

# Unemployment Guide for Sierra College Part-time Faculty

## **Eligibility**

As a community college part-time instructor with a work history, you are eligible for unemployment benefits during breaks between semesters even if you have an assignment for the following semester. Unlike full-timers, part-timers are “temporary employees” and even if you are listed on the schedule with a class assignment, you have no “reasonable assurance” of re-employment<sup>1</sup> the following semester:

- an assigned class could be canceled before (even after) you start teaching if enrollment falls too low,
- funding cuts could eliminate your job at any time. You have no tenure,
- you could be “bumped off” an assigned class by a full-time instructor, and
- the district has prerogatives about assigning classes as they see fit.

Even if you do other work, you might still be eligible for partial unemployment benefits. Or, if your teaching load is cut back, you may still be eligible for reduced unemployment benefits.

## **If you work at another job or have other income**

In most cases, if you have another full-time job and only teach part time as a supplement, you probably won’t be able to collect unemployment benefits because your income from other jobs might be enough to push you above the eligibility threshold.

But if college instruction (at one or more colleges) is your only income and/or have no income at all for that week, you are probably eligible for unemployment benefits, currently about \$405 per week.<sup>2</sup>

If in doubt, go ahead and apply. There’s no penalty and you have little to lose (except a bit of time) by applying. If your income was too high, you will be denied benefits for that week, but you might get paid the following week(s) when your income drops.

Important hint: Be sure to report all income. You will not be penalized as long as you report everything.

## **Why you should apply for benefits**

Many part time college instructors are reluctant to apply for the benefits they’re entitled to. The most common reason is that they didn’t know they were eligible.

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<sup>1</sup> This is spelled out in the law by the California Court of Appeal in *Cervisi v Unemployment Ins. Appeals Bd. (1989)*.

<sup>2</sup> Your eligibility and the exact amount of your benefit, if any, depends on the amount of your other income: the higher your other income, the smaller your unemployment benefit will be.

Others feel like it carries a stigma, like going on “welfare” or taking a government handout. But Unemployment isn’t charity or a handout, it is part of your compensation package. It is the price public institutions like community colleges pay for the flexibility of using temporary labor that they can hire and fire at will. By using temporary part-time instructors, colleges save money and they can add or get rid of faculty “as needed.” This is good for the administration and for students, but it creates a significant hardship and lack of job security for the PT workforce. The “price” school districts pay for that flexibility is that they pay into an “insurance fund” that helps take care of temporary workers who get laid off (through no fault of their own) when a district needs to reduce staff (whether for a whole semester, or for breaks between semesters). The money the districts pay into the insurance fund, is in a very real sense, part of a PT Instructor’s total compensation package. It is taxed as ordinary income. There’s no shame in it.

Full time K-12 teachers and college instructors get paid for the weeks they don’t teach (during summer and holiday breaks) because their salaries are annualized. Part-timers on the other hand, only get paid when they actually teach. The rest of the time, they get Unemployment benefits until they start teaching again.

Finally, some part-timers don’t apply for benefits because they think it’s too much hassle to jump through the bureaucratic hoops, especially if they think they will only be out of work for a week or two. The application process can be a bit challenging the first time you apply, but subsequent ones are a lot easier. Most think it’s worth it a few hundred dollars a week for filling out some paperwork.

The bottom line is, you really ought to apply for the money to which you are entitled.

### **When to Apply**

Apply as soon as possible after you become unemployed (or after your work assignments have been reduced), but not before. Your application is retroactive to the Sunday of the week in which you apply. **You will get no benefits for any prior weeks, even if you were eligible.**

To maximize your benefits, apply no later than Saturday night of your last week of class.<sup>3</sup> Mark your calendar as a reminder. If you teach online and do not have an exact end date or final exam, you can use the last day of the semester as listed on the Academic Calendar.

If you teach at more than one college, apply as soon as work ends at whichever College semester ends first, even if you are still working for another week or two at a second college. Your income went down at the end of the semester that ended first, and any reduction in your income (loss of a job) qualifies you to apply for benefits. You may not get a check for that week, but it will

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<sup>3</sup> If your last day of teaching was on, say, a Thursday or Friday (even if you still have papers or exams to grade and submit), you should apply before the end of that week (before Saturday night) because a new week begins on Sunday morning. You are paid by the college based on when you are in class, not on when you do your preparation or post-class grading.

probably count as your one-week-waiting period (see below), and you wouldn't be getting any benefit payments for that week anyway.

### **How to Apply**

The first step is to file a claim. Claims are good for 12 months but can be extended longer in some cases.

