

F.A.Q. on Unemployment Benefits

1. Q: What is unemployment?

A: Unemployment is insurance. California's Employment Development Department (E.D.D.), created in 1935, collects taxes from employers. When you, the employee falls unemployed or underemployed in California, you have a right to the insurance, (just like car, homeowners, renters or health insurance). Some adjunct faculty expressed feeling "bad" about accepting unemployment, and if you are one of them, donate it to a charity, the Guild, or to other adjunct faculty who find themselves in a financially difficult situation☺)

2. Q: How much can I expect to receive in EDD weekly benefits?

A: You can receive a minimum of \$40 to a maximum of \$450 a week up to 26 weeks in California, with automatic federal extensions of up to 47 additional weeks of benefits in February 2013. Click on the following website for updates. http://www.edd.ca.gov/Unemployment/Federal_Unemployment_Insurance_Extensions.htm

The amount of benefits available is based on the claimant's earnings in the base period. To qualify for benefits in California, a claimant must have (1) earned at least \$1,300 in the highest quarter of the base period, or (2) at least \$900 in your highest quarter and total base period earnings of 1.25 times your high quarter earnings. The "base period" is 12 months long (15-17 months prior to the date the claim is filed), but it is helpful to think of it as 4 quarters of 3 months each. The quarter in which the highest wages were received determines the weekly benefit amount. (To qualify for the maximum amount each week (\$450) an individual must earn at least \$11,674.01 in a calendar quarter during the base period). (For example, a faculty who files for unemployment in June must calculate her base wages for the previous 12-month calendar year.)

3. Q: Who qualifies for unemployment?

A: According to E.D.D., you must be physically willing and able, actively seeking work, be unemployed or underemployed through no fault of your own, and have enough wages from a previous 12-month base period.

- "Be totally or partially unemployed.
- Be unemployed through no fault of his/her own.
- Be physically able to work.
- Be available for work which means to be ready and willing to immediately accept work.
- Be actively looking for work."

4. Q: If I lose some of my employment and am earning less than I was previously can I still apply and receive EDD benefits?

A: You may be able to work part-time and receive reduced UI benefits, even if your earnings are higher than your weekly benefit amount. You report your total earnings before deductions and EDD will figure the amount to deduct.

- If your weekly earning is less than \$100, the first \$25 dollars does not count. The amount of earnings over \$25 is subtracted from your weekly benefit amount and you are paid the difference, if any.

- If your weekly earnings are \$101 or more, the first 25% does not count. The amount of earnings remaining is subtracted from your weekly benefit amount and you are paid the difference, if any.
- If you receive Temporary Total Disability, or Vocational Rehabilitation Maintenance Allowance, EDD deducts the amount, dollar-for-dollar, from your weekly benefit amount.
- If you receive a pension that the Department determines is deductible, the EDD deducts the amount dollar for dollar from your weekly benefit amount (WBA).

5. Q: How do social security and/or a pension, affect one's eligibility for EDD benefits?

A: If you receive a pension that the EDD determines is deductible, they deduct the amount dollar for dollar from your weekly benefit amount. (Calstrs may not be deductible if you contributed to it) If you receive Temporary Total Disability, or Vocational Rehabilitation Maintenance Allowance, EDD deducts the amount, dollar-for-dollar, from your weekly benefit amount.

NOTE: The EDD has a fraud detection system. If you do not report all earnings for a week that you worked, and you received benefits, you will be investigated. If EDD determines that you were at fault for not reporting your earnings, you will be required to repay any benefits overpaid and you could face administrative and/or **criminal penalties** and interest.

6. Q: How do I apply? Or how do I reopen my claim during the one year period that it is in effect?

A: You can apply by mail, fax, telephone or online. The easiest way to apply or reopen your claim within the 52-week claim year is on-line. *Claims should be completed by Saturday of the week that you fall under or unemployed.* DO NOT delay reopening your claim. There is a one-week UNPAID waiting period, but only the first time you apply within the 52-week claim period.

http://www.edd.ca.gov/Unemployment/Ways_to_File.htm

7. Q: How do I answer the question, why I am no longer working?

A: The AFT recommends the following answer for adjunct faculty: **"I am a temporary community college instructor and my assignment ended."** (Full-time faculty are on break, adjunct faculty are NOT on break or recess).

