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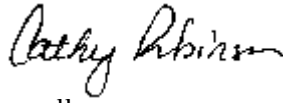
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**To:** Associate Vice Presidents/Deans of Faculty  
Human Resources Directors  
Benefit Officers

**From:** Cathy Robinson  
Assistant Vice Chancellor  
Human Resources Administration



Cordelia Ontiveros  
Senior Director  
Academic Human Resources



**Subject:** **Unemployment Insurance Benefits for Academic Employees**

The purpose of this Technical Letter is to inform you of the Unemployment Insurance (UI) benefits policy for academic employees of the California State University (CSU). This letter focuses on UI benefits eligibility for temporary faculty employees, but also provides information on UI benefits for student academic employees and rehired annuitants.

**The CSU Unemployment Insurance Program**

The CSU Unemployment Insurance program is a self-insured program. The CSU has contracted 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.

**Unemployment Insurance Benefits for Temporary Faculty Employees**

To qualify for unemployment insurance, a temporary faculty employee 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,*

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**Distribution:**

CSU Presidents  
Vice Chancellor, Human Resources  
Vice Presidents, Administration  
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Director, SOSS  
Payroll Managers  
Employee Relations Designees  
State Controller's Office  
Risk Managers  
UI Coordinators

*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.*

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. Campuses should review their appointment documents to ensure compliance with the CBA language. The appointment documents for full-time temporary faculty should **not** indicate that the appointment is conditional on budget or enrollment.

Full-time temporary faculty employees with non-contingent academic year or 12-month appointments are not eligible for unemployment insurance benefits during the winter or spring break. These employees are also not eligible during the summer break if a full-time appointment for the following academic year has been offered and accepted. If a new full-time appointment has not been offered, the employee is eligible for unemployment insurance benefits during the period from the end of the prior appointment until a new full-time appointment has been offered and accepted. Campuses should notify TALX immediately when a new appointment is signed and returned by the employee.

Article 12 permits conditional appointments for part-time temporary faculty employees. Part-time temporary faculty with conditional appointments do not meet the definition of “reasonable assurance.” Therefore, these employees would be eligible for UI benefits between academic terms, even if they have multi-year contracts.

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

#### **Period of Eligibility for Temporary Faculty Employees**

If a temporary faculty employee is eligible for unemployment insurance benefits, 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 UI 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 temporary faculty employees, the eligibility period is determined by the academic calendar. Because temporary faculty are paid for the entire academic term, they may be eligible for UI 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 employee would not be eligible for unemployment benefits, even if he or she has turned in final grades. Likewise, eligibility for UI benefits ends with the first academic work day of the academic term,

since temporary faculty are paid from the beginning of the academic term, even if their assigned class does not meet that day.

Further, the above stated eligibility period is regardless of whether the employee'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 (e.g., YRO summer terms, extended education) or other breaks between academic terms would exclude an employee from eligibility for UI benefits during that period.

### **Process for Responding to Unemployment Insurance Claim for Temporary Faculty Employees**

Once an employee has applied for unemployment insurance benefits 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>.) 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). An untimely response may lead to the award of benefits, even if the claimant may not have otherwise been eligible for UI benefits.**

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 temporary faculty, 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 full-time temporary faculty employee has received and accepted 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 has accepted a written offer of full-time employment for the fall term starting August 25, 2005. This appointment is not contingent upon budget or enrollment. The CSU believes this employee has reasonable assurance of returning to work after the summer break."*

The following is an example of how to report the facts if a part-time temporary faculty employee has received and accepted an appointment letter for the term following a break:

*"The claimant was employed with CSU until the end of the academic year (May 25, 2005). The claimant has accepted a written offer of employment for the fall term starting August 25, 2005. This appointment is contingent on funding and enrollment."*

### **Student Employee Eligibility for Unemployment Insurance**

UI Code section 642.1 states that:

*"Employment does not include service performed in the employ of a school, college, or university, if such service is performed: a) By a student who is enrolled and is regularly*

*attending classes at such a school, college, or university....2) Such employment will not be covered by any program of unemployment insurance or disability compensation.”*

Therefore, the CSU believes that student employees who work only during terms in which they are enrolled in classes are not eligible for UI benefits. However, student employees who work for the CSU during the break between academic terms, and who are not enrolled in classes during the break, may be eligible for UI benefits if their CSU employment is ended.

**Rehired Annuitant Eligibility for Unemployment Insurance**

Employees who retire and enter the Faculty Early Retirement Program (FERP) maintain their tenure status during their participation in FERP. Therefore, these employees are not contingent employees, and would not be eligible for UI benefits.

Other rehired annuitants typically are not eligible for UI benefits, because retirement status generally disqualifies an individual from receiving UI benefits.

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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