



Unemployment Insurance Workshop

An Adjunct Employee's Guide to Filing for unemployment
through the Employment Development Department





Hello!

I am Anthony Amey

Your EDD Ombudsperson. I represent the AFT Local 1521, and am an Adjunct Faculty member of the LACCD as well. I am not a lawyer, but it is my job to understand the laws that guide unemployment insurance, and help you know and understand your rights.

What is Unemployment Insurance (UI)

UNEMPLOYMENT INSURANCE

Unemployment Insurance (UI) is a short-term, wage replacement program for unemployed or underemployed individuals. UI provides temporary, *partial*, income replacement under applicable federal and state laws.

EMPLOYMENT DEVELOPMENT DEPARTMENT® (EDD)

EDD is California's Employment Development Department, created in 1935. It offers a wide variety of services to millions of Californians including Job Service, Unemployment Insurance, State Disability Insurance, and much more

More info on unemployment insurance at www.edd.ca.gov

This presentation is intended for use by, and guidance for Los Angeles Community College District Adjunct Faculty. *This information is provided as a service to our members for informational purposes. It is not a substitute for professional legal or financial advice.* Any incorrect information should be brought to the attention of the Los Angeles College Faculty Guild Employment Development Department Ombudsperson.

Who can file a UI claim?

Adjunct faculty who meet the following criteria:

- You have enough wages in the base period
- You are available to work
- You do not have “reasonable assurance” to return to work after the recess period
- You are totally or partially unemployed
- You are physically able to work
- You are not attending any kind of school or training
- You are actively looking for work

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What is Reasonable Assurance?

- Cervisi v. UNEMPLOYMENT INSURANCE APPEALS BOARD
- In 1989, The California Court of Appeal determined that “1253.3(g) For the purpose of this section, ‘reasonable assurance’ includes, but is not limited to, an offer of employment or assignment made by the educational institution, provided that the offer or assignment IS NOT contingent on enrollment, funding, or program changes.”

More info on unemployment insurance at www.edd.ca.gov

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When to File Your Claim

File your UI claim in the week that your assignment is ending. Your claim begins on the Sunday of the week you submit your application. There is a 1 week waiting period before you can receive benefits



3 Ways to File a Claim

Online



UI Online is the fastest and most convenient way to file. Visit www.edd.ca.gov and click on **CLAIMS** and then click on **File a New UI Claim** to get started. You can start your claim during the following times:

Monday	4am - 10pm
Tuesday - Friday	2am - 10pm
Saturday	2am - 8pm
Sunday	5am - 8pm

By Phone



Representatives are available at the following toll-free numbers, Monday – Friday 8am – 12pm (PST) except on holidays.

English	1-800-300-5616
Spanish	1-800-326-8937
Cantonese	1-800-547-3506
Mandarin	1-866-303-0706
Vietnamese	1-800-547-2058
TTY	1-800-815-9387

By Fax or Mail



File your UI claim by accessing the paper UI Application at www.edd.ca.gov/unemployment/Filing_a_Claim.htm. For faster and more secure processing, fax the completed application to the number listed on the form. If you mail your application, use the address on the form and allow additional time for processing.

A stylized illustration featuring a teal rocket ship with a square window and a small flame at its base. To its right is an orange planet with a ring system and three small dots on its surface. Three yellow stars are scattered around the central elements. The background is white with various colored circles and shapes in orange, teal, yellow, and maroon.

What You Need

This is the information you will need to
provide EDD when filing your claim



1

Name of Last Employer

Name, address and phone number of most recent employer(s)

(i.e. LACCD, 770 Wilshire Blvd, Los Angeles, CA 90017 – (213) 891-2496)

The background is a light blue gradient with various abstract shapes in orange, red, teal, and yellow. A large white circle is centered on the page, containing the text.

2

Name of Supervisor

For LACCD Adjuncts this is NOT your department chair or dean! The name you should provide is:

Mary Van Ginkel (213) 891-2496



3

Last Day Worked

LACCD prefers that you provide EDD with the last day of the semester, so if they are asked to verify, the dates will match. The exception is if you are applying before the semester ends.



4

Gross Earnings Last Week Worked

Please use your previous paycheck stub
to estimate this amount. Contact your
EDD Ombudsperson for assistance.



5

Last Employers for Past 18 Months

If you have worked for any other employer (district) in the past 18 months, you will need that employer's information as well.

The background is a light blue gradient with various abstract shapes and circles in orange, teal, maroon, and yellow. A large white circle is centered on the page, containing the title and subtitle. A large orange circle in the top left corner contains the number 6.

