

FA UPDATE: June 1, 2022

Dave Fouquet— President, Chabot-Las Positas Faculty Association

Hi all,

I hope your school year is wrapping up (or has wrapped up) well. Just a quick update on some recent developments from your Faculty Association:

SPECIAL UPDATE/Q&A SESSION NEXT WEEK

The FA is hosting a special General FA session on the status of contract negotiations next Tuesday at noon; at the session, after a brief update on what's happening at the bargaining table, we'll open the floor to questions and thoughts.

👉 **Special Update/Q & A**— Tuesday June 7, 12-1 p.m.

I'll send out Zoom details for the meeting on Monday night. If you cannot attend this session, feel free to reach out to any member of the FA's Negotiations Team, or any member of the Executive Board; we're always happy to hear from you. The FA's Negotiating Team is as follows:

Tom de Wit — *FA Chief Negotiator* (Chabot, English)

Dave Fouquet — *FA President* (Chabot, Math)

Jeff Drouin — *FA Vice President for Chabot* (Chabot, Athletics)

Tom Orf — *FA Vice President for Las Positas* (LPC, Geography)

Vicky Austin — *FA Part-time Rep for Las Positas* (LPC, Computer Info Systems)

Heike Gecox — *FA Grievance Officer for Las Positas* (LPC, Counseling)

Rafael Valle — *FA Negotiator* (LPC, Counseling)

Monique Williams — *FA Negotiator* (Chabot, English)

GOOD NEWS FOR PART-TIME FACULTY WHO APPLY FOR UNEMPLOYMENT

In recent months, Part-time faculty in the region have been experiencing some difficulties getting their claims for unemployment benefits approved. As it turns out, the California Employment Development Department (EDD) was denying such benefits and disregarding the landmark 1989 *Cervisi* decision in the process. As many Part-time faculty are aware, *Cervisi* affirms PT faculty rights to unemployment benefits on the grounds that future assignments are contingent on enrollment, funding, program changes, bumping, etc. Normally, if EDD denies benefits, one files an appeal with the California Unemployment Insurance Appeals Board (CUIAB). Guidance on how to do this is provided in a 2010 memo that you can find here:

https://clpcfca.files.wordpress.com/2010/11/unemploymentbenefitprimer_49xx-ui-memo-2010-10-22-10.pdf

The Test Case and Good News: The FA's own legal counsel was provided a case earlier this year to test this issue: In February, a Part-time faculty member in neighboring district was denied unemployment benefits when a CUIAB administrative law judge ruled that because the faculty member had received an assignment, they had "reasonable assurance of reemployment," and was therefore ineligible for benefits. The FA's legal counsel filed an appeals brief to the CUIAB, explaining why *Cervisi* applies to protect Part-time faculty unemployment benefits. A decision in the case was issued by the CUIAB in late April. Citing *Cervisi*, the CUIAB affirmed the rights of Part-time faculty, based on the contingent nature of future assignments. The decision of the administrative law judge was reversed.

The Upshot: If you're a PT faculty member who files for unemployment benefits between academic terms, and EDD denies your claim, see the 2010 memo referenced above. **Please note:** the *Cervisi* ruling does not apply to scheduled breaks within a term; as such, the FA does *not* recommend (or support) filing for unemployment benefits during Spring Break.

FURTHER UPCOMING GENERAL FA MEETINGS

After the Update/Q&A session noted above, our next scheduled General FA meetings will be on Convocation Day which is Monday, August 15, at 8:00 am (the usual time). We also have meetings tentatively set up at the end of August— on the supposition that we'll have a Tentative Agreement (TA) to discuss in detail. Logistical details for all meetings will be provided closer to the events. Here are the meeting dates as they currently stand:

(Convocation) Monday, August 15, 8-9 a.m.

(Chabot) Tuesday, August 30, 12-1 p.m.

(Las Positas) Wednesday, August 31, 3-4 p.m.

***R* AS ALWAYS:**

- ◆ An online PDF version of the 2019-22 CBA, as well as official versions of our MOUs, can be found on the District's HR website: <http://districtazure.clpccd.org/hr/collective-bargaining-agreements.php>
- ◆ For text versions of faculty MOUs, current Part-Time Seniority Lists, and other important information, please visit the FA's website: <https://clpcfafa.com/>
- ◆ **If it's time to renew your TB screening:** please see the FA Circular on this topic, which you can find here: https://clpcfafa.files.wordpress.com/2021/03/tb_risk_assessment_information.pdf

Ever onward, and happy Summer!