



## Teachers Association of Long Beach, CTA/NEA

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# UPDATE

February 5, 2009

## **MARCH 4 DAY OF ACTION...**

# **PROTEST RALLY IN LONG BEACH**

## **STOP TEACHER LAYOFFS...STOP FUNDING CUTS**

Education funding cuts are hitting school districts statewide in the form of program cuts and layoffs. Cuts over the next two years will require about \$80 million in overall reductions to the LBUSD budget. TALB continues to advocate cuts that are away from the classroom. That said, the depth of the funding shortfall will hit our schools and our members hard. There will likely be layoffs in all sectors of the district, including TALB members.

As bad as the situation is right now, it could get even worse...much worse. The state still faces an additional budget shortfall. As a result, current estimates indicate the District may cut an additional \$20 million. So we need to act now to convince legislators and the Governor that there can be NO MORE CUTS. If we don't, the layoffs resulting from cuts will be even deeper this year and next year.

There will be a statewide Day of Action on March 4. Locally, TALB is working with our PTA leaders, Long Beach State and Long Beach City teacher union leaders, and teacher leaders from the South Bay, to organize a PROTEST RALLY on March 4, at 4:15 P.M, at the Wilson High School Gymnasium. The intent of the rally is to educate, energize and mobilize in order to stop the education cuts.

**TOM MORELLO:** The NIGHTWATCHMAN plans to make a special appearance and play a few songs in solidarity with our efforts. CTA President David Sanchez is also planning to attend. **But TALB members showing up en masse is the most important symbol to our supporters AND those who want to cut our schools even deeper. Your participation and solidarity is our power.**

## **WHAT IF I GET A LAYOFF NOTICE?**

As UPDATE went to press, it was clear that layoff notices will be sent to certificated, classified, and management staff. What is not clear is how many, or exactly who will get the notices, as the School Board had yet to make final decisions and the fate of the early retirement incentive had yet to be announced.

At the February 9 School Board meeting, the status of the early retirement incentive will likely be decided. Decisions about program cuts and certificated layoffs will occur at the Feb. 9 and Feb. 16 LBUSD School Board meetings.

Here are some responses to a few frequently asked questions about layoffs. We have posted a much more detailed "Layoff Survival Guide" at [www.talb.org](http://www.talb.org). We strongly encourage anyone who gets a layoff notice to review this information promptly.

### **FAQ"s: Budget Reductions and Layoffs...**

**What is a RIF?** *Commonly called a layoff, a "RIF" is a reduction in force due to lack of funds. In other words, educators who receive RIF notices are given pink slips telling them they will be laid off. It is not the same as getting fired, because laid off employees have rehire rights if programs are restored.*

**How does the layoff process work?** *The school board must make a decision about what programs are to be cut and send out notices to certificated employees who will lose jobs if those programs are cut. **Employees must receive their notice by March 15.** Employees are entitled to a hearing. While not common, in some cases, the Administrative Law Judge may determine that the District improperly laid off an employee or employees. Final notices of layoff must be received by the employee by May 15. The District can also conduct a certificated layoff in August under certain narrow circumstances.*

**Will there be layoffs in our District this year?** *Yes. At this writing we do not know how many teachers, nurses or librarians will get a notice. The School Board is scheduled to make a decision at the February 9 and 16 meetings.*

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**Does the LBUSD need to layoff teachers, nurses, and librarians?** *The State of California has made deep cuts in school funding. As a result, our funding is no longer adequate to support our staffing. The current District shortfall, not counting the additional cuts that may come down from the State later this year, is about 80 million over two years (or about 56 million if they make the cuts in the first year, since the district gets the effect to a greater savings in the second year if they make bigger cuts in the first year). TALB continues to advocate keeping cuts away from the classroom, and we have issues with some of the District's proposed cuts and priorities (e.g. administrative staffing levels addressed in the last UPDATE); but ultimately the need to reduce staffing is clear and the cause is a combination of state-level decision making and the economy.*

