

RIF – Reduction in Force

Once again we are faced with the reality of districts laying off educators as a means to balance their budgets. This is a stressful time for all, so be sure to be well informed.

If you receive a layoff notice, **exercise all your rights!** Request a hearing. Districts do not hold this against you, it will not affect your ability to be re-hired, and you want to cover all your bases. If you do not request a hearing, you are in essence agreeing to be laid-off. You may think you don't have to worry because you're high up on the re-hire list, or you just don't want to bother with the paperwork, but if deadlines are missed, it will be too late to change your mind.

You must complete and submit to the district a "Request for Hearing" form within the timeline noted on your RIF notice in order to qualify for a hearing. **DO THIS!** Ask for a date-stamped copy for your records. When you receive an "Accusation" from the district (some districts give them at the same time as the RIF notice), complete and submit to the district a "Notice of Defense" form. These terms may sound like you're thought of as guilty of something, but these are just legal terms that are always used in lay-off proceedings. The district is not accusing you of anything.

Union members are represented in the hearing process by a union attorney. Be sure the union office has your current contact information (call or email with your personal email address and phone number). The office will be in touch about informational meetings. Fee Payers have a right to a hearing as well and may represent themselves or hire their own attorney, however there is only one hearing for the group.

Reasons for RIF. California school districts may lay off certificated employees for several reasons. Elimination or reduction of a Particular Kind of Service (PKS) is one of the lawful reasons to issue layoff notices. One kind of service that could be marked for reduction or elimination is Class Size Reduction (CSR). Other programs such as Music, Foreign Language, and PE could also be in danger.

RIF Notices. When a decision is made, affected employees must be given the first notice no later than March 15th of the school year prior to implementation. The only exception to this date is in the event the Legislature does not increase the COLA by at least 2%. Given the current situation, it is likely that districts will receive less than 2%, which would allow districts to give notice of additional layoffs during the summer months.

Request for Hearing. Probationary and permanent certificated employees who receive RIF notices have a right to a hearing, if the hearing is requested in writing within a specified period of time -- usually seven calendar days. After the District receives the request from the employee, the District will issue a document known as an

"Accusation." The employee must then file a "Notice of Defense," usually within five days.

Member Rights. Union members who receive RIF notices will be invited to a meeting where they will receive information on the procedure. An experienced educational law attorney who has been appointed by CTA to represent our union members will be present at that meeting which will be held at the Union office. Only union members are entitled to this CTA service.

Temporary Teachers. Temporary certificated employees do not receive RIF notices, but receive a notice that specifies their services will not be needed in the coming year. Unfortunately, temporary teachers do not have the right to a hearing under California law. Temporary teachers should, however, be certain about their status. If they have been misclassified they may have additional rights. If you are a temporary teacher and question your status, you should contact the Union office.

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RIF Hearing. The hearing is held before an Administrative Law Judge (ALJ). The ALJ hears the evidence and prepares a proposed decision determining whether the district has proven the grounds for the RIF and which certificated employees will be terminated. This proposed decision is given to the School Board and the employees by May 7th. The School Board members may adopt, modify, or reject the decision of the ALJ. Final RIF notices must be given to the affected certificated employees before May 15th.

Seniority Rights of Teachers. Employees are usually terminated in reverse order of seniority, meaning that the least senior employees are laid off first. A teacher's seniority date is the first date on which he/she rendered paid service to the district as a probationary employee. For the purposes of RIF, interns are treated as probationary employees, but temporary and long-term substitutes are not.

Seniority Tie-Breakers. When more than one employee has the same seniority date and is credentialed to teach the same subject(s) and not all of the employees with that seniority date need to be laid off, the district's tie breaking criteria will determine which teacher(s) will be laid off and which will be retained. The district must publish its tie-breakers for seniority no later than 5 days prior to the hearing. Typical tie breaking criteria include whether the teacher has a CLAD, BCLAD or is qualified to teach English learners through ELD/SDAIE training, whether a teacher is credentialed in more than one area or has a credential of particular need such as a special education credential.