6

Citizenship Status

You will be asked to check the box that
applies

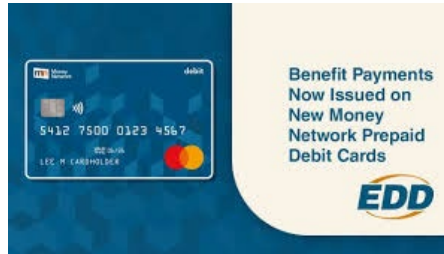


Local Assembly Member

Contact your local Assembly
Member if you experience
delays in receiving benefits.
findyourrep.legislature.ca.gov



How Will I Receive My Benefits?
Introducing the Bank of America
prepaid debit card!



About EDD Debit Card

This prepaid debit card is a fast, convenient, and secure way to get your benefit payments, and is not subject to a credit check or monitoring by the EDD

Direct Deposit Available

- Sign up for direct deposit
- Visit myedd.edd.ca.gov

EDD Debit Card Benefits

- Get your money sooner
- Use it wherever Visa is accepted
- Withdraw cash at ATMs, banks, and stores with cash back options
- Be notified when a deposit is made to your card, or when you have a low balance.
- Receive fraud protection from a Zero Liability Policy
- Download the App for quick, easy balance inquiries

Delivery and Activation

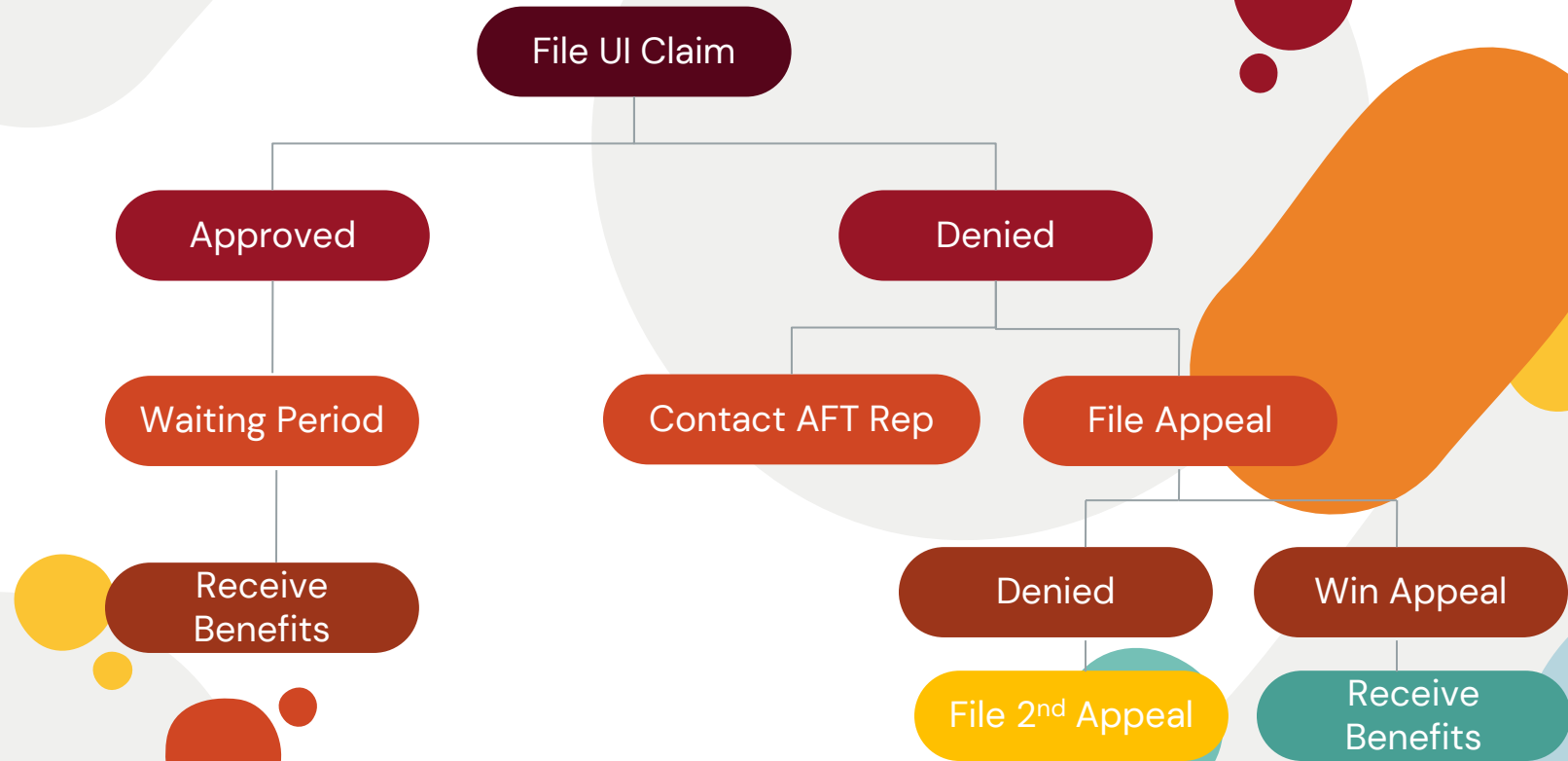
Once your first payment is issued, Bank of America will mail your card within 5 days. If you have a debit card from a previous claim that is still active, you will have immediate access to your first payment on that existing card. To activate a new card visit: [EDD Debit Card](#) or call 1-866-692-9374

