



980 9th Street, Suite 2250
Sacramento, CA 95814

29 July 2014

The Honorable Das Williams
Chair, Assembly Higher Education Committee
State Capitol, Room 4005
Sacramento, CA 94248-0037

RE: Unemployment Insurance and AB 2705

Dear Assemblyman Williams,

All part-time, non-tenure-line (NTT) faculty in California who are hired on appointments that are contingent on budget, enrollment, and program changes are eligible for UI benefits between all academic terms. This is due to the 1989 Cervisi Decision which provided a legal definition in California of what constitutes "reasonable assurance of work" at an educational institution. This decision and legal definition was incorporated in 1990 into EDD statute 1253.3(g) which states:

"For purposes of this section, "reasonable assurance" includes but is not limited to, an offer of employment or assignment made by the educational institution, provided that the offer or assignment is not contingent on enrollment, funding, or program changes. An individual who has been notified that he or she will be replaced and does not have an offer of employment or assignment to perform services for an educational institution is not considered to have reasonable assurance."

When you add to this contingent nature of part-time faculty contracts the universal reality that at all levels of higher education in California, - the Community Colleges (CCC), the California State University (CSU), the University of California (UC), as well as the privates and the for-profits - even part-time contingent faculty who are assigned classes are able to be bumped from those classes after the academic term begins by a Tenure-Track (TT) faculty who loses a class for any reason, it becomes clear that no such appointment meets the legal definition of "reasonable assurance of work" as defined by Cervisi and EDD statute 1253.3(g). Consequently, the majority of the nearly 12,000 part-time Lecturers in the CSU apply for and receive UI benefits between all academic terms.

This is the case regardless of what label is applied to such faculty, whether they be called Lecturers, Adjuncts, Adjunct Professors, Part-timers, Instructors, whatever. The eligibility for UI benefits hinges on the contingent nature of the academic appointment rather than the name that is used to describe such faculty.

To verify what I am conveying, please see the following resources provided on the Lecturers homepage of the CFA website at: <http://www.calfac.org/lecturers-council>

- 1) The Lecturer Handbook (pages 23-27), and
- 2) The Lecturers Crisis Guide #5 (pages 16-31), and
- 3) Information for Lecturers on Unemployment Benefits (a 2-page document)

I have been providing Lecturer Unemployment Rights workshops on all 23 campuses of the CSU since 2002, and have represented over 100 CSU Lecturers before administrative law judges when they were denied UI benefits, and I have never lost a case.

If you have any additional questions, please don't hesitate to contact me.

Sincerely,

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