8. Q: How do I answer the question about expecting to return to work for the former employer??

A: That depends on whether you have been assigned a class for the following semester, with a start date. You still do NOT have "reasonable assurance" of a teaching position, because of potential changes in funding, class enrollment or bumping by full-time faculty or those on the seniority list.

9. Q: What date should I use for my last day worked?

A: For the LACCD, use the last day that you are scheduled to work during the final exam week (however, some districts will ask that you use the last day of the semester as they cannot keep track of the final exam date for individual employees) If your final exam date falls on the same day in two different districts, choose either one.

10. Q: How do I figure out my gross wages for my last week of work?

A: Use the worksheet provided.

11. Q: I made a mistake on the claim form. What do I do?

A: On the following website, click on “unemployment,” sub-category, “update information,” topic, “made a mistake on application.” <https://askedd.edd.ca.gov/asp/frmEDDCOMM.aspx?CategoryID=7>

12. Q: I call, call, and call, and cannot get through to a representative. Help!

A: We understand your desire to speak with a live person. However, EDD is understaffed and overwhelmed. Please contact them using the link below, it is the quickest and most efficient way to get a reply. In addition, writing will help preserve your rights. If you made a mistake on your claim form, you will have 10 days from the time you receive a letter from EDD to correct your mistakes. On the following website, click on “unemployment,” sub-category, choose the appropriate tab. <https://askedd.edd.ca.gov/asp/frmEDDCOMM.aspx?CategoryID=7>

13. Q: What if I receive a letter for a telephone interview?

A: Some faculty are chosen for interviews every year, others are not. Check out one of our sister unions from San Francisco on some good tips for the phone interview. <http://www.aft2121.org/PDF/EDD-phone-interviews.pdf>

14. Q: What are bi-weekly claim forms and why do I need to complete them?

A: Bi-weekly forms need to be completed every two weeks, to show proof of continuing eligibility. There are three ways to complete: online, phone (Telecert: 1-866-333-4606) or by snail mail. We recommend online, because it is quicker, cheaper (free), and provide prompts for correcting some mistakes before you submit. <https://cccwpd.edd.ca.gov/>

However, if you have some wages, you must complete a paper snail mail form (in black or blue ink). Check out the video for more information:

http://www.youtube.com/watch?v=0PQe7Nko5NI&list=UUydrq_qXRZAREX3isrGy6lg

15. On the continuing claim form, how do I answer question #6, “Did you work or earn any money, WHETHER YOU WERE PAID OR NOT?”

A: “No!” unless you are working in another capacity. As adjunct faculty, we receive no additional pay from the LACCD, once our assignment ends in mid-December or early June. There is a lag between when we work and our paycheck. This question seems a bit confusing for some faculty leading to loss or delay in some benefits. Look at the date each week begins and ends. The question asks whether you worked this week, not whether you are receiving a paycheck for work completed previously. If you are still working, write “still working full-time” or “still working part-time.” When you report, “still working full-time” you will **not** be mailed a subsequent claim form. If you fall unemployed or underemployed, you will need to reopen your claim.

16. What is the EDD debit card, and how long will I have to wait to receive my funds?

A: Bank of America, on behalf of EDD, administers and distributes Visa-branded debit cards. Bank of America offers a direct deposit transfer option to your personal bank account from your EDD Debit Card, with an email address. Check out <https://prepaid.bankofamerica.com/EddCard/Pages/Home.aspx> or by phone at, Bank of America EDD Debit Card Customer Service 1-866-692-9374 .

