

Are You Eligible For Unemployment Even If You Have Been Scheduled To Teach In The Fall?

With the semester winding down, it is a good time to remind everyone that we as part-time academic employees are eligible for unemployment compensation during an intersession like Winter Break or Summer, which will be upon us soon. (If you are working another job, as many of us do, you may still be eligible since your income has been reduced; whether you are eligible or not depends on how much you are earning at your other job). You can apply online at www.edd.ca.gov, and just follow the instructions.

Don't forget: You are eligible even if you have been scheduled to teach a class in the fall. One of the few advantages of being a part-time academic worker is that we do not have reasonable assurance of employment even if we have been told we have an assignment in the upcoming term. Why? We are classified as temporary employees, and our employment is so tenuous and dependent on factors such as funding, enrollment, and the chance that we may be "bumped" by a full-timer, "reasonable assurance" does not apply to us.

This was recognized in law in the landmark "Cervisi Decision" in 1989, in which an appeals court ruled that "an assignment that is contingent on enrollment, funding, or program changes is not a "reasonable assurance" of employment." (Cervisi v. Unemployment Ins. Appeals Bd. , 208 Cal.App.3d 635 [Nos. A038877. Court of Appeals of California, First Appellate District, Division Four. February 1, 1989.)

If your claim is denied on the grounds that you have "reasonable assurance," point out that the Cervisi Decision says otherwise, and file an appeal if you must.

You can see the Cervisi Decision by following the link below:

<http://www.afa-srjc.org/Forms/cervisi.pdf>

Wishing everyone a great summer,

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