The online EApply4UI application form is fairly lengthy (12 pages) and contains some confusing questions for first-time applicants (discussed below) but when you apply on line there you can access the application 24/7. You can also phone, fax,<sup>4</sup> or mail an application.<sup>5</sup>

### **Waiting Period**

There is a one-week waiting period to receive benefits for each 12-month claim period. So, the first time you file a claim, you will get no benefits for the first week of your eligibility.

If you start teaching a Spring semester class in January and let the benefits lapse, you can reopen your claim again in May when the semester ends. There won't be another waiting period in May.

Benefits are determined separately for each week and are paid every two weeks.

### **How to Answer Certain Questions**

Whether you fill out forms or when EDD staff call you for a routine phone interview as part of your application, it is important to answer certain questions in a way that avoids confusion and risks having your application improperly denied.

Using the proper EDD nomenclature will help avoid problems. If you don't use the right words, EDD might wrongly assume you are a full time or year-round contracted teacher and might improperly deny you benefits. Then you'd have to appeal. So, keep this guidebook at your fingertips when you are applying or while being interviewed on the phone.

Most of the questions on the application are pretty straight-forward and self-explanatory. The complicated section is the one that asks about earnings—how much you earned per hour; how many hours you worked per week, converted to calendar months; gross wages earned in each of the last six quarters. You will probably need to gather your payroll stubs and do some math before you start, and assemble some other info:

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<sup>4</sup> Technically you can file an application by phone or by fax/mail M-F, 8AM – 5PM at 1-800-300-5616, but it isn't recommended. EDD phones are notoriously busy, have long wait times on hold, lots of dropped calls, and certain key staff are often unavailable by telephone. It is often quite difficult to get to speak to a human being at EDD. Experienced UIB filers almost always urge applicants to use the EDD website whenever possible.

<sup>5</sup> You can apply by mailing in paper forms by going to [www.edd.ca.gov](http://www.edd.ca.gov). Find the application form DE 1101 and either complete it online and print it, or print it out blank and then complete it by hand. Then you can mail or fax it in to EDD. It will take a bit longer.

- **Basic ID:** name address, Social Security number, date of birth, education level, race, veteran status, languages, etc.
- **Driver's license number**
- **Prior claims** (months and year you filed applications or renewals for UIB)
- **Employer(s): This is New:** EDD has added a drop-down list (for standardization of name/addresses) of college(s) where you reported you taught in the past. Choose Sierra Community College District (Don't try to use the name of the specific campus of the college where you taught). Be sure the address is: 5100 Sierra College Boulevard Rocklin CA 95677-3397. If not, edit it.
  - **This is New:** If you've applied for UIB in the past, you'll need to click UPDATE each employer(s) listed with your current information. If it's your first application, you'll start from scratch.
  - **EDD** also now wants your gross pay for each day of the week prior to your application by day. Be prepared to do some homework and math.
  - **Phone Number:** Use the Sierra College main phone number: 916-660-8233
  - **Last employer:** If you only teach at Sierra, it's simple. If you teach at more than one college, give the information about whichever college class ended **first** as the primary employer. If they both/all ended on the exact same day and time, choose one.
- **Supervisor** Enter the name and phone number of your supervisor. List your Dean, VP, or other Administrator (such as HR). Do not list a faculty member or your department chair.
- **Type of employer:** **This is new** and much trickier. They seem to want to force you to choose *School or Educational Institution* from the list, but this might cause problems or denials. Sierra is really not a "school district" it's state agency and a **community college** district. There's a difference and it's an important one. I chose State Agency from the limited choices in the drop-down list they provide. There's no option for write-ins.
  - **This is new: Type of Business** Now EDD makes you search for an employer business type from their limited lists and community college isn't one of the options. I purposely did NOT choose school. Instead I chose "**non-classified establishments**" which I interpret as "Other."
  - **This is new:** Now EDD makes you search for a job title so you can pick from their limited lists. Try typing in the "college" or "professor" into the word search box. Don't let it force you to select "teacher." By typing college into the search box, I was able to choose from a bigger list and chose "**Faculty member, College or University**"
- **Reason No Longer Working:** **From the New drop-down list, choose:** "**Laid off/assignment ended.**" In an oral interview use the words "Laid off/lack of work." Or, you can say "Contract ended with no guarantee of future employment."<sup>6</sup>

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<sup>6</sup> It is important to use these exact words. Don't elaborate. If verbally pressed in a phone interview, don't try to explain whether or not you are on the schedule for the upcoming semester. That just confuses things. The schedule isn't relevant because your proposed assignment is not guaranteed and can be canceled at any time. Note the wording on the assignment letter a dean sends

