

Part-time temporary faculty of California's State Universities (CSU) are entitled to unemployment compensation for periods between quarters/semesters, including summer breaks. This principle was established in Unemployment Insurance Code 1253.3(g) and *Cervisi v. California Unemployment Insurance Appeals Board* (1989) 208 Cal.App.3d 635, 256 Cal.Rptr. 142.

Under the *Cervisi* statute, an assignment that is contingent on enrollment, funding, or program changes is not a 'reasonable assurance' of employment [1253.3, subd. (g)]. *Cervisi* covers all temporary faculty: instructors, nurses, librarians, counselors and other academic employees.

The Employment Development Department can verify this information by looking in its office manual under Field Directive 89-55UI, which explains the definition of "reasonable assurance" and how *Cervisi* is to be applied.

Furthermore, all academic year faculty in the CSU have their academic year salary disbursed into 12-monthly checks. The paychecks received in January are for work done in the previous Fall semester or quarter, while the paychecks disbursed in June, July, and August, are delayed payment for work done in the previous Spring semester or quarter. Question 6 on the EDD Continuing Claim Form asks "Did you work or earn any money (this week) whether you were paid or not?" It doesn't ask "Did you receive delayed payment for work neither earned nor done (during this week)?"

In fact, a 2005 Technical Letter from the CSU Chancellor's Office to all CSU HR/Benefits offices substantiates the fact that all part-time, contingent Lecturers in the CSU are eligible for UI benefits at the end of every academic term until receiving a subsequent appointment, despite the way in which their academic term salary is disbursed. Please refer to:  
<http://www.calstate.edu/hradm/pdf2005/tl-ben2005-10.pdf>

I hereby appeal the decision denying me benefits. The basis of my appeal is that the decision and its rationale misstates and misapplies the facts and misstates and misapplies the law. I believe that I am entitled to benefits because I am a temporary faculty member of the California State University system, and, at the conclusion of any given academic term, I have no assurance of continued employment because my future assignments are contingent upon enrollment and funding. As such, I have no legal assurance

of employment in accordance with the decision Cervisi v. Unemployment Insurance Appeals Board, (1989) 208 Cal.App.3d 635, 256 Cal.Rptr. 142.

Sincerely,

*Your name*

*Your social security number*

*Your address*