

## HOW TO HANDLE EDD PHONE (OR PERSONAL) INTERVIEWS

When applying for unemployment benefits, applicants are often required to take part in a telephone interview conducted by EDD (Employment Development Department). Occasionally applicants are asked to report to EDD in person for a personal interview.

Here are some pointers about interviews.

1. Give a cell phone number instead of a home phone number on your application for benefits. Then you can still participate in a phone interview if you are not at home.
2. The purpose of the interview is for EDD to determine your eligibility for benefits. EDD is usually trying to determine whether you have “reasonable assurance” of employment the next semester.
3. It is important to take part in the interview. If you do not, EDD will determine your eligibility on the basis of available information. In that event, there is a greater likelihood that EDD will deny your benefits.
4. It is difficult to re-schedule an interview. Do not use an excuse that might make you ineligible for benefits that day (sick, out of town, etc.).
5. Interviews are random. Some claimants have them and some don't.
6. Most EDD interviewers are just trying to do their job. However, some may be a little aggressive, accusatory, or downright nasty. Keep your cool. Be patient and polite.
7. If you have received a notice of a phone interview, be sure to look at the instructions and sample questions on the back and be prepared to answer all of the questions. Usually only a few of them are asked. The specific questions asked and the total number of questions asked will vary depending on the EDD interviewer. Nonetheless, all EDD interviewers are simply trying to find out if you are entitled to benefits; i.e., if you have reasonable assurance of employment. If you have any questions about how to answer the questions, give our EDD ombudsperson a call. We can walk you the answers.
8. In general, you want the interviewer to understand the following, all of which are addressed in more detail below: during the last semester you were a temporary, part-time employee; you are not on a “recess;” at the end of last semester you were laid off (i.e., your temporary assignment ended); you do not know if you are “returning” next semester; you may have an “assignment” for next semester, but it is a tentative assignment contingent on full-timer; and you do not have reasonable assurance of teaching in future semesters.
9. Listen to the questions very carefully. Do not let the interviewer trick you (either intentionally or unintentionally) into admitting that you are on a recess, that you were not laid off at the end of last semester, or that you have reasonable assurance of employment next semester. None of these is true.

10. Last semester you were a temporary, part-time employee.

11. You are not on recess. As a part-timer, you were laid off at the end of last semester. (Or said a different way, your temporary assignment for last semester ended.) You were still laid off and are not on a recess even if you have an assignment for next semester. If the interviewer phrases any question implying that you are on a recess, then politely explain that you are not on a recess. E.g., suppose the interviewer asks, "When did your recess begin?" Do not respond by stating the last date that you worked in the last semester. Instead, explain that you are not on a recess and that you were laid off at the end of last semester or that your temporary, part-time assignment last semester ended. You may have to do this several times. Just be polite and patient. The interviewer should eventually give up. Also, if your written assignment for last semester gave an ending date, then read that part of your assignment to the EDD interviewer to make it even more clear.

12. If you have an assignment for next semester, it is contingent on enrollment, funding, and program changes. Again, repeat this as often as necessary, even if you are getting tired of doing so. If you have a written notice of your assignment for next semester and it says that the assignment is contingent on those factors, then read it to the EDD interviewer to emphasize the point.

Note: If your assignment does not say that it is contingent on those factors, then you might ask your dean (and academic affairs) to include that language in future assignments offered to pters. And forward that to AFT1521 so the guild can follow up and correct that language. Sample language that could be used: "This assignment is contingent on adequate enrollment, funding, program need(s), and bumping rights." A written assignment with this language would also be very good evidence in case you are denied benefits on the ground of reasonable assurance and you must file an appeal.

13. No written layoff notice is required. Feel free to admit that you did not receive one. Last semester you were only hired to teach that semester. It was a temporary job. The end date was known (or could be easily ascertained if not known) when you were hired to teach that semester. No written layoff notice is required by law or otherwise for part-timers. Some EDD interviewers have allegedly asserted that a part-timer is on a recess if the part-timer did not get a written layoff notice and has an assignment for the following semester. This is totally bogus.

14. No part-timers have written employment contracts with assurance of being rehired for future semesters. Unless you hired as a long-term substitute, you may actually have a written contract signed by your district and you regarding next semester and giving you rights in case of a breach by the district, you do not have a contract for employment next semester. You only have a tentative assignment from the district contingent on the factors mentioned above. An assignment is not a contract. The district can cancel the assignment at any time.

15. You are not on a "list" to be called to work by your school employer. You may be in a temporary hiring pool (aka the Seniority List), but that is not a list giving you reasonable assurance of employment.

16. If you teach in more than one district, then you may have to repeat your responses for each district. Although you may have received an offer of an assignment (verbal or written), do NOT mention that offer. If you do, EDD will assume that you have reasonable assurance of employment and will deny you benefits.

But the general principles are the same in all districts: you are not on a recess; you were laid off at the end of last semester; any assignment you have for next semester is contingent on enrollment, funding, and program changes; and you do not have reasonable assurance of employment next semester.

17. When necessary, mention the Cervisi appellate court decision which held that community college part-time instructors are entitled to unemployment benefits between semesters because they do not have reasonable assurance of employment. *Cervisi v Unemployment Ins. Appeals Bd.* (1989) 208 Cal.App.3d 635, 256 Cal.Rptr. 142.

18. The above points are redundant, but do not be surprised if you have to be just as redundant when answering questions from the EDD interviewer.

19. If you are denied benefits for any reason, be sure to file an appeal before the deadline (stated in the letter from EDD explaining your appeal rights). It is extremely difficult to win an appeal that is not filed on time. Contact your union for help if necessary. But the need to appeal should be greatly reduced if you answer the questions during the interview as outlined above.

Best of luck--and contact AFT 1521 if you need further assistance.