- **Phone Interview Question:** If you are asked if you have a contract, you can say “no,” or you can say you did, (past tense) but that it was a “per-semester” contract, not an ongoing one. But be sure to say that you don’t have one now. You don’t. Your previous contract ended on the last day of class. When the semester ended, your work assignment ended, your contract ended, and you are laid off with a lack of work. Even if on the schedule tentatively, you are not contracted to work again until after new semester has begun and you have taught at least one class with a sufficient number of students in it so that it will run for a semester. Period.
- **New wording: In the past 6 quarters, did you work for or provide services for or on behalf of any school or educational institution?** If you have been working for Sierra College, you have to answer “yes.”
- **New wording: Are you applying for UIB because you are in a recess period or on a school break?** For summer or winter periods,<sup>7</sup> answer “NO” even if you have been offered an assignment for a summer session or for the following regular semester. As a part-time, temporary community college instructor/counselor/librarian/nurse, you cannot count on returning to work because you have not been given a contract, only a tentative offer of employment that is conditional.
- **New wording: Has your employer given you reasonable assurance (a verbal, written, or implied agreement), that you will return to work after the recess period or school break ends?** Answer “NO.” See bullet point above. Technically, it is okay on a form or in an interview to say “yes” and even to give a date if you are on the schedule and if you feel pretty sure you will get your typical load of class(es). Some Instructors think they are lying if they don’t disclose that they are on the schedule and expect to get a class. But it is not dishonest to say “no,” because, as a contingent employee, nothing is guaranteed, and you don’t really know what you can expect. Answering “no” is less likely to trigger further questioning about whether you are a year-round employee or not. If you say you have a start date, some EDD workers might think you’re a regular teacher and might deny you. Then you’d have to go through the hassle of an appeal.
- **Do you expect to return to work for a former employer?** Say “No”
- **Do you have a date to start work?** Say “No.” Your job is not guaranteed.
- **Reworded question: What kind of work do you normally perform?** Answer: *Faculty Member, College or University*. You can also list other jobs if qualified if you wish.
- **Registration with a Union:** Have you registered with your union as being out of work? Answer “no” or “not applicable.” That question is for people who are members of unions with hiring halls, such as building trades unions.
- **Seasonal occupation:** Answer “no.” This question usually only applies to people hired as extra help at a store like Macy’s during Christmas. You are not a seasonal employee.
- **Accept Work:** Always say “yes” you are willing to accept work if offered a job.
- **Union Membership:** Answer “yes,” if you are dues-paying member of SCFA. The name of this union is the Sierra College Faculty Association, **Local #05837979**. We don’t have

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you about an upcoming semester specifically says “contingent upon adequate . . .” and “the Board of Trustees reserves the right to terminate this agreement . . .”

<sup>7</sup> You are **not** eligible during the College’s one-week spring break – only over the longer winter and summer breaks.

a staffed office with a live secretary to answer phone calls, so for the phone number for the union, just enter the general Sierra College number: 916-624-3333. You can't leave it blank. Entering that number will allow you to move on to the next page of the application. Answer "no," the union does not look for work for you, doesn't control your hiring, and doesn't register you as "out of work" or offer strike benefits. You can answer "no" to all those questions. Those questions usually apply to trade unions.

### **Earnings in Previous Quarters**

- Filling in the fiscal earning information can be confusing and can take some prep time. This is especially true if you teach at different colleges with different semester start and end dates. You'll need to gather up all of your old pay stubs or go online to your MySierra website and copy down the paystub information.
- The EDD only wants your GROSS earnings. You won't need to report any information about deductions or net pay. You'll need to read the EDD instructions on how to divvy up the earnings from previous time periods you worked before getting recently "laid off." There is help on the SCFA website on how to do this.
- EDD bases its eligibility determinations by dividing the calendar years into quarters. Sierra's paystubs make it relatively easy because Sierra pays part-timers by the calendar month. But it's tricky: you need to remember that the check you got on January 10<sup>th</sup> 2018, was NOT your January earnings. It was for December 2017. We are always paid on the 10<sup>th</sup> following the month we earned the money. So, when you fill out the EDD form for gross income per quarter you need to be sure you're adding up the gross income from the proper months. Your last quarter 2017 income for the months of October, November, and December, for example, will be the gross pay amounts on the paychecks you received on Nov 10 and Dec 10 of 2017 and January 10 of 2018.<sup>8</sup>
- Be careful copying data from previous quarters into new applications and renewals. The numbers you submitted at your last application for May or December, might only have a partial or incomplete total for that quarter since your December paycheck doesn't come until January and your May check comes in June. To be accurate, you'll need to add up all your pay stubs and sort them by calendar quarter.

