

HOW TO HANDLE EDD PHONE (OR PERSONAL) INTERVIEWS

When applying for unemployment benefits, applicants are often required to take part in a telephone interview conducted by EDD (Employment Development Department). Occasionally applicants are asked to report to EDD in person for a personal interview.

Here are some pointers about interviews.

1. Give a cell phone number instead of a home phone number on your application for benefits. Then you can still participate in a phone interview if you are not at home.
2. The purpose of the interview is for EDD to determine your eligibility for benefits. EDD is usually trying to determine whether you have "reasonable assurance" of employment the next semester.
3. It is important to take part in the interview. If you do not, EDD will determine your eligibility on the basis of available information. In that event, there is a greater likelihood that EDD will deny your benefits.
4. It is difficult to re-schedule an interview. Do not use an excuse that might make you ineligible for benefits that day (sick, out of town, etc.).
5. Interviews are random. Some claimants have them and some don't.
6. Most EDD interviewers are just trying to do their job. However, some may be a little aggressive, accusatory, or downright nasty. Keep your cool. Be patient and polite.
7. If you have received a notice of a phone interview, be sure to look at the instructions and sample questions on the back and be prepared to answer all of the questions. Usually only a few of them are asked. The specific questions asked and the total number of questions asked will vary depending on the EDD interviewer. Nonetheless, all EDD interviewers are simply trying to find out if you are entitled to benefits; i.e., if you have reasonable assurance of employment.
8. In general, you want the interviewer to understand the following, all of which are addressed in more detail below:
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9. Listen to the questions very carefully. Do not let the interviewer trick you (either intentionally or unintentionally) into admitting that you are on a recess, that you were not laid off at the end of last semester, or that you have reasonable assurance of employment next semester. None of these is true.

10. Last semester I wctygt you were a temporary employee.

11. You are not on recess. Your employment ended at the end of last semester/quarter. (Or said a different way, your temporary appointment for last semester/quarter ended.)
If the interviewer phrases any question implying that you are on a recess, then politely explain that you are not on a recess. E.g., suppose the interviewer asks, "When did your recess begin?" Do not respond by stating the last date that you worked in the last semester/quarter. Instead, explain that you are not on a recess and that you were laid off at the end of last term or that your temporary assignment last term ended. You may have to do this several times. Just be polite and patient. The interviewer should eventually give up. Also, if your written assignment for last term gave an ending date, then read that part of your assignment to the EDD interviewer to make it even more clear.

12. If you have an appointment for next semester/quarter, it is contingent on enrollment, funding, and program changes. Again, repeat this as often as necessary, even if you are getting tired of doing so. If you have a written notice of your assignment for next semester and it says that the assignment is contingent on those factors, then read it to the EDD interviewer to emphasize the point.

Note: If your appointment letter does not say that it is contingent on those factors, then you might ask your chair to include that language in future assignments for NSF in your department. Sample language that could be used: "This appointment is contingent on adequate enrollment, funding, and programmatic need." A written appointment letter with this language would also be very good evidence in case you are denied benefits on the ground of reasonable assurance and you must file an appeal.

13. No written layoff notice is required. Feel free to admit that you did not receive one. Last term you were only hired to teach that semester/quarter. It was a temporary job. The end date was known (or could be easily ascertained if not known) when you were hired to teach that semester/quarter. No written layoff notice is required by law or otherwise for NSF. Some EDD interviewers have allegedly asserted that you are on recess if you did not get a written layoff notice and have an appointment for the next semester/quarter. This is incorrect.

14. Keep in mind that an appointment letter is NOT an employment contract. All appointment letters are contingent on funding, enrollment, and other factors, and can be cancelled at any time.

15. If you teach for other college systems you may have to repeat your responses for each employer. Although the specifics may be different the general principals are the same: you are not on a recess, you have no reasonable assurance of employment even if you have a written or oral assignment for the upcoming semester/quarter. _____

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16. If necessary, mention the Cervisi appellate court decision which held that community college part-time instructors are entitled to unemployment benefits between semesters because they do not have reasonable assurance of employment. *Cervisi v Unemployment Ins. Appeals Bd.* (1989) 208 Cal.App.3d 635, 256 Cal.Rptr. 142.

17. The above points are redundant, but do not be surprised if you have to be just as redundant when answering questions from the EDD interviewer.

18. If you are denied benefits for any reason, be sure to file an appeal before the deadline (stated in the letter from EDD explaining your appeal rights). It is extremely difficult to win an appeal that is not filed on time. Contact your union for help if necessary. But the need to appeal should be greatly reduced if you answer the questions during the interview as outlined above.