What If Your Claim Is Denied?

If your claim for unemployment has been denied,
you have a right to file an appeal

APPEAL
DENIED

What If Your Claim Is Denied?



Why Unemployment Claims Are Denied

To qualify for benefits, you must have earned a minimum amount in wages during a 12-month stretch called the “base period”.

How To File An Appeal

You have 20 days to file your appeal. Contact your AFT EDD Rep as soon as you receive notice in the mail of a denial. You can only file your appeal by mail, and will be asked to briefly explain why you should receive benefits.

During the Waiting Period

During the appeal process, you should file weekly claims, look for work, and keep records of your job search, just as you would if your application had been approved. If you win your appeal, you will be entitled to benefits retroactively from the date of your original application, but only if you have been following the usual rules to receive benefits.



The Hearing

After Your Appeal is Mailed

EDD will review it to confirm whether you should have received benefits, and will sometimes change their decision without a hearing



If a Hearing is Scheduled

You will receive a letter from the Office of Appeals, scheduling a hearing before an Administrative Law Judge (either in person or by phone), and how to submit evidence and witness testimony. Notify your union EDD rep, and they will attend the hearing with you, and help you present all the evidence that should show that you are eligible to receive benefits

The Decision

After the hearing, the judge will issue a written decision on your claim. If you win your appeal, you don't have to do anything further. If the judge rules against you, you have 20 days to file an appeal with the Appeals Board.



Thanks!

Any questions?

You can reach me by email:

eddhelper@gmail.com

Or by phone (626) 872-4665

Glossary



Reasonable Assurance is defined as an offer of employment or assignment made by the educational institution, provided that the offer or assignment is not contingent on enrollment, funding, or program changes.

Sec 1253.3

Representation by the EDD Ombudsperson is **member** benefit only.

Please insure that you are contributing to the AFT Local 1521 dues before contacting your representative for assistance.

Glossary



Cervisi v UI Appeals Board: In the fall of 1983, respondents Gisele R. Cervisi and others fn. 1 were employed as part-time, hourly instructors by real party San Francisco Community College District. At the end of the semester, they applied for unemployment benefits for the period between fall and spring semesters. The Employment Development Department approved some requests for benefits and denied others. Those whose requests were denied appealed the decision to appellant Unemployment Insurance Appeals Board. Hearings were conducted before an administrative law judge, who ruled that none of the instructors were eligible for benefits. The judge held that although "classes might have been subject to cancellation for lack of funds and/or enrollment, the evidence indicates that the general experience was that the claimants had continued in employment for several ensuing semesters." This was found to constitute a "reasonable assurance" of continued employment precluding eligibility for benefits. The board affirmed the administrative law judge's decision. Cervisi petitioned the superior court for a writ of mandate.

Glossary



Cervisi v UI Appeals Board (cont'd): The unambiguous language of section 1253.3 and substantial evidence supports the trial court's findings. (See *Board of Education v. Unemployment Ins. Appeals Bd.* (1984) 160 Cal. App. 3d 674, 682 [206 Cal. Rptr. 788]; *Russ v. Unemployment Ins. Appeals Bd.* (1981) 125 Cal. App. 3d 834, 847 [178 Cal. Rptr. 421].) Under the statute, an assignment that is contingent on enrollment, funding, or program changes is not a "reasonable assurance" of employment. (§ 1253.3, subd. (g).) The administrative record provides sufficient evidence that the assignments given to these hourly instructors depended on their ability to attract a sufficient number of students to justify offering the classes. In fact, the standard faculty assignment form states that "employment is contingent upon ... adequate class enrollment." The record also establishes that district enrollment had dropped. A contingent assignment is not a "reasonable assurance" of continued employment within the meaning of section 1253.3; therefore, the trial court properly issued the writ requiring the respondents to be paid unemployment benefits for the period between the fall and spring semesters.