



Unemployment Insurance Workshop: Denials & Appeals

for contingent faculty in the
CA community college system

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Legal Stuff

- ❖ This presentation is not a substitute for professional legal advice; it is for informational purposes only.
- ❖ The recommended answers may not always be correct for your individual situation.
- ❖ This presentation is specifically for contingent faculty in the California community college system.

Denied for Reasonable Assurance

- ❖ By far, the most common reason that EDD denies you UI benefits is because it says that you have “reasonable assurance” of being re-hired.
- ❖ If you are denied for this reason:
 - ❖ Immediately **contact your local union for assistance**. (If you are not a member of the faculty union, understand that they may decide not to commit resources to help you, as their resources are only made possible by the support of dues-paying members.)
 - ❖ **Respond to the notice, before the deadline**, and let the EDD know you disagree with their decision and that you will appeal. You will then be given a date for your appeal hearing before an administrative law judge. (Currently these hearings are being conducted by telephone.)

File an Appeal

- ❖ Once you have filed an appeal with the EDD, the California Unemployment Insurance Appeals Board (CUIAB) will send an "Appeal Acknowledgement and Welcome Letter," which notifies parties that the CUIAB has received the appeal and provides information necessary (a case number) to create and register for a "myAppeal" account.
- ❖ Note that a myAppeal account is in addition to, and separate from, your online account with the EDD that you use to file for unemployment.
- ❖ See **How to Register and Create a CUIAB myAppeal Account:**
<https://cuiab.ca.gov/wp-content/uploads/sites/13/documents/myAppeal/how-to-create-a-myAppeal-account2.pdf>

Your “myAppeal” Account

- ❖ When you create your CUIAB myAppeal account, you will also be able to designate an official representative who can assist you in the appeals process.
- ❖ Once you have a myAppeal account, you — and your representative — will be able to easily see all relevant documents, including case status, important dates and deadlines, documents submitted by the district (or the district's representative), documents submitted by you, notes from phone interviews, audio recordings of previous appeals hearings (if any), all correspondence relating to your case, and the exact reasons for the denial. In other words, you and your rep will now see everything that the judge will see when conducting the hearing. And your rep will be able to join you in your telephone hearing.
- ❖ You and your representative will now be able to upload documents directly, which eliminates the need for you to fax them or postal mail them to the court!
- ❖ After your account is created you can log in at:
<https://cuiab.ca.gov/myappeal/>

Upload Documents

- ❖ **Upload these documents** to the CUIAB site in advance of the hearing:
 - ❖ **Your letter** stating why you disagree with their finding. Here is a sample letter (in Word format) that you can edit to fit your situation:
<https://contingentworld.com/pdfs/appeals/EDDAppealLetterTemplate.doc>
 - ❖ An **excerpt from the current contract** between your union and your district showing the definition of adjunct faculty as part-time, temporary employees and that adjunct teaching assignments are made on a tentative basis and subject to being cancelled for a variety of reasons.
 - ❖ Text of **California Unemployment Insurance Code 1253.3** (PDF):
<https://contingentworld.com/pdfs/appeals/LawSection.pdf>
 - ❖ Text of the **Cervisi Decision** (PDF):
<https://contingentworld.com/pdfs/appeals/CervisiDecision.pdf>
 - ❖ If you have an assignment offer letter, and if it states that the job offer is not guaranteed and subject to being cancelled for a variety of reasons, be sure to include it.

The Hearing

- ❖ At the time of the hearing, you (and your representative, if you have one) will be asked to call in to the court 15 minutes before the scheduled time. The hearing will essentially be a phone conference call.
- ❖ It's helpful to be logged in to the case at CUIAB website, as the judge will start by listing each document related to the case that has been uploaded to the site, and will ask you to confirm that these are the complete set of documents.
- ❖ The hearing itself will probably last 15-30 minutes or so. You will be notified later of the decision, usually within a few weeks.

Your Statement

- ❖ When asked for your statement, keep it focused and brief. These are your main talking points:
 - ❖ You are a part-time, temporary adjunct community college instructor, not a K-12 teacher. As such, you were laid off when your part-time teaching assignment ended; you were not on a break, and you were not in a recess period.
 - ❖ Even though you may have been given a future assignment, the job offer was contingent on funding, enrollment, district needs, and other factors. Therefore, your assignment could have been withdrawn at any time, and you had no reasonable assurance of employment.
 - ❖ Your situation is covered by the Cervisi Decision.
- ❖ You will probably win and have their denial reversed, but if for some reason you do not win, immediately contact your local union for further assistance. You may decide to file a second appeal.

Success! (...finally)



UI Resources

- ❖ **Contingent World** (comprehensive unemployment guides for contingent faculty in the CA community college system)
<https://contingentworld.com/unemployment/>
- ❖ **CA Employment Development Department (EDD) help line:**
(800) 300-5616 (It may take a long time to reach someone there...)
- ❖ **Guide to Applying for Unemployment Benefits** (the official guide from the CA Employment Development Department)
<https://unemployment.edd.ca.gov/guide/how-to-apply>
- ❖ **A Guide to Benefits and Employment Services** (a handbook from the CA Employment Development Department)
https://edd.ca.gov/siteassets/files/pdf/pub_ctr/de1275a.pdf

For More Info

- ❖ This presentation is a distillation of the unemployment section of **Contingent World**:
<https://contingentworld.com/unemployment/>
- ❖ Contingent World includes screen shots and detailed guidance for the entire UI filing process.
- ❖ Feel free to ask me any questions:
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Questions?

