

School Funding Needs Overhaul But First a Bandage

Sorry for mixing metaphors, but first things first. The Governor is proposing an initiative to extend the temporary taxes approved in 2008 for five years to help prevent further cuts to our schools, students and other programs. According to the Legislative Analyst, without continuing revenues public education would be cut another \$2.3 billion. California cannot continue to compete in the 21st century if we don't provide a first-rate public education to all our students. They deserve better. And you cannot continue to stand in the gap trying to go about business in your classrooms and offices as if nothing has changed—it has and could get even worse if we don't do something. If YOU don't do something.

The first step is to get the Governor's initiative to extend the temporary taxes on the ballot. Makes some calls and send some emails. Go to <http://ca-nea.www.capwiz.com/nea/ca/issues/alert/?alertid=28382501> and you'll find forms there that make it very easy for you to contact the legislators who have the power to put this to a vote of the people. Tell your friends, family—everyone that these are NOT new taxes, they are already living with them. The vote will just be to extend them while we figure out a better way to fund our schools. We should also remember to share that this is not just to benefit schools, but other services that families need. We're keeping oil in the engine, while we figure out how best to rebuild it. (That's a little better, no?)

Most districts cannot layoff enough or furlough enough to get to where they need to get to keep schools functioning as we know them—take this personally because it will affect your family, your students and the community if these taxes are not extended.

In Solidarity
—Sandra Goins

RIF – What, AGAIN? Preparing for Reduction in Force

Despite public education funding taking constant hits in the last few years and Governor Brown working to keep cuts away from the classroom, some local districts are looking at RIFs again this year as an easy way to balance their budgets.

Several of you have gone through this process a number of times now. **PLEASE DON'T GET DISCOURAGED AND NEGLECT TO EXERCISE ALL YOUR RIGHTS.** It is a frustrating process and often does not result in the outcome we desire. However, the hearing system is our one opportunity to ensure that all regulations are followed correctly.

If you receive a layoff notice, **request a hearing.** Districts do not hold this against you, it will not affect your ability to be re-hired, and you want to cover all your bases. You may think you don't have to worry because you are high up on the re-hire list, or you just don't want to bother with the paperwork, but if deadlines are missed, it will be too late to change your mind.

You must complete and submit to the district a "Request for Hearing" form within the timeline noted on your RIF notice in order to qualify for a hearing. **DO THIS!** Ask for a date-stamped copy for your records. When you receive an "Accusation" from the district (some districts give them at the same time as the RIF notice), complete and submit to the district a "Notice of Defense" form. These are just legal terms that are used in lay-off proceedings. The district is not accusing you of anything.

Union members are represented in the hearing process by a union attorney. Be sure the union office has your current contact information (call or email with your personal email address and phone number). The office will be in touch about informational meetings. Fee Payers have a right to a hearing as well and may represent themselves or hire their own attorney, however there is only one hearing for the group.

See page 2 for more on RIF

Frequently Asked Questions about the RIF Process

Reasons for RIF. California school districts may lay off certificated employees for several reasons. Elimination or reduction of a Particular Kind of Service (PKS) is one of the lawful reasons to issue layoff notices. One kind of service that could be marked for reduction or elimination is Class Size Reduction (CSR). Other programs such as Music, Foreign Language, and PE could also be in danger.

RIF Notices. When a decision is made, affected employees must be given the first notice no later than March 15th of the school year prior to implementation. The only exception to this date is in the event the Legislature does not increase the COLA by at least 2%. If districts receive less than 2%, they can give notice of additional layoffs during the summer months.

Request for Hearing. Probationary and permanent certificated employees who receive RIF notices have a right to a hearing, if the hearing is requested in writing within a specified period of time -- usually 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," usually within five days.

Member Rights. Union members who receive RIF notices will be invited to a meeting where they will receive information on the procedure. An experienced educational law attorney who has been appointed by CTA to represent our union members will be present at that meeting which will be held at the Union office. Only union members are entitled to this CTA service.

Temporary Teachers. Temporary certificated employees do not receive RIF notices, but receive a notice that specifies their services will not be needed in the coming year. Unfortunately, temporary teachers do not have the right to a hearing under California law. Temporary teachers should, however, be certain about their status. If they have

been misclassified they may have additional rights. If you are a temporary teacher and question your status, you should contact the Union office.

RIF Hearing. The hearing is held before an Administrative Law Judge (ALJ). The ALJ hears the evidence and prepares a proposed decision determining whether the district has proven the grounds for the RIF and which certificated employees will be terminated. This proposed decision is given to the School Board and the employees by May 7th. The School Board members may adopt, modify, or reject the decision of the ALJ. Final RIF notices must be given to the affected certificated employees before May 15th.