"Bumping" Rights. Depending on seniority and credential(s) held, an employee may have the right to "bump" or displace another employee with less seniority out of his or her position. This would likely result in reassignments or transfers. Prior to assigning or reassigning any certificated employee to teach a subject previously not taught, and for which the employee does not have a teaching credential or which is not within the employee's major area of student or equivalent, the School Board may require the employee to pass a subject matter competency test in the appropriate subject.

Seniority Rights of Administrators. If an administrator's position is eliminated, he/she may have a right to bump a teacher with less seniority. If an administrator was hired prior to July 1, 1983, he/she earns seniority as a classroom teacher, even while serving as an administrator regardless of whether the administrator was originally employed as a classroom teacher. If employed as

an administrator after July 1, 1983, he/she may only accumulate up to 3 years of seniority as an administrator in addition to any seniority gained as a teacher and then, only if the administrative position is at a school site. Teaching seniority only applies for those years of teaching that occurred in the district where the administrator is working at the time the position is eliminated.

Reinstatement. If the service that was eliminated causing the layoff is reinstated, or if a position becomes available for which a permanent employee who has been laid off is certificated, that employee has a preferred right to re-employment for a period of 39 months following the layoff. Probationary teachers have similar rights for a period of only 24 months following the layoff. No probationary or other employee with less seniority may be employed to render a service for which a laid off permanent employee is certificated and competent to render. During the 39 month period for permanent employees and the 24 month period for probationary employees, the district must offer substitute teaching opportunities to laid off employees in order of their seniority. If a permanent employee serves as a substitute in any position requiring certification for 21 days or more within a period of 60 school days in any school year, the compensation the employee receives for substitute services, shall not be less than the amount the employee would have received if he or she had not been laid off.

STRS Credit. A reappointed permanent or probationary employee does not suffer a break in service or loss of seniority due to the termination (layoff). Credit for prior service under STRS or PERS is not affected by the RIF, but the period of absence does not count as part of the service credit required to collect a retirement pension. At any time prior to the completion of one year after return to service, the employee may continue or make up, with interest, contributions to STRS for the period of absence, but the State and/or District is not required to match the contributions.

Unemployment Compensation Teachers who receive a RIF notice are eligible for unemployment compensation. Applicants should state on the form that they have been denied permanent status.

Questions or Concerns. If you have any questions or concerns, please contact your Executive Director, Sandra Goins at, (310) 921-2500 or at: sgoins@cta.org. When sending e-mail, please write "RIF" in the subject line.

Things to remember in preparing for RIFs:

- 1. If your district asks you to sign a statement verifying your seniority date and credentials, BE CAREFUL.** Make sure the information is 100% correct before you sign. If you sign and the information is not accurate (for example, the statement credits you with too little seniority or some, but not all, of your credentials), the statement can be used against you in the RIF hearing to undermine your seniority and credential claims. RIF hearing officers also often restrict individuals from contesting incorrect credential or seniority information at the RIF hearing, especially when the individuals already have had an opportunity to set the record straight.
- 2. Make sure that ALL of your credentials and certifications are on file with the school district, especially certifications to teach English language learners.** If you hold a credential or certification, but it is not on file with the district by March 15, you will not be credited with that credential or certification in the RIF hearing. If you need to check on your credentials, look them up on the CTC website at <http://www.ctc.ca.gov/lookup.html>.
- 3. Check your personnel file. Copy any documents from the file that you will need to prove your first day of paid service with the district as a probationary employee.** Remember, your first in-service day may count, even if it was not mandatory, as long as you were paid for the day. Collect the documents now that will let you prove that date if need be in the RIF hearings.
- 4. If you are an agency fee payer, join CTA so that you will be represented by CTA in any RIF hearings that occur in your district.** CTA provides representation to all members in RIF hearings, but does not provide representation to agency fee payers in RIF hearings. YOU MUST JOIN BEFORE YOU RECEIVE A NOTICE TO QUALIFY FOR REPRESENTATION.
- 5. Contact your CTA staff person immediately if you receive a layoff notice.** There are very short and strict time-lines that begin to run from the date any teacher receives a layoff notice.

MARCH FORTH!

Many of you “Started the Day for Students” on March 4th as part of a statewide effort to focus attention on the devastating budget cuts facing our schools. In the last two years, \$17 billion has been cut from schools and colleges, entire art, music and PE programs have been eliminated and more than 16,000 educators were laid off. And it’s not over yet.

