Employment Development Department

P.O. Box 12906

Oakland, CA 94604-2909

DATE

YOUR NAME

YOUR ADDRESS

Dear Employment Development Department,

Greetings. My name is your name (Your Social Security Number **&/OR preferably** EDD Claimant Number). I am writing regarding delays with my Unemployment Benefits.

Currently, my claim’s status within UI online is listed as “pending” under Claim History. IF TRUE Thus, I am requesting your department’s assistance with processing my claim fully, so that I may receive my overdue benefits.

To begin, I am a temporary, adjunct, contingent, hourly, part-time faculty member and instructor at NAME OF YOUR COLLEGE. Name of Your college is one of the four colleges within the Peralta Community College District (PCCD), in Oakland. Name of Your College’s address is as follows: Address of your College. The Peralta district’s address is as follows: 333 E. 8th St., Oakland, 94607.

I also work at: insert. **IF TRUE**

Further, I work on a semester to semester basis; or on a summer or intersession term basis; *when* I amassigned to teach a class(es). When I am assigned to teach a class, I do so in the INSERT YOUR ASSIGNED DEPARTMENT (S), at YOUR COLLEGE, where I am an hourly, temporary instructor.

At name of your college, I am a temporary, part-time instructor under California Education Code and law. To be clear, I do not have tenure, nor am I a probationary *or* a full-time employee at Laney College. Part-time faculty are also referred to as adjunct or contingent.

Thereby, when my assignment(s) ends, *as* a California Community College part-time faculty member, I am eligible for unemployment benefits per the Cervisi vs. Unemployment Insurance Appeals Board decision (208 Cal. App. 3d 635; Feb. 1989, CA Supreme Court of Appeals), and my lack of “Reasonable Assurance”. This decision is commonly referred to as the “Cervisi Decision', and it bears directly upon my case and this appeal.

In the Cervisi decision, the Court held that a “contingent assignment is not a ‘reasonable assurance’ of “continued employment” within the meaning of the Unemployment Insurance Act, and does not disqualify the employee from the receipt of benefits.

The decision also established that part-time, temporary faculty members of California Community Colleges are entitled to unemployment compensation for periods *between semesters* *and* summer breaks, immediately upon completion of their last working day of the semester.

In terms of Cervisi and the basis for it: any future classes I am assigned to teach *are in fact* contingent upon enrollment, college and/or government funding, as well as college budgets, and/or program changes, and thus are *not* a “reasonable assurance” of employment (1253.3 subd. (g) ).

For reference, Employment Development Department Personnel can refer to their own internal Field Directive that followed the Cervisi Decision, Directive 89-55UI, which explains the definition of “reasonable assurance” and *how* Cervisi is to be applied.

At the conclusion of any given semester, I have no assurance of continued employment *because any* future employment assignment *is contingent* *upon* enrollment, funding, being bumped by a full-time faculty member or probationary employee; or because I can be terminated due to lack of funds or program changes.

For example, having *one’s name* in the printed or online Class Schedule and/or signing an offer of employment, does *not* constitute Reasonable Assurance.

When there is not enough student enrollment in my assigned class(es), they can be cut by the college administration. In fact, class cuts can occur anytime during the preceding weeks leading up to the start date of the class. Classes can be also cut up until \*Census Date, after the class has already begun.

In terms of my current claim and what is going on. I became officially unemployed from Name of College this past list term and year (for example, spring 2022), when my chose one: teaching, nursing, librarian or counseling assignment ended on, list date of last shift of work during Finals Week.

As per usual, I knew to file for unemployment, as my union instructs me to do. I answered all of the questions to the best of my knowledge and followed all instructions carefully. IF TRUE (if there was an issue, explain here).

Unfortunately, I am facing a delay in having my UI benefits processed. I have yet to receive any benefits. IF TRUE

I had an EDD phone-interview on \_\_, and since then have been waiting for my benefits. **IF TRUE**

**Add in any information that might help to clear up the record, or move things forward regarding the phone interview.**

I believe (or don’t believe) the reopened **or** new claim (choose one), was processed by UI online, because I filled in all of the necessary information, followed the correct steps and did in fact \*receive confirmation **IF TRUE.**

Following this, explain what happened. For example, “I have been waiting patiently, checking my payment history, to no avail.” How long you have been waiting. Note: Read all messages from within UI online to ensure you are not missing anything important from EDD.

To be clear, my benefit year is ?/?/202\_\_ to ?/?/202\_\_. **(found within UI online).**

To illustrate what is happening when I log in, THIS HAPPENS.

ADD IN ANY OTHER PERTINENT INFORMATION; THE TIMELINE OF WHAT HAS HAPPENED, what you have done, what the system has indicated or not indicated. If you are estimating dates/facts they SAY that you are going on memory, to the best of your knowledge, etc. DO not GUESS.

Prior to this, I have never experienced a delay of this sort IF TRUE.

This being said, I am fully sympathetic to the fact that it is indeed a very busy time for the Employment Development Dept., due to the ongoing Covid\_19 national pandemic.

The issue, and my reason for writing to you, is that *I have yet to* receive any direct notifications or related paperwork from the EDD, allowing me to certify for benefits based on this reopened or new claim (choose one), from \_\_dates\_\_. IF TRUE

I periodically log into “UI online”, but am not allowed or given the option to certify for unemployment benefits. IF TRUE

Further, I believe I have available funds in this claim. Per UI Online, I have a Claim Balance of \_\_ left. IF TRUE. (Claim Balance usually located within UI online)

So the issue is not that my claim has run out of funds, to my knowledge. (IF TRUE)

As of today, I have not received any direct information, certification forms, US mail or direct emails from the EDD, about this. Furthermore, my claim has thankfully not been denied. IF TRUE

However, as a result of these great delays, and/or perhaps due to glitches within the online system, I am in serious financial distress. To reiterate, I have yet to receive any funds from the EDD. I have also not been allowed to certify. (IF TRUE)

Throughout his time of being unemployed and underemployed, please note that I have continually looked for work and been available for full-time work. I also became unemployed throughout fault of my own.

Currently, I am also underemployed **or** unemployed (choose one). Note: If sending a letter after you have begun working, qualify your statements. For example, “When I filed for unemployment, I was unemployed with no Reasonable ASsurance. Currently I am working, however I am writing regarding my weeks of being unemployed.”

Respectfully, I am requesting that my claim from date, be processed retroactively. Specifically, I am requesting that my UI benefits for the following weeks be paid out as soon as possible:

**LIST WEEKS HERE (you can usually find from within UI online)**

**For example, Week Ending 7/5/22**

**Week Ending 7/11/22**

I sincerely appreciate everything your department is doing, and know everyone is working extremely hard to help. I would appreciate any and all attention to this time-sensitive matter.

Should you require any more information from me, please do not hesitate to contact us. My contact information is down below.

Finally, I would appreciate you confirming with me that you can in fact process my claim(s) and what the current status of my claim is.

Thank you very much,

SIGNATURE or YOUR NAME

Your Cell Number:

Your Personal Email: