UNEMPLOYMENT INSURANCE FOR ADJUNCTS

This document was compiled by Temple Association of University Professionals and United Academics of Philadelphia.
WHAT WE’LL COVER

- Basic terms and concepts you’ll need to know
- How your eligibility is assessed
- What the process looks like
- Key questions in the application
- New test for adjunct eligibility
- Changes due to COVID-19
This presentation is accurate as of 5/14/20. Given the rapidly changing landscape of unemployment insurance eligibility as a result of the pandemic and relief bills, what is reflected here are best practices in the current situation and subject to change. Keep in touch with your union, and visit the NJ unemployment insurance website regularly for updates.

These materials have been compiled the United Academics of Philadelphia (UAP) and Temple Association of University Professionals.

I am not a lawyer. This presentation is intended for guidance and does not constitute legal advice.
Federal guidelines are issued by the U.S. Department of Labor (DOL).

Benefit programs are implemented by each state, and there are differences from state to state on eligibility and benefits.

In New Jersey, both employers and workers pay a tax that funds unemployment insurance.

If you are eligible, the government, not your employer, makes the initial determination. Its job is to assess the facts and make fair determinations consistent with the law.
WHY HAS IT BEEN DIFFICULT TO ACCESS UI?

- State agencies have been accustomed to the past when the majority of faculty were full-time, and part-time faculty were professionals in their field teaching an occasional class on the side.

- Employees of educational institutions are treated as a special case under unemployment insurance law. The Federal Unemployment Tax Act (FUTA) and state laws require that unemployment insurance be denied between and within academic terms to claimants who teach in an academic year or term if they have a “contract” or “reasonable assurance.”

- Eligibility is determined on a case by case basis.
The U.S. Department of Labor issued Unemployment Insurance Program Letter No. 05-17 to clarify eligibility in regards to reasonable assurance. The new assessment system from the U.S. DOL allows for a more nuanced understanding of adjunct working conditions and has aided in the likelihood of our ability to collect benefits.

The U.S. DOL Letter clarifies key terms:

- What constitutes a “contract.” It establishes that since our “contracts” contain contingencies, they are not contracts. States have to comply with the U.S. DOL definition of a contract.
- What constitutes “reasonable assurance.” It outlines the variables at play in weighing the likelihood of reemployment, and places emphasis on the contingent nature of the offer.

As a result, it became somewhat easier to collect benefits between terms even if you have a promise of classes in the same capacity for the upcoming semester, though states have leniency interpreting and implementing the guidelines.
As mentioned before, states are granted leniency in the interpretation and implementation of U.S. DOL unemployment insurance guidelines.

New Jersey’s Assembly has passed legislation, as of 5/13/20, that makes it much easier to collect benefits between terms, even if one has an offer of reemployment the subsequent semester. It is waiting to be voted on by the Governor.

It would establish that:

- Summer is not to be qualified as a break if the institution is running courses, making those laid off at the semester’s end eligible for UI.
- A person is presumed not to have reasonable assurance under an offer that is conditioned on enrollment, funding, program changes, or other circumstances under the control of the employer.
- It is the employer's burden to provide sufficient documentation to overcome this presumption. Reasonable assurance shall be determined on a case-by-case basis considering the totality of circumstances rather than on the existence of any one factor.
- For an individual to be regarded as having reasonable assurance of employment, the totality of circumstances must show that it is highly probable that there is a job available for the employee in the following academic year or term.
- If any contingencies in the employment offer are within the employer’s control, the claimant shall not be regarded as having a reasonable assurance of employment. Contingencies within employer’s control include, but are not limited to, enrollment, funding, including appropriations and the allocation of funding, program changes, final course offering, and facility availability.
- A person may earn up to 40% of the weekly benefit before having their partial benefits reduced (formerly 20%).
- Reduces the minimum threshold for financial eligibility for UI.
DETERMINING ELIGIBILITY

1) You must have worked and earned enough in the preceding calendar year quarters (your base year).

2) You must be able and available for suitable work.

3) The reduction/lack of work must be through no fault of your own.