So on March 4th, across California, teachers, students, parents, and community members “Marched Forth” to send a message to Sacramento that enough is enough. Members in Centinela Valley joined those in Long Beach for a rally at Wilson High School. Members in Redondo Beach and Palos Verdes distributed flyers to community members. Students and parents joined teachers in Manhattan Beach to rally on Artesia Boulevard, sporting signs of “Education Cuts are a Lesson Plan for Disaster,” “Invest

in our Schools and Our Future,” “Schools are not broken, they’re Broke,” “A Good Education Lasts a Lifetime.”

We all know that education is essential to building a better California. Don’t neglect to contact your legislators and encourage your family and friends to do so to bring home the message that cuts to Education hurt everyone. We cannot be a strong, cutting-edge state without a well-educated community and workforce. What educators do every day affects society at every level, and that message must not be lost in a lagging economy. So March Forth!

Education is not the filling of a
bucket, but the lighting of a fire.
-- W. B. Yeats

CTA Institute For Teaching—GRANTS AVAILABLE

The CTA Institute for Teaching Board of Directors has established a competitive grant program for CTA members and chapters to support strength-based, teacher-driven change initiatives. The application process for the initial round of mini-grants has begun and is open to individual CTA members, small teams of educators and affiliated local chapters.

Grant applications are available on the IFT website (www.teacherdrivenchange.org). Competitive teacher grants will be awarded in amounts up to \$5,000 and competitive chapter grants will be awarded in amounts up to \$20,000. All applications must reflect innovative efforts to achieve school and district change initiatives that are strength based and teacher-driven. Applications must specify how the proposal would improve teaching and learning conditions, how student outcomes will be improved and what the overall benefit of the proposal is for teachers and the teaching profession. Check the website for more information and for other great teaching resources.

www.teacherdrivenchange.org

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For more information call 800-959-9688 option 2.

NEA DI\$COUNTS AND \$AVING\$

As a CTA member, remember that you are eligible for several great discounts through NEA Member Benefits in addition to those that you enjoy with CTA. The following is just a sampling of the deals negotiated for you and 3.2 million NEA members. Enjoy the fun and the savings! Visit the NEA website for additional deals and information at: http://www.neamb.com/home/productsAndServices_750.htm?category=Discounts.

Costco Wholesale – Special savings for members and their families

Whirlpool Corporation VIPLINK Program – Huge savings on popular consumer brands from Whirlpool Corporation

Snap Fitness – NEW! Get in shape for less at Snap Fitness. Exclusive NEA member benefits include a 10% discount on monthly dues and no enrollment fee.

Jenny Craig – NEA members and their eligible dependents can save with Jenny Craig.

1-800-FLOWERS.COM – NEA members enjoy a 20% savings every day on flowers, plants, gift baskets, gourmet foods, confections, and plush stuffed animals.

H&R Block – Save on do-it-yourself tax software or in-office tax preparation by an H&R Block professional.

New York & Company – NEA members save 15% every day!

The Walking Company Exclusive Online Offer – NEA members can save up to 15% off all online purchases.

NEA Magazine Service® - Save up to 85% off the cover price of over 900 popular magazines.

Collette Vacations - Travel the world and save with Collette Vacations, a leading provider of over 120 tours, family cruises and weekend getaways.

NEA Bookstore® - Save an extra 5% at Barnes&Nobel.com on books, music, videos and more. Free shipping on eligible orders of \$25 or more.

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SmileMakers - Save an additional 5% on your classroom supplies, plus free shipping on stocked items.

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NEA Long Distance - Get rates as low as 3.9¢ per minute on state-to-state calls. No monthly fees.

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Nolo Legal – Get a 5% discount from the leading publisher of self-help legal publications, software, and forms.

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For more information, call toll free: 1-800-637-4636, Monday-Friday, 8 a.m. to 8 p.m. or Saturday, 9 a.m. to 1 p.m., ET

Visit the NEA website for additional deals and information at: http://www.neamb.com/home/productsAndServices_750.htm?category=Discounts.

