

FINALIZED RIF PROCESS FOR 2009-10
APPROVED BY TUSD BOARD FEBRUARY 9, 2010

(PUBLICATION UPDATED 2/ 23/10: NEW INFORMATION IS IN BOLD CAPITALIZED FONT AND STRIKE-THROUGHS INDICATE DELETIONS.)

As a result of recent legislative changes, **TUSD AND TEA BEGAN TO DISCUSS THE PROCESS FOR REDUCTION IN FORCE (RIF) OF CERTIFICATED EMPLOYEES THIS SPRING, SINCE TUSD BELIEVED THAT SENIORITY COULD NOT BE USED IN THE PROCESS. HOWEVER, AS NANCY WOLL STATED IN HER COMMUNICATION TO CERTIFIED EMPLOYEES ON FEBRUARY 11TH, "AFTER MUCH REVIEW AND DISCUSSION WITH OTHER SCHOOL LAWYERS AROUND THE STATE, OUR LEGAL TEAM HAS COME TO THE CONCLUSION THAT THE STATE OF THE LAW REGARDING THE USE OF SENIORITY IN ANY REDUCTION THIS YEAR IS AT BEST UNCLEAR."** THEREFORE, SEVERAL CHANGES HAVE BEEN MADE BELOW TO THE RIF PROCESS PUBLICATION SENT OUT THE SECOND WEEK OF FEBRUARY.

TUSD and TEA developed a Memorandum of Agreement (MOA) to establish a process that delineates how positions at a site may be reduced and then how the process for determining RIFs will take place. A major goal of both parties was to RIF based on actual need – as much as possible – as opposed to the worst case scenario by a specific date, which is what occurred at the end of the 2008-09 school year.

The proposed RIF process will not change the "bucket" process for determining site position needs. The decision to RIF will not be made by a site administrator. All attempts will be made for MBUs to secure a position within the District before anyone is RIFed by TUSD.

WHAT THE RIF PROCESS FOR 2009-10 WILL DO:

1. The process will be **for this year only**. (The process for the following year will be discussed at the bargaining table.)
2. ~~Addresses new state statute~~ that prohibits the use of seniority in the teacher RIF process since TUSD is assuming they're for positions in 2010-11.
3. ~~If state statute changes by April 15th~~ to allow for the use of seniority in the RIF process, then **Site** reductions will be based on seniority. but will still use the rest of the Transfer Pool/RIF process delineated by the MOA.
4. ~~Establishes a site committee~~ to determine by interview who, if necessary, will be reduced from the site and put in a Transfer Pool. The committee will be made up of the principal, a TEA-certificated representative, and a school council faculty representative. ~~Establishes a similar committee process for central fine arts itinerant teachers. (TEA leaders guarantee that we will find a TEA representative for the committee.)~~
5. ~~All interviews must be conducted April 1st -15th.~~ After the interview process, Those MBUs who are not assigned to a position at their site **DUE TO THE BUDGETING PROCESS REDUCTIONS** will be placed in the **Transfer Pool**.
6. Schools will **notify HR by April 15th who will be in a Transfer Pool** and transfers will be conducted April 15th to May 14th.
7. There will be at least one **job fair** to assist with the timeliness of securing transfers (**CURRENTLY SCHEDULED MAY 1ST**).
8. **RIF notices** will be hand delivered by the site administrator (or sent by first class mail) on **May 14**.
9. **Contracts** will be issued to all other MBUs after RIFs have been determined and before the end of the school year.
10. Specifies which people in specific current positions **cannot be RIFed**, although they may be transferred (exceptional education, math, science, ELD, GATE, International Baccalaureate, Montessori).
11. Teachers at merged schools and National Board Certified teachers **will not be RIFed**.
12. **Allows for voluntary transfers April 15th-May 14th** for those individuals not subject to the Transfer Pool; if applicants are not successful in securing positions, they will simply stay at their sites.
13. In an effort to create as many vacancies as possible, the process will extend the deadline for certified employees to give **irrevocable notice of separation until April 1**, in which case all eligible separation benefits will be honored as if notice were given November 1 – even for those who already gave notice after Nov. 1 this year.
14. There ~~will also be~~ **WAS an extension to February 16th of the deadline to rescind the original resignation notice** (vs. the current first Monday in Feb.).
15. All other provisions of **Consensus Article 24**, Separation Benefits, will remain in effect.