Your first debit card may take more than a few weeks to a month, because of processing time and a one-week waiting period (with no benefits) for all new claims. For subsequent payments, if you send in your claim forms in a timely manner, you may expect to wait 10-days to two weeks, which will automatically be added to your original debit card. You can avoid fees by activating direct deposits with Bank of America and also have emails sent automatically. Check out the video:

http://www.youtube.com/watch?v=7LdPPVq6jbM&list=UUydrq_qXRZAREX3isrGy6lg

17. Q: What happens if I pick up some extra work during the period that I am receiving EDD benefits?

A: You must report any wages on your claim forms for the week in which you earned the wages, even if you weren't paid for that work until later. Your gross wages are required (total without the payroll deductions) and the EDD will figure the amount of wages to deduct from your weekly benefit amount. A total of **\$25 or 25% of those earnings**, whichever is higher, is NOT considered deductible from your benefits. Any wages beyond that will be deducted from your weekly benefit amount and you will be paid the difference, if any. If you earn too much money in a week to receive any UI benefits, the benefits remain in your claim to collect at a later time during the benefit year of your claim as long as you remain unemployed, underemployed and/or eligible. If you accept full-time work for two weeks or longer, or receive the equivalent in wages, your claim will become inactive and no additional claim forms will be mailed. If you become unemployed again, you must submit a new application for benefits.

18. Q: How do I stop receiving benefits once I start working again?

A: If you do not want to claim benefits for the week(s) on the claim form, do not complete or mail the form to EDD or if you are earning less money than your EDD benefit and you want to receive partial benefits, enter the last day worked and employment information or "source" of earnings. Look at the date each week begins and ends. If you are still working, write "still working full-time" or "still working part-time." When you report, "still working full-time" you will **not** be mailed a subsequent claim form. If you become unemployed or your hours are reduced, you will need to reopen your claim.

19. Can I still receive EDD benefits if I am performing jury duty?

A: Yes, jury duty is considered work so you should still be able to receive partial benefits while performing jury duty. In your bi-weekly reports include the payment that you received for jury duty and list the court for which you performed the duty. You should receive the difference in benefit amount once your jury duty pay is deducted.

20. Is unemployment insurance compensation taxable?

A: Yes, and you should receive a form 1099G at the end of the year. If you do not receive it, call EDD's Interactive Voice Response (IVR) system at 1-866-401-2849 and follow the instructions. A copy of your Form 1099G will be mailed to you within five business days.

21. Q: On what basis might I be questioned or turned down for benefits?

A:

- Quit your job.
- Were fired from your job.
- Are out of work due to a strike or lockout.
- Do not have child care to work.
- On vacation.
- Taking care of personal business (jury duty, medical appts., etc).
- Do not look for work and complete a log as instructed.
- File your claim late.
- Mail your claim forms late.
- Refuse a job.

- Give incorrect information or withhold information.
- Fail to participate in re-employment activities.
- Are/were not in satisfactory immigration status or legally authorized to work.
- Are attending school during normal working hours for your occupation.
- Are not physically or mentally able to work during normal working hours for your occupation.
- Are a school employee filing a claim during a recess period. (which does not apply to community college adjunct faculty because of the **Cervisi decision** which asserts that temporary faculty have NO “reasonable assurance” of a teaching position in the future due to changes in funding, class enrollment or bumping by full-time faculty. Part-time faculty are NOT on recess.)

22. Q: How do I appeal an EDD decision?

A: You have 20 calendar days from the date of the decision to file a timely appeal. You can still appeal even if you miss the 20-day deadline if you can demonstrate good cause. See our sample appeal letter. The Office of Appeals will notify you of a hearing which will be conducted by an administrative judge.

Still have questions?

http://www.aft1521.org/index.cfm?zone=/unionactive/form_page.cfm&formID=8065 and complete the form, or go to <http://www.edd.ca.gov/>

or email me at gchee99@yahoo.com with « EDD » in the subject line, please include a phone number, campus name, and a brief summary of your issue. I am not an attorney, but a colleague with the AFT Guild.

Good luck!

Grace Chee

Your friendly EDD Ombudsperson

Virtual Office Hours: Most Tuesdays, 2:30-3:30 PM

The EDD Ombudsperson serves all 9 campuses. Appeals take up to 1½ years to arrive at the Guild, and then a month to three months to resolve.

http://www.aft1521.org/?zone=/unionactive/view_article.cfm&HomeID=251273&page=Adjunct20Faculty

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