**Can we do anything to stop the layoff?** *Had the temporary tax increases put on the ballot last May passed, or had Measure T (the parcel tax) passed, the cuts would not be nearly so severe. At this point, we need to make a strong effort to stop the state from making any additional cuts. We all need to take a strong stand and let our lawmakers and Governor know that we cannot absorb additional cuts. This will not be easy and will not happen overnight. But if we don't stop additional cuts there will be even deeper cuts in the coming years. **Every TALB member can help by attending the March 4 Protest Rally and then taking action as needed in the coming months. If we don't all stand up, our schools will be the path of least resistance, and we will see more cuts.***

**If I get a layoff notice, do I have any due process rights?** *Yes. Every RIF'd employee has a right to a hearing with an Administrative Law judge to contest the layoff on procedural grounds (e.g., challenge that the District did not follow the proper rules and procedures). The District is legally entitled to unilaterally determine staffing patterns, but the layoff must be conducted in accord with the Education Code. If you want to challenge your layoff you must request a hearing (usually) within 7 days of getting your layoff notice. **Failure to request a hearing will waive your rights and you cannot contest the layoff.** CTA will represent TALB members who request a hearing. If you get a layoff notice please go to [talb.org](http://talb.org) and read the "Layoff Survival Guide" located under ANNOUNCEMENTS for detailed information on what to do if you get a layoff notice, completing required forms, copies of forms, and timelines. We will also soon schedule meetings so members can ask questions and secure legal representation.*

**When will the layoff hearing occur?** *Between March 15 and May 15...but likely in April. It will probably take two or three days and you will be released from your duty to attend.*

**In the event of layoffs, who goes first?** *In the broadest of terms, layoffs occur by credential and seniority. Once the district determines what programs will be cut, employees receive a layoff notice based on their seniority and credential to teach in that program. In some cases the district may attempt to make exceptions to the application of seniority and credential criteria. Typically, the exceptions to seniority and credential can only occur when the district demonstrates the need for a person to teach a specific course or course of study that requires special training or experience, which others with more seniority do not possess. Such exceptions are often the cause of challenges during the layoff hearing. There are a myriad of other complexities that have resulted from court cases over the past few decades.*

**How can I find out where I am on the seniority list?** *The District should publish a seniority list and provide sufficient copies for each school. While many districts do this on a routine basis, to date the LBUSD has not yet done this. We have asked the District to be sure that a list is provided.*

**Will this process cause "bumping"?** *Bumping means that a more senior employee might "bump" another more junior employee if they are both "certificated and competent" for that position. This often occurs when the more senior employee is teaching in another area that is being eliminated. What this means in practice is that the layoff process will probably cause a significant number of reassignments and displacements as a result of both the layoffs and the elimination of programs.*

**If I am laid off can I collect unemployment?** *Yes. This is subject to EDD regulations. You can also continue to receive district health benefits subject to COBRA regulations. More detail is included in the Layoff Survival Guide at [www.talb.org](http://www.talb.org).*

**If I get laid off do I lose my accrued sick leave days?** *If you are rehired here, or go to teach in another California public school (non-charter) you will retain your accrued sick leave days.*

**Do laid off teachers have rehire rights?** *Yes, in inverse order of layoff depending upon what services are restored. Rehire rights are for 39 months for permanent employees and 24 months for probationary employees. Laid off employees also have priority rights to substitute teach. More detail on this can be found in the Layoff Survival Guide at [www.talb.org](http://www.talb.org).*

**If I get a layoff notice, what should I do?** *If TALB gets timely notice from the District regarding who is getting RIF'd, we will mail you detailed information on what to do if you get a layoff notice. If you do get a notice we suggest you immediately go to [www.talb.org](http://www.talb.org) and click on the link "Layoff Survival Kit." Follow the instructions for completing the necessary paperwork to request a hearing. We also suggest that you read the "LAYOFF SURVIVAL GUIDE."*

**Where can I get more information?** *Complete information is available at [www.talb.org](http://www.talb.org) under "Layoff Survival Kit", TALB will also be scheduling informational meetings for RIF'd teachers, and you can call the TALB office at 562-426-6433.*