



Teachers Association of Long Beach, CTA/NEA

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MEMORANDUM



To: Ruth Ashley
From: Joe Boyd 
CC: Chris Callopy, Marianne Reinhold, Debra Ecung, Bobbie Montes

Date: May 27, 2010

RE: District "Preference Form for Substitute Assignments"

The attached form titled, "Preference Form for Substitute Assignments" is being distributed to TALB unit members who have received a layoff notice.

TALB has several concerns about the document, as follows:

1. The form is a pre-written memo from the individual teacher to Bobbie Montes. However, the memo is not written by the teacher; it is written by the District. This is misleading and, arguably should be the other way around.
2. The form is confusing and in some respects appears to diminish employee rights. All of the text under the boxes is difficult to understand and appears geared more towards protecting the District's interests; not the rights of the laid off LBUSD employees.
3. The form speaks to substitute assignments that will last "up to one school year." Such assignments would more appropriately not be substitute but a full contract restoration (Box 2).
4. The form allows employees to say they don't want to be contacted about "any service" unless it is "partial reinstatement" (Box 4) or "full reinstatement" (Box 5) "to probationary/permanent status". This allows the District to make independent decisions about the job status of a reinstatement and denies the employee the right to challenge that status for jobs they were never offered. It is TALB's position that the law provides that employees will be reinstated in the status they held prior to getting laid off. In those few and very narrow circumstance where a temporary contract is arguably permitted, the employee accepting the contract is entitled to be awarded the next probationary/permanent contract that becomes available.

We understand the District may need to solicit information or preferences in order to comply with the rights of teachers who get a final layoff notice. However, the form should not have been issued without input and review from TALB. TALB has already issued a demand to bargain the impact of the layoffs. Forms such as this fall into the category of impact of layoffs.

We request that you immediately withdraw this form. Please work with TALB to devise a form that is easy to understand, meets the needs of the District, and does not diminish the rights of laid off TALB bargaining unit members.

Contact me at your earliest convenience to proceed.

Your consideration of this matter is appreciated.

ATTACHMENT



HUMAN RESOURCE SERVICES
Office of the Assistant Superintendent
1515 Hughes Way, Long Beach, California 90810
(562) 997-8257 * Fax (562) 997-8300

To: Bobbie Montcs
From: Tara Gayler
Date: May 1, 2010
Re: Preference Form For Substitute Assignments

SUBMIT PRIOR TO JUNE 1, 2010

Please accept this as official notice of my preference for substitute assignments during the 24 months (probationary employees) or 39 months (permanent employees) I remain on the certificated reemployment list. I understand that during this period of time, the District is required by law to offer me certain day-to-day and long-term substitute assignments when a regular certificated employee is absent from duty, subject to the superior rights of more senior laid-off certificated employees. However, I am placing the following restrictions on my willingness to accept any such substitute assignments (check the box as applicable):

- I do not want to be contacted regarding substitute assignments unless the District anticipates the assignment will last at least one semester;
- I do not want to be contacted regarding substitute assignments unless the District anticipates the assignment will last for up to one school year;
- I do not want to be contacted regarding substitute assignments;
- I do not want to be contacted regarding any service unless I am offered at least partial reinstatement to probationary/permanent status (e.g., fewer hours per day or fewer days per year in a probationary/permanent assignment);
- I do not want to be contacted regarding any service unless I am offered full reinstatement to probationary/permanent status equivalent to that which I possessed prior to layoff.

I acknowledge that the District may not be able to predict with certainty which substitute assignments will extend beyond a semester or up to a school year and that, because of these restrictions, some assignments which comply with these restrictions may be offered to other laid-off certificated employees with inferior rights to the service. However, unless the District anticipates a specific assignment will meet these restrictions, I do not want the District to contact me about my willingness to serve.

Therefore, at this time I expressly and unequivocally waive my statutory right to certain offers of employment consistent with these restrictions. _____ (Employee Initials)

I have read the Preference Form For Substitute Assignments and:

- I want to be contacted to substitute. No restrictions are requested.

I reserve the right to alter or remove these restrictions at any time by submitting a new Preference Form For Substitute Assignments to Human Resource Services.

Employee Signature

Date