Seniority Rights of Teachers. Employees are usually terminated in reverse order of seniority, meaning that the least senior employees are laid off first. A teacher's seniority date is the first date on which he/she rendered paid service to the district as a probationary employee. For the purposes of RIF, interns are treated as probationary employees, but temporary and long-term substitutes are not.

Seniority Tie-Breakers. When more than one employee has the same seniority date and is credentialed to teach the same subject(s) and not all of the employees with that seniority date need to be laid off, the district's tie breaking criteria will determine which teacher(s) will be laid off and which will be retained. The district must publish its tie-breakers for seniority no later than 5 days prior to the hearing. Typical tie breaking criteria include whether the teacher has a CLAD, BCLAD or is qualified to teach English learners through ELD/SDAIE training, whether a teacher is credentialed in more than one area or has a credential of particular need such as a special education credential.

"Bumping" Rights. Depending on seniority and credential(s) held, an employee may have the right to "bump" or displace another employee with less

seniority out of his or her position. This would likely result in reassignments or transfers. Prior to assigning or reassigning any certificated employee to teach a subject previously not taught, and for which the employee does not have a teaching credential or which is not within the employee's major area of student or equivalent, the School Board may require the employee to pass a subject matter competency test in the appropriate subject.

Seniority Rights of Administrators. If an administrator's position is eliminated, he/she may have a right to bump a teacher with less seniority. If an administrator was hired prior to July 1, 1983, he/she earns seniority as a classroom teacher, even while serving as an administrator regardless of whether the administrator was originally employed as a classroom teacher. If employed as an administrator after July 1, 1983, he/she may only accumulate up to 3 years of seniority as an administrator in addition to any seniority gained as a teacher and then, only if the administrative position is at a school site. Teaching seniority only applies for those years of teaching that occurred in the district where the administrator is working at the time the position is eliminated.

Reinstatement. If the service that was eliminated causing the layoff is reinstated, or if a position becomes available for which a permanent employee who has been laid off is certificated, that employee has a preferred right to re-employment for a period of 39 months following the layoff. Probationary teachers have similar rights for a period of only 24 months following the layoff. No probationary or other employee 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 for permanent employees and the 24 month period for probationary employees, the district must offer substitute teaching opportunities to laid off employees in order of their seniority. If a permanent em-

ployee 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.

STRS Credit. A reappointed permanent or probationary employee does not suffer a break in service or loss of seniority due to the termination (layoff). Credit for prior service under STRS or PERS is not affected by the RIF, but the period of absence does not count as part of the service credit required to collect a retirement pension. At any time prior to the completion of one year after return to service, the employee may con-

tinue or make up, with interest, contributions to STRS for the period of absence, but the State and/or District is not required to match the contributions.

Unemployment Compensation Teachers who receive a RIF notice are eligible for unemployment compensation. Applicants should state on the form that they have been denied permanent status.

Questions or Concerns. If you have any questions or concerns, please contact your Executive Director, Sandra Goins at, (310) 921-2500 or at: sgoins@cta.org. When sending e-mail, please write "RIF" in the subject line.

Redondo Beach residents:

The March 8th RBUSD school board election is being conducted by mail only - there is no voting at the polls. Please be sure to vote for the RBTA endorsed candidates (ask your rep) and mail in your ballot by March 4th to be counted on March 8th. Postmarks don't matter. You can deliver your ballot to

*City Clerk's office
415 Diamond Street, Door C
Or
North Branch Library
2000 Artesia Boulevard*

Support for Stressful Times

If an administrator wants to talk with you and you think it may result in a reprimand of some kind, be sure to take a rep into the meeting with you. When the administrator informs you that s/he wants to meet, tell the administrator that you have to have time to connect with your union rep (don't allow them to arrange this for you). This is your right—exercise it and don't make any statements about any alleged incidents (written or verbal). You and your rep should call your president if the administrator insists that you make such a statement.

Many of our members report feeling a great deal of pressure and understandably so. At work there's the pressure to raise test scores to fill in the gaps because there are fewer teachers and counselors, and often no nurse or librarian at all. Parents are particularly sensitive now, perhaps they too are feeling growing pressures. It seems of late parents and students are at a heightened state of sensitivity to all things. Once home there may be more pressures, less income and less time with family—maybe even the threat of losing their homes. There's not much time to recharge and renew and so the stress builds.