**Final questions:** EDD asks a bunch of questions about retirement income, worker's comp, upcoming schooling and training, working for the federal government, a corporation or a union, getting disaster relief funds, etc. Note that "Flex" is not "schooling/training" for this purpose. Flex is part of your teaching obligation once you restart work and begin teaching again. You can do flex during flex week or anytime during the semester. It's a job requirement, not a training in the sense EDD is asking here, and when you start flex your UIB eligibility ends. But if you do go

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<sup>8</sup> Things get a bit more complicated if you have income from other colleges or employers from other kinds of jobs that pay you on a different time schedule (e.g., every two weeks). In those cases, you might find that your gross income needs to be recalculated and split between months if a pay period straddles the beginning or end of a calendar month (which it does, most of the time.) If the beginning or end of a month falls on anything other than the 1st or the 30th/31st you'll need to break it down. It's just math and takes some time to do but isn't rocket science. But here's some comfort: it's hardest the first time you do it.

away and take some graduate classes between semesters to work on your doctorate, say. Then that might make you unavailable and therefore ineligible for benefits while you are being trained.

### **Editing/Fixing Errors/Typos on Your Online Application**

EDD has improved its electronic application so that you can move backwards to earlier pages without having to start all over again. In most cases, the application will preserve information you've entered on earlier pages when you hit the "back" button to go back to edit something, change an answer, or correct certain entries. But there are time limits, and sometimes the computer "burps" and you can lose data or have to reenter it or even start over from scratch. To avoid that, try to gather the information you'll need to enter ahead of time, so the computer isn't sitting idle for long periods of time while you go search for your wallet or purse to get your driver's license number, your dean's phone number, or look up old paystubs. The less time the computer is sitting idle and the fewer times you have to use your back button, the better.

### **Submitting: Print a Copy of Your Application Before You Submit**

Before you click submit, always print out and save a hard copy of your UIB Application every time you apply or reopen a claim. Having your last application at your fingertips really speeds along subsequent reopenings and new claims because you can copy a lot of the information over. Stop just before the final submission at the very end of the application – there's a summary review page where you can go over all your entries one last time before submitting. So, **BEFORE YOU HIT SUBMIT** slow down and look for the link at the bottom of the page to print your application.<sup>9</sup> You can only print copies of the application *before* you submit it because once submitted you cannot go back. After you've checked it and printed it, go ahead and submit. You will get a confirmation page and a confirmation number. Keep that number or print that page too.

### **Collecting Benefits**

After you file, you will get snail-mailed correspondence from EDD acknowledging your application, some standard brochures, and some standard letters reminding you about your need to look for work, your right to appeal decisions, etc. You will also need to register on CalJobs (the State's Job Search website) and create and post a current resume (This proves you are meeting the legal requirement to look for work). If you already have a Cal-Jobs website account and a resume up there, you'll just need to update things at least every 6 months or so. It's a good idea to register. It might get you another job offer or a distance-learning course.

You will be offered an EDD Debit card and an EDD account with Bank of America. Like any other debit card, you'll need to call or go online to verify/open the account, choose a password, etc. Your Unemployment payments will be electronically deposited there. (It's quicker and there

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<sup>9</sup> You can also go back and make copies of every page manually. On a PC computer, you can hit Control-A to select everything on a page, then click Copy from a menu or Control-C to load the data into your computer's memory cache or "clipboard." Then paste it into a Word document with Control-P (or click "paste" from a menu). Save the document and/or print out a hard copy. Store it where you can find it months from now.

are no more mailed checks). You can use that debit account like any other, or you can arrange to automatically instantly transfer the funds from your BoA EDD account to another account at a different (your bank's) checking account. Very cool and very convenient.

### **Continued Claim forms**

Every two weeks you must complete online (or promptly return a form by mail) a short claim form answering certain questions and stating how much, if any, money was earned during each of those two weeks. If you file your claims online, you may see an electronic payment entered into your designated bank account within a matter of hours. If you submit it by mail, you have to pay for a stamp and your payment will take at least a few days. If you report any income on the continuing claim form, then your payment will be reduced or, if you earn too much, you will get no payment at all for that period. It all depends on how much income you have that week. The continued claim form sometimes (not always) includes a request for you to document your job search efforts. You do not need to fill this out unless the appropriate box on the webpage (or on the front of the paper form) requires it.

That's it. If you have concerns or problems, we also print a brochure on **Troubleshooting, Interviews, and Appeals.** Contact us for further information or assistance.

Joe Farrelly, SCFA Council Representative, Part time

916-947-8137

[jfarrelly2424@gmail.com](mailto:jfarrelly2424@gmail.com) (fastest response)