



HEARING UPDATE: DAY THREE (5/3/10)

Much of the hearing on 5/3 and 5/4 will focus on witness testimony. This UPDATE is focused on information that will help prepare you for witness testimony and give you a sense of what you can expect.

- 1. Do I need to testify?** *If you have an issue, the best way to ensure that the (Administrative Law Judge) ALJ considers your issue is to get up and testify. Although Marianne cross-examined Ruth Ashley regarding many of your situations, her questioning in and of itself may be insufficient to develop the facts in the administrative record such that the ALJ will consider whether the layoff was implemented correctly as to you. You generally must testify to introduce facts into the record regarding your individual situation. Even if you have supporting documents, those alone are insufficient without your testimony and your testimony may be necessary to lay the proper foundation for the documents.*
- 2. What is the order of testifying?** *In reviewing your RIF Data Forms and Attorney Alerts, we've grouped teachers by issue. Our hope is to call teachers in the following order: (1) teachers who wish to be skipped based on AVID, AP, and/or IB; (2) teachers who wish to bump less senior employees; (3) teachers who wish to challenge their seniority date; (4) teachers who wish to challenge their tie-breaking points; (5) teachers who wish to challenge their classification; and (5) teachers with any other issues. However, because the ALJ ultimately controls the hearing, we can't guarantee this is the order people will testify in. **When it's your turn to testify, TALB will post your name on the "up next" board.** When you see your name posted, please approach Kent at the TALB table so he can hand you a yellow half-sheet that you'll need to give to Marianne so she is aware of who you are and why you wish to testify.*
- 3. What Can I Expect When Testifying?** *Your testimony will most likely be very brief. Marianne will ask you basic questions to establish where you are on the seniority list and what your qualifications are. However, because of the way the District constructed the layoff, in many cases she can only ask you questions to develop the facts because doing otherwise will put her in conflict with other TALB members who have also been issued a layoff notice. Therefore, after going over your basic information, Marianne will notify the ALJ indicating the conflict (if one exists). At this point, you should be prepared to give a brief narrative to explain your challenge. You may want to prepare a brief statement (30 seconds or less) to read into the record. Here are some points to keep in mind for some of the more common issues:*
 - *Skipping based on AVID, AP, and/or IB: you must show you have training/experience in any of the "skipped" areas and therefore should be skipped as well and point to less senior teachers whose job you can do*
 - *Bumping: you must point out individuals you wish to bump and explain how your credentials qualify you to fill their positions. If someone you wish to bump is in a specialized position (i.e. Program Facilitator), you must explain how your training/experience enables you to fill that position*
 - *Seniority date: you must show you rendered services to the District before your listed seniority date that were: (1) mandatory; and (2) that you were paid your per diem rate for*

After you are done giving your narrative, the District's lawyer has the right to cross-examine you. Although it is doubtful that he will, you should be prepared for this possibility.

- 4. Do I Need Supporting Documents?** *Although your testimony alone is sufficient to develop the administrative record, we recommend you bring FOUR copies of any documents you believe will support your testimony (you need to do this even if you've already turned documents in to TALB before the hearing). Marianne will help you admit any documents you bring into the administrative record.*

Please do not bring your documents to the TALB table; you should hold on to them until you are ready to testify. Because the administrative record is a public record open to public inspection, it is critical that before the hearing you REDACT any sensitive information (i.e. social security numbers, bank account information, etc) from all documents you wish to admit.

- 5. What Else Can I Do To Fight My Layoff?** *The District may withdraw some number of notices as a result of our efforts and your witness testimony. But the ultimate leverage on the District to withdraw the layoffs is political solidarity. In this arena we ask that you do three things to help save your job.*
 - **FIRST**, *please sign the letter to the School Board asking them to withdraw the layoff notices (Virginia Torres and Chris Callopy will have the letter at our table in foyer).*
 - **SECOND**, *take a copy of the "TIME IS RUNNING OUT" flyer and take the actions described in the flyer, including getting additional signatures on the letter to the School Board (you can download additional copies as needed at www.talb.org and we also have a Spanish version of the flyer on our website).*
 - **THIRD**, *attend the School Board meeting on May 11 where TALB members will collectively protest the disorganized and unfair nature of the layoffs. Spread the word and encourage your colleagues and school community to also attend the School Board meeting.*



Teachers Association of Long Beach, CTA/NEA

4362 ATLANTIC AVENUE • LONG BEACH, CALIFORNIA 90807-2818

TELEPHONE: (562) 426-6433 • FAX: (562) 424-9352

Web Site: www.talb.org

ATTORNEY ALERT

Complete this "alert" if you have uncovered an issue that you did not include on your RIF Data Form and you believe should be presented to the Administrative Law Judge. Return completed forms to Chris Callopy or Kent Morizawa. While the hearing is in session, direct questions or concerns to Chris Callopy or Kent Morizawa. They will work with Marianne Reinhold and Joe Boyd who will be presenting our cases to the Administrative Law Judge.

NAME _____

SENIORITY DATE (XX/XX/XXXX) ____ / ____ / _____

RANK (SENIORITY NUMBER) _____

DESCRIPTION of ISSUE:

CHECK Applicable SUBJECT(s) of ISSUE(s)

- Seniority Date Temporary Service Credential Other

**NOTE: IF NOT ALREADY PROVIDED TO TALB...Please attach copy(ies) all credentials/authorizations/certificates if a credential issue. Please attach copies of all signed employment contracts &/or letters from past years of District service if a temporary service issue.*

CURRENT POSITION _____

(Example: teacher, guidance specialist, nurse, etc.)

CURRENT GRADE LEVEL(S)/SUBJECT(S)/COURSE(S) _____

CURRENT CREDENTIAL(S)/AUTHORIZATION (S)/CERTIFICATE(S)- List All

CONTACT INFORMATION

Home Phone Number () Cell Phone Number ()

Non-School Email Address _____ @ _____