPTIONAL and will not impact your continuing claim for Benefits.

What should I do if I am denied benefits?

EDD sometimes wrongly denies claims. Should this happen, complete and return the form to Appeal the Denial Decision that EDD sent to you with the denial announcement. Be sure to 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.

If EDD persists in their attempt to deny your claim, they will offer you a "Court date" that will probably list Los Angeles County Superior Court as the location. Do not despair – the same form will also say (in smaller print) that you can "appear" in court by telephone and talk with the Judge. You can then recite the important pieces of the *Cervisi* Decision (1989) and the CCFA Contract to the Judge.

You must continue to file claim forms for each two-week period and continue to look for work in your occupation even as the appeal process continues.

Where can I get help?

If you have any questions or comments, please call CCFA's Membership Committee Chair—Check <http://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 Community College Association maintains a current page for part-time faculty issues: <http://cca4me.org/Part-Time-faculty-Issues.asp>