4) You must not have reasonable assurance of re-employment.
Even if you are working you may still be eligible for partial benefits if any of the following applies:

- Your employer has reduced rather than eliminated your hours.
- You have separated from an employer and obtained part-time employment elsewhere with fewer hours of work.
- You have separated from one employer but continue to have part-time employment elsewhere.
- You are not employed for more than 80% of the normal hours worked in the occupation.
Just as before, you may be eligible for UI when your hours are reduced or terminated, but you must first exhaust any paid leave offered by your employer. Expanding traditional eligibility requirements, you may be eligible if:

1) The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;

2) A member of the individual’s household has been diagnosed with COVID-19;

3) The individual is providing care for a family member or household member who has been diagnosed with COVID-19;

4) The individual is the primary caregiver for a child or other person in the household who is unable to attend school or another facility that has been closed as a direct result of COVID-19 and such school or facility care is required for the individual to work;

5) The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of COVID-19;
(Previous slide continued)

6) The individual is unable to reach the place of employment because a health care provider has advised the individual to self-quarantine due to COVID-19 concerns;
7) The individual was scheduled to begin employment and does not have a job or is unable to reach the job as a direct result of COVID-19;
8) The individual has become the breadwinner or major support for a household because the head of household has died as a direct result of COVID-19;
9) The individual has been forced to quit a job as a direct result of COVID-19;
10) The individual’s place of employment is closed as a direct result of COVID-19.
11) Any additional criteria established by the Secretary of Labor.
Your base year period is used to determine if you worked and earned enough to qualify for UI benefits. The first 4 of the last 5 completed calendar quarters preceding your initial filing of a claim constitutes your base year. For workers who don’t qualify with a standard base year, there are other ways of calculating a base year made available.

1) In a traditional base year period, you must have worked at least 20 weeks during which you earned at least $200 per week, or you must have earned at least $10,000 in the base year period. Please note that if legislation A4132 is enacted, this threshold will be lower.
2) You must be able and available for suitable work. You will be considered ineligible if:

- You cannot keep all scheduled appointments
- You are physically or mentally incapable of working
- You are not ready to start a new job immediately
- You do not have transportation to get to work
- You have to stay home to care for children or other dependents
- You are not actively seeking employment
- You cannot claim your UI benefits every week online or every 2 weeks by phone

3) You must be unemployed through no fault of your own:

- If you unemployed due to a reason other than lack of work, a claims examiner will conduct a fact-finding interview
- If you voluntarily left your job without good, work-related reasons, you may not qualify for benefits
- If you were fired for misconduct your benefits may be delayed or denied
- You cannot refuse an offer of suitable work
4) You must not have a contract or reasonable assurance of recall with that employer in the coming academic term. Reasonable assurance is an obstacle for many adjuncts in collecting UI. New Jersey’s UI law defines a claimant with reasonable assurance as:

“a written, verbal, or implied agreement that the school employee will perform services for an educational institution during the next academic year, term, or remainder of a term.”

Because of this, typically the clearest case for collecting between terms has been if you have been offered fewer courses or no courses.

*If your separating employer is in New Jersey and A4132 is approved, it will likely make it much easier to collect unemployment benefits between terms, even if you have an offer in the same capacity after the “breaks” of summer and winter.*
One of the most significant changes to UI eligibility in the CARES Act is the initiation of the Pandemic Unemployment Assistance (PUA) program. PUA extends eligibility to workers previously classified as ineligible for regular UI that have lost income due to COVID-19. This includes workers that:

- are self-employed, or
- are seeking part-time work, or
- lack sufficient work history, or
- have exhausted all rights to regular UC or extended benefits

Loss of work can be backdated to February 2nd, 2020 or the day you had a reduction in work—whichever comes first. PUA is currently set to expire on December 31, 2020.

Workers must FIRST apply for regular benefits. If denied, they will receive an email outlining steps for applying via PUA. In New Jersey, being denied regular UI is mandatory for inclusion under PUA.

