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To: Associate Vice Presidents/Deans of Faculty
Human Resources Directors
Benefit Officers

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Subject: Unemployment Insurance Benefits for Lecturers

We are writing to provide you unemployment insurance benefit guidelines for temporary faculty employees (lecturers). The California State University (CSU) Unemployment Insurance (UI) program is self-insured and CSU contracts with a third party administrator (TALX UC eXpress) to reply to all UI claims on behalf of the CSU. However, the Employment Development Department (EDD) of California determines eligibility for unemployment benefits.

Eligibility
To qualify for unemployment insurance, lecturers must be totally or partially unemployed and must not have “reasonable assurance” of returning to work with an educational institution following the period without employment.

The California Unemployment Code – Section 1253.3 (g) defines “reasonable assurance” as follows:

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.

Distribution:

CSU Presidents
Vice Chancellor, Human Resources
Vice Presidents, Administration
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UI Coordinators
Director, SOSS
Article 12 of the Faculty Collective Bargaining Agreement (CBA) specifies that full-time temporary faculty employees (with the exception of Unit 3 Coaching employees) cannot be appointed on a conditional basis. Therefore, according to the above definition, CSU believes that a full-time temporary faculty employee with a multi-year contract does have “reasonable assurance” of employment. A statement in the appointment letter indicating that the appointment is not contingent upon budget or enrollment will make this “reasonable assurance” more explicit to the EDD.

Article 12 permits conditional appointments for part-time temporary faculty employees. Part-time temporary faculty with conditional appointments may or may not meet the definition of “reasonable assurance.”

The CSU does not make any decisions as to eligibility of lecturers for unemployment insurance benefits; these decisions are made by EDD.

**Period of Eligibility**

If a lecturer is eligible for unemployment insurance, the period of unemployment must be determined. According to Section 1252 of the California Unemployment Code, an individual is considered “unemployed” during any week in which “he or she performs no service and with respect to which no wages are payable to him or her.” If an individual works during the week in which he or she applies for unemployment insurance benefits, the EDD requires the applicant to report any wages earned during that week. For these purposes, the EDD defines a week as beginning on Sunday and ending on Saturday.

For lecturers, the eligibility period is determined by the academic calendar. Since lecturers are paid for the entire academic term, they may be eligible for unemployment insurance benefits starting the first day after the academic term ends regardless of whether they have finished their work (i.e., turned in final grades) before this date. If the academic term has not ended, wages are still being collected for services rendered, and therefore the lecturer would not be eligible for unemployment benefits, even if he or she has turned in final grades.

Further, the above stated eligibility period is regardless of whether a lecturer’s pay is extended beyond the end of the term or is “settled out” at the end of the semester/quarter. The eligibility period is contingent upon the academic workdays specified in the campus’ academic calendar, not the number of pay periods for which the academic workdays may generate pay. The CSU also believes that payment for teaching during the summer term would exclude a lecturer from eligibility for unemployment insurance benefits during that term.

**Responding to Notice of Unemployment Insurance Claim Filed**

Once an employee has applied for unemployment insurance with the EDD, TALX UC eXpress will receive a notice that a claim has been filed. (Form DE 1101C/Z can be viewed at: [http://www.edd.ca.gov/uirep/de1101cz.pdf](http://www.edd.ca.gov/uirep/de1101cz.pdf)) Occasionally, EDD will send this form to the campus by mistake. **If the campus receives the claim form, they
should immediately fax it to the attention of Irene Wang at TALX UC eXpress (FAX# 866-219-8844).

TALX UC eXpress will contact the campus for information related to each claim, such as the reason for separation and the last day the employee worked for pay. For lecturers, the last day worked for pay would be the last academic workday of the term, regardless of whether the employee has turned in grades or is no longer on campus prior to this date.

TALX UC eXpress will appeal on behalf of the campus if an employee is awarded benefits when there are academic workdays remaining in any week of his/her term or appointment.

The following is an example of how to report the facts to TALX UC eXpress if a lecturer has received an appointment letter for the term (e.g., fall) following a break (e.g., summer):

“The claimant was employed with CSU until the end of the academic year (May 25, 2005). The claimant was given a written appointment offer of employment for the fall term starting August 25, 2005. The CSU believes this employee has reasonable assurance of returning to work at the recess cessation.”

Questions regarding this technical letter may be directed to Academic Human Resources at (562) 951-4425. This technical letter is also available on the Human Resources Administration’s Web site at http://www.calstate.edu/HRAdm/memos.shtml.

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