



# Know Your Rights

by Barbara Hanfling, AFT 6157 Executive Director

## Unemployment for Adjunct Faculty

Adjunct faculty have the right to collect unemployment (UE) over summer and or winter/intersession based on an Appellate Court decision filed by the CFT called **Cervisi et al vs. Unemployment Insurance Appeal Board**. The Court in a precedent setting decision stated the following: "...the assignment form issued to the instructors stated that: 'employment is contingent upon adequate class enrollment.'" The Court also held that the record established that the offers of employment made by the school employer were "contingent on adequate enrollment, funding, and the approval of the District's Board of Governors."

The Appellate Court concluded that "under the statute, an assignment that is contingent on enrollment, funding, or program changes is not a 'reasonable assurance' of employment." Based on this Court Decision fought for by San Francisco CFT local, adjunct faculty now enjoy a right and privilege that can help them through the times when they are not teaching. If you wish to collect unemployment, you must apply in a timely manner. Therefore, it is important that you access the unemployment board web site for all the information you might need.

First file your claim for unemployment benefits with your local UE office. If your claim *is* denied at the local level, **you must appeal this denial within the time frame listed on the denial form**. Also remember that even if you have a contract for teaching for the fall/spring semester, you must answer no to the question of whether you have a guarantee to work. That contract is not a guarantee as you know; you can be bumped from this contract. You may want to mention the Cervisi decision listed above when you are applying for UE benefits. Please feel free to contact the AFT 6157 if you have any questions, and consult the following sites for more information:

Unemployment [www.edd.ca.gov](http://www.edd.ca.gov)