

Are you eligible for unemployment?

This message is for non-tenured teachers.

Every year you receive the “reasonable assurance” letter. You may have been told specifically that receipt of the letter makes you ineligible for unemployment. THIS IS NOT CORRECT. If you are not tenured, ***that letter is legally meaningless.***

A case entitled **Cervisi v. Unemployment Ins. Appeals Bd. , 208 Cal.App.3d 635 (1989)** decided this issue *27 years ago*. Unfortunately, nobody has bothered to inform you about it.

The case held that for purposes of unemployment, ***an assignment that is contingent on enrollment, funding, or program changes is not a "reasonable assurance" of employment*** *The court held that assignments given to hourly instructors depend on their ability to attract a sufficient number of students to justify offering the classes. No students, no class.* Therefore, whether it is possible that you will keep your class next semester, it is not “reasonably assured” for purposes of unemployment.

The “reasonable assurance” letter is NOT a contract for continued employment and, by operation of law, does NOT make you ineligible for unemployment. I suspect it was designed to confuse non-tenured teachers into believing that they could not receive unemployment benefits.

All hourly instructors (adjunct instructors in Community College or part-time non-tenured in Adult School) **are entitled to unemployment benefits between semesters (winter and summer breaks, but not spring break).**

On your unemployment form, you need to state that you are a part-time hourly employee whose assignment is contingent upon enrollment and funding. You may mention “Cervisi”. All EDD agents are familiar with the case.

You should fill out the unemployment application online on the last day of class. If you have any trouble with this, let me know. Again, this is only for non-tenured teachers.

Ely Freedman