New Jersey DOL has developed these two documents to help you navigate applying for PUA: FAQ’s and an application guide.
HOW TO DETERMINE IF YOU DO NOT HAVE REASONABLE ASSURANCE

I. PREREQUISITES

1.A Is there no genuine offer of employment?
1.B Did your professional capacity change?
1.C Is your pay considerably less than the previous term?

If yes to any, you do not have reasonable assurance and are eligible for UC. If no to all, continue analysis.

2. CONTRACT TEST

2.A Is the contract unenforceable?
2.B Does the contract contain contingencies?
2.C Is the contract term to term?

If no to all, it is considered a contract and you are not eligible for UC. If yes to any, continue for further determination of eligibility.

3. REASONABLE ASSURANCE TEST

3.A Are there contingencies within the employer’s control?
3.B Does the totality of circumstances show that it is highly unlikely that there is a job in the next term?
3.C Is it highly unlikely that the contingencies will not be met?

If no to all, BTWD (Between or Within Terms Denial) applies and you are not eligible. If yes to any, there is not reasonable assurance and you are eligible for UC.
REASONABLE ASSURANCE ASSESSMENT
THE OFFER

- The offer must be genuine.
  - The person making the offer must have the authority to offer employment. The offer may be written, oral or implied.

- The offer must be in the same capacity.
  - A change in professional capacity may be a change in rank or from a professional to a non-professional position.
  - The determination cannot be based solely on the job title or lack of title, but must be based on the nature of the actual duties that have been performed and that will be performed.

- The pay must not be considerably less in the following term.
  - The Department of Labor interprets “considerably less” as earning under 90% of the amount earned in the previous term (a 10% drop in income).
The U.S. DOL defines a “contract” as an enforceable, non-contingent agreement that provides for compensation for an entire academic year or on an annual basis (though pay could be on a 9-month basis).

- By this definition, most adjuncts do not receive contacts as they are not enforceable, contain contingencies, and are issued term-to-term.

- States are not given latitude in regard to the definition of a contract that may vary from the U.S. Department of Labor’s.
If any contingencies in the offer are within the employer’s control, the claimant does not have a reasonable assurance of recall.

The DOL considers variables such as course programming, allocation of funds, final course offerings, program changes and facility availability to be within the control of the employer. In each of these variables, whether a class is offered is at the discretion of the employer, and thus the employer assumes the responsibility for whether you are employed.

The DOL considers enrollment, funding, and seniority to be out of the control of the employer. In each of these variables, whether a class is offered is not at the discretion of the employer, and thus the employer does not assume the responsibility for whether you are employed. You would not be eligible for UI.

Conversely, the New Jersey legislation A4132 deems, most notably, enrollment and funding to be within the employer’s control.

States can decide otherwise in specific cases upon further investigation.
The “totality of circumstances” is analyzed to determine whether it is “highly probable” that there is a job available for you in the following academic term. The following are some of the issues taken into account:

- Funding
- Enrollment
- If the course is a core or elective class
- Patterns of cancellation
- The claimant’s seniority
- Facility availability
- Budgeting and assignment practices of the school
- The ratio of offers made to potential teaching assignments
- The period of student registration

For example, if the contingency in your offer is based on funding, the state must consider the history of the institution’s funding and the likelihood that it will again receive the funding for the claimant’s employment.

For a state to find it highly probable that a job will be available does not require it to find that there is a certainty of a job. If it is not highly probable the contingency will be met, you may be eligible for benefits.
## COVID-19 Scenarios & Benefits Available

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<td>Employee unable to work because care for child(ren) at home due to coronavirus closure</td>
<td>✓</td>
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<td>X</td>
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<td>Worker is caring for family member who is diagnosed, or in isolation or quarantine with suspicion of exposure</td>
<td>✓</td>
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<td>Worker who has COVID-19, or symptoms of COVID-19</td>
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<td>Person who is out of work because employer voluntarily closed</td>
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<td>Person who is out of work because employer was ordered closed</td>
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<td>Worker has less hours available due to business slow down or lack of demand</td>
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<td>Employer stays open in defiance of state or public health order, and worker refuses to work</td>
<td>✓</td>
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<td>Employer permitted to be open, but worker is afraid of gathering in a group and refuses to work (self-distancing)</td>
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<td>Worker is advised by healthcare provider or public health authority to quarantine</td>
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<td>Health care provider exposed at work and recommended by medical professional to self-quarantine</td>
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<td>Freelance, independent contractor or &quot;gig&quot; worker has no work or lost hours due to public health emergency</td>
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<tr>
<td>Worker received 26 weeks of unemployment; worker remains unemployed</td>
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**YES** | **NO** | **MAYBE** (PLEASE APPLY; EVALUATED CASE BY CASE)

