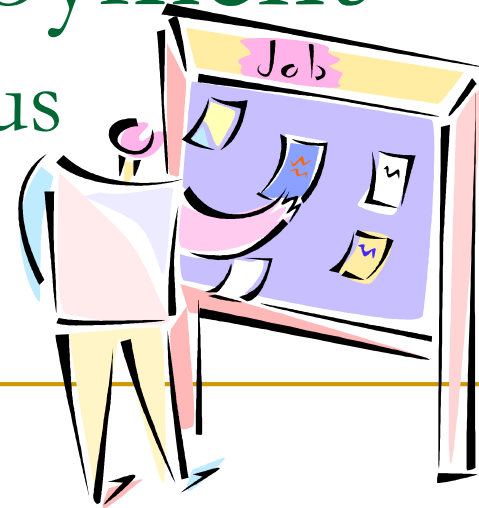

Part-time Unemployment

Making the law work for us



Excerpts from AFT Workshop

April 26, 2014

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The most important piece...

RCW 50.44.055 section (3)

In the case of community and technical colleges assigned the standard industrial classification code 8222...a person is presumed not to have reasonable assurance under an offer that is **conditioned on enrollment, funding, or program changes**. It is the college's burden to provide sufficient documentation to overcome this presumption.

And Finally...

Reasonable assurance must be determined on a case-by-case basis by the total weight of evidence rather than the existence of any one factor. **Primary weight must be given to the contingent nature of an offer of employment based on enrollment, funding, and program changes.**

This means that factors taken singly do not mean you have Reasonable Assurance as in:

- Having been told you will come back
- Having been given a form saying you will come back (that doesn't say clearly that this is NOT a conditioned or contingent offer)
- Having chosen your books for your classes
- Having your name appear on a schedule
- The fact that you have taught repeatedly over a number of years
- Having the district stamp your form with "No Reasonable Assurance."

Tips about applying

- Make sure that you use the correct form. There may be several and you need one that reflects that you are a part-time faculty at a CTC and not a K-12 employee of any sort. Our statute is a special niche in the law that no other employee group shares.
- Do not say you have a contract (unless you do) or reasonable assurance. If there is a question that seems to force you into saying you do, answer with “since I am a quarter-to-quarter employee with no continuing contract, my offer is always conditioned on enrollment, funding, or program changes.”

More Tips:

- Have your hours figured out ahead of time, just in case. That's the first hurdle with ESD.
- Don't go on vacation and expect to be considered available for work.
- But if you do go somewhere, continue your job search wherever you go.

Will I automatically get benefits?

- No
- Each case has to be adjudicated on a case-by-case basis and it will hinge on whether the college prevails or you prevail of the issue of “reasonable assurance.”
- It can be frustrating because the college can challenge your claim, rightly or wrongly, and this can result in the ESD reversing its original decision.