



## UTLA Reduction in Force

# Questions & Answers

**Q: What is the difference between “Reduction In Force (RIF)” and “Displacement” (bumping)?**

A **reduction in force** is an involuntary separation of an employee from service due to a shortage of funds, lack of work, organizational changes, or other reasons of business necessity which require a reduction in staff. Employees are laid-off and lose their job with the District.

**Displacement** occurs when a school is over-teachered. It results in one or more teachers having to leave their assigned site. A displaced teacher does **NOT** lose their District job (contract), they only lose their assignment to that site.

**Q: When will the notices be sent?**

When a decision is made, permanent employees must be given the first notice no later than March 15<sup>th</sup> of the school year prior to implementation. A probationary employee subject to termination shall be provided written notice thereof at least fourteen (14) calendar days prior to such termination. Such notice shall be mailed by certified or registered mail to the address on file in the District's computer system as of the date of mailing, or shall be served on the employee by direct delivery.

**Q: Who has a right to a hearing?**

Permanent certificated employees who received RIF notices have a right to a hearing, if the hearing is requested in writing within 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.”

**Q: What is the purpose of a hearing?**

RIF hearings are primarily to determine whether the district has committed an error as defined under the California Education Code. Frequently legal arguments are asserted on behalf of our members without the necessity of their appearance. For example, the districts overall proprietary right to layoff certificated bargaining unit members due to budgetary constraints may be challenged without the need of your testimony.

**Q: What starts the clock on the process?**

The postmarked date of the RIF notice determines the deadline for filing the ***Request for Hearing*** form. **DO NOT WAIT.** The form must be submitted to the District, addressed to the person issuing the notice within **7 calendar days**. Refer to the mailing address on the RIF notice.

**Q: How can I find out my status?**

Some teachers have not signed an updated contract or have overlooked their status. You should contact LAUSD’s Human Resource Division (213)241-6131. They will be able to provide the required information.

**Q: Who is entitled to reinstatement?**

A RIF'd employee has a preferred right to re-employment for a period of 39 months following the layoff. No probationary or other employees 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, the district must offer substitute teaching opportunities to laid off employees in order of their seniority. If an 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. A reappointed permanent or probationary employee does not suffer a break in service or loss of seniority due to the termination (layoff).

**Q: Will teachers that are affected by the RIF be able to substitute?**

Yes, they will be allowed to substitute on a priority basis, see preceding question.

**Q: What is the last date that I would be informed if I was really losing my job next year?**

We don't have definitive information at this time. For permanent teachers, we may not know the final outcome until the hearings are concluded and the rulings issued. For non-permanent teachers, unfortunately, a final determination may come as late as the beginning of the school year.

**Q: What happens to my health benefits if I received a RIF notice?**

Health benefits terminate on the last day of the month in which your termination is effective. You can apply for COBRA and retain health benefits through COBRA for 18 months. After 18 months of COBRA, there is an option to continue "medical benefits only" through CAL-COBRA for another 18 months.

- A teacher in a full-time assignment who is RIF'd, but worked at least 100 full-time days from July 1, 2010 to June 30, 2011 is eligible to continue receiving District-paid health benefits, effective July 1, 2012, provided the employee is in paid status for the June pay period and signed up to substitute teach. A teacher who qualifies as described above does not have to work July to September, 2012 to be eligible to receive health benefits July to September 2012. The teacher must work at least one day per calendar month, beginning October 1, 2012 to June 30, 2013 to maintain health benefits through September 30, 2013.
- Any teacher who is completing his/her first year of full-time teaching service (defined as 100 or more full-time days), can enroll in health benefits October 1, 2012, as long as he/she signs up to substitute teach. There are not District-paid health benefits for them over the summer (July, August, September 2012), but they can enroll in COBRA during that time period. The teacher must work at least one day per calendar month starting October 1, 2012 to maintain eligibility. Eligibility is based on service provided in the fiscal year July 1, 2011 to June 30, 2012, but the plan year for substitute health benefits is October 1, 2012 to September 30, 2013.

Teachers who are rehired as a substitute will need to re-enroll in the District-paid health benefits. It is not automatic. The employee should call 213 241-4262 regarding COBRA and to make certain that the benefits did roll over.

**The transfer of Health Benefits may be delayed. We urge you to take care of your Health, Dental and Vision needs prior to June 30, 2012, in the event there is a lapse in coverage.**

**Q: Will my STRS Service Credit be affected by a RIF?**

Service credit for the current school year may or may not be affected by a RIF. It depends upon the effective date of the layoff. If the effective date is at the end of the school year and the employee has completed all required contract hours at full pay, the employee will be credited with a full year of service in the pension system in which they are a participant. If the layoff is effective prior to the end of the school year, the employee will not have met their contract hours requirement and the service credit will be reduced. If the employee later returns to District service, they can purchase service credit through their pension fund for the time period during which they were not working for LAUSD. If the employee does purchase service credit, neither LAUSD nor the State is required to contribute.

Unemployment Compensation: Teachers who receive a RIF notice are entitled to unemployment compensation. Additional information regarding unemployment compensation can be found on [www.utla.net](http://www.utla.net) or [www.edd.ca.gov](http://www.edd.ca.gov).

**Q: I did not receive a RIF letter, what does this mean?**

If you are a permanent employee and did not receive a notice postmarked by March 15, 2012, then you are considered safe, and there is nothing to do. If you are a probationary teacher, you may receive a notice at any time prior to 14 days before the last date of your service as an employee of LAUSD.

**Q: I am in a CLAD training class, will I receive a RIF notice?**

Technically, the required CLAD certification is not related to the RIF process; however, your job may still be in jeopardy if you do not possess the proper certification to teach. If you are currently enrolled in CLAD classes, such as CTEL, UTLA strongly advises you to complete the CLAD certification process. There are consequences and actions the District can impose on any teacher that is not properly certified to teach in order to meet the needs of the students. Please see the "CLAD" link.

**Q: If my school becomes a Charter School, will it save my job?**

No. During these economic times there are no guarantees of job security from layoffs or separation of employment. Those schools that are not currently Chartered will not be able to convert prior to the July 1<sup>st</sup> deadline. RIF's will have already occurred before a school can become a Charter. All school districts, including Charter schools will be affected by state budget constraints.

**Q: Can QEIA funds be used to save my job at my school?**

QEIA funds which were intended to reduce class-size can be used to fund positions. The positions purchased are saved, but this does not extend to the personnel filling them. So, QEIA funds can save positions but not specific personnel.

**Q: If I am laid off, and apply to be a sub, am I still qualified to receive unemployment compensation?**

Teachers who receive a RIF notice are entitled to unemployment compensation. Unemployment benefits are for the unemployed and the under-employed. As a sub, you may qualify for partial unemployment benefits. Additional information regarding unemployment compensation/benefits can be found on [www.edd.ca.gov](http://www.edd.ca.gov). **EDD phone line (800)300-5616**

Please check our website [www.utla.net](http://www.utla.net) for updates