**NJ.GOV/LABOR**

LAST UPDATED: 4.16.2020

Employer pays sick leave and childcare FMLA; others require application to the State. You cannot receive pay or benefits for more than one program/law at the same time.

* Effective April 1, 2020: New federal law requires covered employers to provide emergency paid sick leave to certain employees to care for themselves or a family member due to coronavirus illness, symptoms, quarantine or school/child care closure. The Federal Family and Medical Leave Act (FMLA) has also been amended to provide job-protected emergency paid leave to employees who are unable to work because their child does not have school or child care, due to coronavirus. See nj.gov/labor for details. The U.S. Department of Labor will be issuing further guidance and this document may be updated as more information becomes available.

A person who has, because of their employment, contracted COVID-19 at work could be eligible for Workers’ Compensation and would file through their employer.

The information on this form is meant to give a general picture of benefits and rights available in certain COVID-19 work-related situations. Documentation may be required.
WHO WILL KNOW THAT I’VE FILED?

- All of your employers within your base year will be contacted when you file.
  - The people notified will vary, from just HR staff to Deans, Chairs or supervisors.
  - Fear of retaliation is understandable given our vulnerability. The decision to file is one that each claimant needs to make for themselves.

- If you do file, consider giving your immediate supervisors a “heads-up” explaining your need to file. This is an opportunity for colleagues to understand our need for this support.
  - You can let your supervisor know that their department will not be charged for your unemployment. UI is a tax paid by institutions as well as workers.
  - Institutions are not permitted to pass this charge down to schools or departments.
WHO WILL KNOW THAT I’VE FILED?

Though your employers will be contacted, they do not decide if you are eligible – the State does that. Eligibility for UI is based on statutes, case law and regulations, not on your employer’s opinion.
Your weekly benefit rate is set at 60% of the average weekly wages you earned during the base year (the average weekly wage is based on wage information provided by your employer). The average weekly wage is found by dividing your total wages by the number of base weeks you worked.

You can use this benefit calculator to get an estimate of your benefits.

For 2020, the maximum weekly benefit rate is $713.

Most claimants can collect for up to 26 weeks within a 52 week “benefit year” following the application for UI. The 52 week benefit period starts on the Sunday preceding the day you apply.

You may return to work during your benefit year, and then re-open your claim if you become unemployed again and have not exhausted your benefits.
The Coronavirus Aid, Relief, and Economic Security (CARES) Act has provided a temporary boost to unemployment Insurance via the Federal Pandemic Unemployment Compensation Program (FPUC).

Through July 25, 2020, all assistance claimants will receive their usual calculated benefit plus an additional $600 per week. This $600 will be disbursed separate from your regular disbursement, retroactive to March 29th (or the date you filed your application if later).

- This is a flat amount, and will apply equally to those receiving partial UI.
- Additionally, benefits are being extended to 39 weeks rather than the usual 26. You only need to continue filing your weekly claims to benefit from the extension.
APPLICATION PROCESS:
WHEN TO APPLY

Apply for benefits on the first day made available to you by the application system that you are no longer working for your employer.

- For adjuncts, file the day after the end date stated on your appointment letter. It is NOT dependent on when you receive your last paycheck.
- The Sunday preceding the date you apply will be the date from which you will be eligible to begin collecting should your application be approved.
- You cannot collect for the days that precede your application date even if you are out of work. It’s important to file your claim as soon as your employment ends.
APPLICATION PROCESS: HOW TO APPLY

- Apply by phone:
  - North New Jersey: 201-601-4100
  - Central New Jersey: 732-761-2020
  - South New Jersey: 856-507-2340
  - Out-of-state claims: 888-795-6672

*Due to COVID-19, the volume of calls has been much higher and it is recommended that you apply online instead.*
File online:
- If you apply online, you can file a new claim or re-open an existing claim any time.
- You will first create an account using a valid email address, where you will receive a verification link. The link is only active for 60 minutes, so check regularly. After you have verified your email and completed registering your new account, you can file your claim.