Your district has a program that can be accessed through our SBUT website (www.sbut.org) on the Resources link. You can also call us at (310) 921-2500 for the information. Your issues are kept confidential through the EASE and EAP programs offered by your district and can be discussed with psychologists, financial planners or other counselors depending on your need. The service is also available to your immediate family members. Please don't hesitate to call or visit our website if you are in need of help.

What you should know about Wisconsin

This protest is about public sector employees retaining a voice in their profession and Wisconsin's future. The proposed legislation strips away worker rights and destroys the collaborative partnerships that have been established between labor and management in Wisconsin. It's not about pay and benefits, pensions and health care.

What is happening right now in Wisconsin is historic. Tens of thousands of citizens -- unprecedented numbers -- are gathering and speaking out to show their support for the state's public servants. They want to voice support for the third grade teacher who stays late to help a student with math -- for the nurses who work every day to care for patients -- for the firefighters who keep us safe -- and for the snow plow drivers who plow streets through the night so their neighbors can get to work in the morning.

These public workers are on the front-lines everyday to support us -- and they should have a say in their profession.

The people of Wisconsin are asking the Governor and legislature to hear them out -- and work with them to find bipartisan solutions that will address Wisconsin's challenges. Silencing the voices of public sector employees by busting up their unions is not going to help Wisconsin move forward -- and it will only divide the people of that state—and others. It's relevant because as union members we believe an injury to one is an injury to all.

Visit CTA's Support Wisconsin page to stay informed. Talk to family and friends. Tell them why this is important.

“injustice anywhere is a threat to justice everywhere.”

—Dr. Martin Luther King, Jr.

Over the past 25 years, the law firm of [Gordon, Edelstein, Krepack, Grant, Felton & Goldstein, LLP](#) has established itself as a recognized leader in Personal Injury and Workers' Compensation law in Southern California. This article comes from their online newsletter:

FACEBOOK MAY NOT BE A "FRIEND"

If you have a computer, there is a good chance that you engage in some form of online social networking--Facebook, Myspace, Twitter.... Nearly 50 percent of the nation's adult population has a profile on either Myspace or Facebook.

But, did you know that status updates, photos, comments and posts on "virtual media" outlets can all influence the outcome of a Workers' Compensation or Personal Injury case? Obtaining information about a party from social networking sites has become a practice increasingly used by attorneys and investigators as part of gathering evidence for a case. Traditionally, an insurance company hired a personal investigator to videotape a claimant in his/her daily activities. These days with the abundance of online communities, anybody can find out a wealth of personal information about an individual at no cost and with the ease of a click of the mouse.

Even seemingly innocent or innocuous sharing of the details of your life can be a source of evidence. You could be offering your habits and activities to people who do not have your best interests at heart. Postings can become relevant on issues such as your ability to work, your mental status, income or the gathering of witnesses. Postings about planned activities and locations can assist investigators in video surveillance.

Recently a woman in Canada was on disability leave from her employer for depression. The insurance company cut off her benefits after finding pictures on her Facebook profile of her partying at a birthday celebration and on a holiday. There are several other cases nationwide in which insurance companies have used information obtained online as evidence in trying to prove the claim for benefits was not justified and, in some cases, have pursued criminal fraud charges against the claimant.

Even though you may think what you post on social media sites is private, it may not be. If the investigator can't access the site because of privacy settings, companies may still have to provide confidential information in response to a subpoena. At this time the law is wide open; the Workers' Compensation arena in particular has become fertile testing ground given the limited rules of evidence and discretion given to judges.

As technology has increasingly connected the world we live in, it is important to be aware of the impact and effect information shared on social networking sites can have on your Workers' Compensation and/or Personal Injury case.

If you would like to talk to an attorney about your legal options, please contact us at 213-739-7000.

WORKER'S COMPENSATION

Your right to pre-designate a doctor.

You may advise your employer in writing **before an injury** that, if hurt on the job, you wish to be treated by your personal physician.

New law imposes additional restrictions on pre-designation. The doctor must agree to be the treating physician. He or she must be the employee's regular physician, with an existing medical record and history of care. It is a good idea for the doctor to sign the

pre-designation form. The law does not require a signed form, but it would be up to the employee to prove the doctor agreed to be the treating physician before the injury was sustained; therefore, this is strongly recommended.

Employees should complete a pre-designation form and make two copies (one for their records and one for their doctor's files) stamped with the date they

file it with their supervisor. The original is to be filed with the district. Pre-designated physicians may refer employees to appropriate specialists and therapists or for other treatment.

Many districts provide you with a form for use. If not, you may download one from www.sbut.org, "resources" tab.