

FREQUENTLY ASKED QUESTIONS ABOUT UNEMPLOYMENT INSURANCE (UI) FOR ADJUNCTS

NOTE: WHEN APPLYING FOR UI, CHECK THE NEW YORK STATE DEPARTMENT OF LABOR WEBSITE FOR UP-TO-DATE INFO: <https://www.labor.ny.gov/home/>

Who Should Apply?

We encourage Teaching and Non-Teaching adjuncts and Adjunct CLTs to apply for UI when the semester ends in May, 2020. Many adjuncts are eligible to receive benefits, though there are some exceptions (see “What Determines Eligibility?” below).

Apply to the New York State Department of Labor by phone (888-209-8124) or online at <https://labor.ny.gov/unemploymentassistance.shtm>

What Questions Will You Be Asked?

When you apply, the Department of Labor (DOL) will ask if you work for an educational institution, and whether you are between years or terms. The answer is yes to both questions. They will then ask you what you have been told about the coming year. You must fully disclose all offers of work, whether written, verbal, or electronic. If there is reason to believe that a course you have been offered may not actually run or may be given to someone else, include that in what you tell the DOL.

How Is Your UI Benefit Rate Calculated?

The application will ask you where you have worked in the last 15-18 months, and to list all employers during that period. The DOL will calculate your weekly UI benefit rate based on your recent earnings and will inform you of the results by mail in a one-page Notice of Monetary Determination. Your weekly benefit will range from a minimum of \$100 to a maximum of \$504.

NOTE: DURING THE CORONAVIRUS CRISIS, THE FEDERAL GOVERNMENT ENACTED AN ADDITIONAL BENEFIT OF \$600 PER WEEK FOR ANYONE ELIGIBLE FOR UNEMPLOYMENT. THROUGH JULY 31, 2020, THIS WILL BE PAID WEEKLY ALONG WITH YOUR ALLOTTED RATE.

How Do You “Certify” For Your Benefits Each Week?

Each week you will go online or call in by phone. You will be asked: Did you work this week? If you worked any of the preceding seven days (Monday-Sunday), you must report the number of days during which you worked. Twenty-five percent of your weekly benefits will be subtracted for each day during which you worked. You will receive the remainder of your UI benefits, plus the full \$600.

NOTE: IF YOU EARN MORE THAN \$504 GROSS IN A GIVEN WEEK, YOU ARE NOT ALLOWED ANY UI FOR THAT WEEK.

What Determines Eligibility?

Under New York State Unemployment Insurance Law (Section 590.10), people employed by educational institutions are NOT eligible for UI during the summer or during winter break if they have “reasonable/probable” assurance of rehire for “similar services” the following semester or year. When you apply, you will be asked what you have been told and specifically offered by the colleges for the Fall 2020 and Spring 2021 semesters. Such questions are: Have you been offered specific courses by title and schedule? When were you informed?

You are most likely eligible for benefits if:

1. You have received a letter of non-reappointment.
2. You haven't been given a class and you are not listed in CUNY FIRST.
3. You are given an assignment that represents less than 90% of the previous semester (for example, if you taught three courses in the spring and were offered only two for the fall).

What If You Receive A One-Year Appointment Letter?

This may increase your chances of being eligible for UI during the summer, if you are offered/scheduled for fewer courses. A 2015 NYS Supreme Court ruling (the Rosenbaum decision) ruled that adjuncts who are offered a one-year appointment are eligible for benefits if they do not have a clear offer of the same number of courses for the coming academic year as they had for the academic year just completed.

What If You Receive A Three-year Appointment Letter?

This may reduce your chances of receiving benefits during the summer because the three-year appointment guarantees you receiving a minimum of six hours of teaching or the non-teaching equivalent. However, if you have an overall reduction of courses from 2019-2020 to 2020-2021, you may be eligible because your income from teaching will be reduced.

What If You Are Denied Benefits?

If the DOL denies you benefits, you have a right to request a hearing within 30 calendar days of the date of the notice of denial. The Workers Defense League (212-627-1931), an independent non-profit specializing in unemployment insurance advocacy, is available for free advice and possible representation. They have successfully represented many CUNY adjuncts over many years. They will analyze your claim, and if they believe that you have a case, they will accompany you and represent you at the hearing. You also have the right to represent yourself. The PSC does not represent claimants at UI hearings.

NOTE: UNFORTUNATELY, HEARINGS HAVE BEEN TEMPORARILY SUSPENDED DURING THE CORONAVIRUS CRISIS. THOSE WHO ARE DENIED BENEFITS SHOULD CONTINUE TO CLAIM BENEFITS WEEKLY AND WAIT TO RECEIVE A HEARING DATE WHEN HEARINGS RESUME.

What About Retaliation?

Adjuncts are often worried about how their departments and colleges will react to their filing for unemployment. Retaliation is a violation of the PSC-CUNY contract. Call the PSC if you think this is happening (212-354-1252).