To file online, you must have:
- Worked only in New Jersey in the last 18 months, or
- Worked in New Jersey and any other state(s) in the last 18 months, or
- Worked for the federal government and in New Jersey in the last 18 months, or
- Served in the military in the last 18 months and be physically present in New Jersey

If you were a maritime employee in the last 18 months or you live outside of the United States, you must apply by phone.
APPLICATION PROCESS:
WHAT YOU WILL NEED

You will need to have:

• First and last name
• Date of birth
• Social Security Number
• Driver’s license number
• Phone number
• Email address
• Alien registration number (if you are not a US citizen).
• Pension information (or 401K).
• Amount and duration of any separation pay you may be receiving.
• Recall date (if you expect to be recalled to your job).
• Union hiring hall information, including Local number and address (if you get work through a union).
• Military Form DD-214 (if you were in the military in the last 18 months).
• Form SF-8 of SF-50 (if you were a federal employee).
• Name and address of employer
• Employer’s telephone number
• You occupation with employer
• Beginning and ending dates of employment
• Reason for separation
• Direct deposit information
After applying, you will receive by mail a Benefit Determination. It will show you:

- The amount of money you may collect each week (weekly benefit rate)
- The total amount of money you may be entitled to collect during the one year period that your claim is in effect (maximum benefit amount)
- The base weeks you worked
- The employers you worked for in those base weeks
- Wages paid to you

Review all of this information VERY CAREFULLY. It will be used to calculate your weekly benefit rate. If any information is incorrect, you can contact the Service Center for a “monetary review.” You will need to have pay stubs and W2’s available.

*Due to COVID-19 there have been significant mailing delays.*
If any additional information is needed from you in regards to your claim, you may be contacted by mail, email, or phone. Once a separation eligibility determination has been made, you will receive a Notice of Determination in the mail telling you whether or not you are eligible for benefits and on what basis.

If you disagree with the determination, you should appeal the decision.
APPLICATION PROCESS
PIN AND DEBIT CARD

- **PIN:**
  When you first certify for benefits, you will be asked to create a PIN. Your PIN is valid for one year, so if you ever re-open a claim within that year, you will need it again. Keep a record of it. Having to reset your PIN can cause you to lose time in certifying for benefits.

- **DEBIT CARD:**
  When you apply, you can choose direct deposit or a Bank of America debit card to receive your benefits. The debit card is mailed 10 days after your application is reviewed, and before you find out if your application was approved. No funds will be on it until you’re approved.

  Debit cards are valid for four years. If you’ve received a debit card in the past four years, benefits will be issued to that same card. If you receive a new card, keep it archived for potential future use.
If you believe your claim has been wrongly denied, there are several levels of appeal available to you.

File your appeals by the deadline stated in the documents you receive from the state.

Send your appeal via certified mail AND through email or fax per the instructions provided.
You must certify weekly for your benefits, and report any new income you earn during that time.

You have to certify for your benefits during an allotted time determined by your Social Security Number. Check the website weekly for the schedule, as it can change.

Due to COVID-19, some requirements that you ordinarily need to fulfill to maintain your eligibility have been suspended, such as registering at a Workforce Development Center, attending a re-employment orientation, and job search and application requirements.

You will still need to file each week, but refer to THIS GUIDE created to help you navigate the weekly claim certification questions under the pandemic. Answering a weekly certification question incorrectly can cause you to lose benefits.
1) Type "Postsecondary" and your field.

2) This is an opportunity to explain the contingent of your employment, as well as describe your responsibilities. You should refer to your appointment letter. For example:

*I am a part-time, contingent professor in higher education. I am hired on a term-by-term basis, and am laid off and cease being paid by the institution at the semester's end. My appointment letter states that my course can be canceled at any time for any reason, at my employer's discretion. My most recent appointment letter stated that I was to teach Experimental Studio, six hours a week for 15 weeks. My position requires preparing a syllabus, lectures, technical demonstrations, taking attendance and holding office hours.*
1) Being ready, willing and able to immediately work is an eligibility requirement.

2) Receiving work assignments via a union hiring hall can make you ineligible for benefits.

3) If you have a debit card from a claim made up to four years ago, your benefits will be applied to that card unless you select direct deposit. If you have never received a debit card, you would be issued a new one.
You will list ALL employers in the last 18 months, not just the employer(s) you are separating from.
1) For your employer’s contact information, enter the address and phone number of Human Resources.

2) This should be the start date of the most recent term you worked, NOT the first term you were hired (if different). If you have your appointment letter, refer to the start date listed there. If not, refer to the academic calendar.

3) If you have your appointment letter, refer to the end date listed there. If not, refer to the academic calendar.

4) The term has ended. You would enter “No,” regardless of future offers.

5) In the drop down, select the most applicable. If you have no offers for the subsequent term (including summer), answer “Lay Off/Lack of Work.” If you have a reduced offer, answer “Work Hours Reduced…” If you’ve been told that your reduction is due to COVID-19 circumstances, answer either “Business Closed/Hours Reduced - COVID,” or “Other-COVID.”

6) If applicable, reiterate any communications you have received as to the reason for the reduction.

7) You could answer “Yes” if you have an offer for the subsequent term. If you have an offer but do not feel you have reasonable assurance of recall, you could answer “No.”

8) If you answered “Yes,” enter the date on your appointment letter or refer to the academic calendar.

9) “No.”
1) This can be an awkward question for those of us not paid on an hourly basis. Answer as accurately as possible, but this information will also be provided by Human Resources. The question is here to establish any earnings you’ve received since within the week of your application date, beginning on the preceding Sunday. Pro-rate your semester’s gross pay into weeks (according to the span as listed on your appointment letter), and then into days.
1) Certain types of payments, such as pensions, can be deducted from your unemployment benefit payments. Social security payments are not deducted. For more information on potential deductions, visit the website.
Many of us receive our last paycheck after our last day of work, so would select “Last Paycheck” if applicable. Remember, you are eligible to apply for benefits after your last day of work. You should NOT wait until receipt of your last paycheck.
You will have an opportunity on this summary page to review the information you’ve entered and make any changes prior to submission.

BE SURE TO PRINT A COPY for yourself! It contains important information that you may need to refer to again when filling out additional forms, taking part in a fact-finding interview, or pursuing an appeal.
Because school employees are a “special case” under unemployment insurance law, we typically have to provide additional information after the submission of our application. This may come as a form mailed or emailed, or as a “fact-finding interview” over the phone.

The function of the additional information is primarily to ascertain whether or not you have reasonable assurance of reemployment in the subsequent academic term. If you are found to have reasonable assurance, you may be found ineligible for benefits.

Consequently, you will want to highlight your contingency and all factors that you believe contribute to a lack of reasonable assurance of recall.

The following slides provide an example, and some language you could use depending on your given situation.
This is an example of a Fact Finding Form for School employees. Whether you receive a form in the mail, email, or are interviewed over the phone, the questions will be similar.

If you have offers for the subsequent term and are attempting to collect benefits in the summer, in addition to filling out the form you should add a written piece (or oral explanation) regarding why you do not believe you have reasonable assurance of re-employment.

See language on the following slides for assistance with that piece.

1) “Other.” Most of work on a term by term basis.

2) “No.” Any offer that contains contingencies is not a contract, so most of us do not have contracts. We receive appointment letters with offers contingent upon funding, enrollment, etc. State the contingencies in your letter.

3) If you have been paid in full, “Yes.” If you are waiting on a last paycheck, “No.”

4) Use the date on your appointment letter, or refer to the academic calendar if you do not have one.

5) Answer accordingly.

6) Use the contact information for Human Resources.
If you are attempting to collect UI benefits because you have had your course load reduced or eliminated in the subsequent academic term (excluding summer):

The fact that you do not have reasonable assurance of recall has been demonstrated by the employer. Use this opportunity to:

- Clearly outline the nature of the reduction (i.e. specify what your typical course load has been and for how long that has been your typical course load, and explain how that course load has been unilaterally reduced by the employer through no fault of your own).
If you are attempting to collect UI benefits between academic terms, and have an offer in the same capacity for the subsequent term (excluding summer):

You want to demonstrate why you do not believe you have reasonable assurance of recall. The following are examples of contingencies deemed to be within the control of the employer. If you can demonstrate that any of these contingencies exist, it can strengthen the argument that you do not have reasonable assurance of recall. Where it applies, you could:

- Note (if it’s the case) that summer is not a break at your school but another academic term. Full-time students take summer term courses that are also offered in the spring and fall terms. The institution/department runs courses in your capacity to teach, but you were not offered work.

- Emphasize that you are a contingent, at-will worker hired on a semester-to-semester basis.

- Point out that your appointment letter offer for the next term contains contingencies that allow your employer to retract the offer at its discretion. If available, quote that language.

- If you have correspondence from your supervisor that shows uncertainty about your course(s) running, mention that.

- Indicate any communications from Administration regarding drops in enrollment.
Note any increases to full-time teaching loads that could compromise course availability for adjuncts.

Compare the ratio of final course offerings vs. the faculty availability pool.

Point out any new caps on class size.

Describe any patterns of cancellation for the class you’ve been offered, or that you’ve personally suffered with other classes.

Outline any changes to curriculum or course offerings that weaken reasonable assurance of recall.

Outline any changes to funding or budget allocations that weaken reasonable assurance of recall.

Describe any changes to facilities that weaken reasonable assurance of recall.

Mention any COVID-19 austerity measures that have been announced by your school that weaken reasonable assurance of recall.

Describe any other relevant contingencies particular to your case.
Again, contingencies deemed to be **outside of the control of the employer** such as funding, seniority, and enrollment may lead to a reduction in your work, but do not make you eligible for UI benefits according to the U.S. DOL guidelines in certain states.

**HOWEVER!**
The U.S. DOL grants states leniency in their interpretation of the “totality of circumstances,” used to determine whether you have reasonable assurance of recall. *New Jersey legislation A4132, if approved, creates guidelines that are much more favorable to collecting between terms because it considers enrollment and funding to be within the control of the employer.*

Wherever you are applying, it is the responsibility of the claims examiner to tease those contingencies out. You should mention all the factors you believe are responsible for a lack of reasonable reassurance of recall, whether they are interpreted as within the employer’s control or not.

Additionally, COVID-19 has radically transformed the landscape of higher education, and austerity measures will likely lead to a lack of employment opportunities for contingent faculty at many schools. This uncertainty could push the argument in our favor, determining that none of us have reasonable assurance under the current unstable climate. We strongly encourage contingent faculty to Apply, Appeal, and Advocate!

*Keep in mind that anything you write in your application can be used against you if you appeals should you initially be denied UI benefits. BE HONEST!*
HELPFUL CONTACTS

- Reemployment Call Centers (to file a new claim):
  - North New Jersey: 201-601-4100
  - Central New Jersey: 732-761-2020
  - South New Jersey: 856-507-2340
  - Out-of-state claims: 888-795-6672

- Email must be submitted via the [online form](#).

- Anna Neighbor, Treasurer
  United Academics of Philadelphia, Local 9608
  treasurer@unitedacademicsphilly.org
HELPFUL LINKS

- New Jersey Unemployment Insurance home page
- New Jersey Unemployment Insurance Handbook
- “Contact Us” page
- Benefit calculator
- Schedule for certifying for benefits
- FAQ’s for UI during COVID-19
- Information for self-employed workers
- Step by step application guide for PUA
- Legal Services of New Jersey
Join to support and take part in the work these unions are doing across the region to lift up all academic workers!

Become a member AAUP-AFT Rutgers!

Become a member of UAP!