



Q&A Regarding Possible Summer 2020 Layoffs

1. What triggers a district's ability to conduct a summer layoff?

A summer layoff may be triggered if state LCFF funding for the coming school year increases by less than 2% over the current year.

2. When will the district know what its funding will be for 2020-21?

Districts will know their funding when the Legislature passes, and the Governor signs, the Budget Act for 2020-21 (which by law must be passed by June 30 for Legislators to be paid).

3. What is the timeline during which the district can run a summer layoff?

A district may initiate a summer layoff between five days after enactment of the Budget Act and August 15. However, as in the past, we are vigorously opposing summer layoffs, especially given the expectation that schools may reopen under social distancing norms, requiring at least as many staff as are currently employed. Therefore, we are advocating for suspension of the Education Code section that allows summer layoffs.

4. What are the legal requirements a district must meet to initiate a summer RIF?

- a. A district must initiate the layoff in the timeline identified in Question 3 above.
- b. The school board must "determine" that the trigger identified in Question 1 above has been met. And,
- c. Assuming the first two requirements are met, the school board must decide that it is "necessary to decrease the number of permanent employees in the district." (Education Code section 44955.5)

5. Given the projected fiscal crisis, won't all districts be allowed to make summer layoffs?

Under the current budget proposal, it is likely all districts will receive less than a 2% increase in their funding the coming year. But whether a specific district chooses to initiate a layoff may depend on the rest of its fiscal circumstances. What is its reserve level? What are its other ongoing obligations? As noted above, CTA is also advocating that, especially during this year's return to work, summer layoffs not be permitted.

6. What is the process for a summer layoff, assuming a district meets all the criteria and determines it needs to decrease the number of certificated staff?

The process is identical to a regular March layoff, albeit on a much shorter timeframe. Additionally, rather than the Education Code establishing when notices must go out; when a request for hearing must be returned; when the hearing must occur; and when a decision must be issued by an Office of Administrative Hearings officer and adopted (or not) by the

school board, those timelines all have to fit so that by August 15 the process is complete. For summer RIFs, **it is the district's board that sets the timelines** (other than the opening of the window and end date). Because of this, it is imperative that the chapter work closely with the district to make sure members are aware of the dates and deadlines of the process.

- 7. How can our chapter possibly manage all these pieces during the summer, when many folks aren't available, don't pick up their mail, and may not even think they could be named in a RIF?**

It is precisely because the timing of a summer layoff is extremely difficult that chapters must actively engage members now, before school closes. Chapter leaders should: a) inform members of the possibility of a summer layoff; b) collect summer contact information from members; c) ensure that at least one chapter leader will be available and knowledgeable about the timelines and specific processes adopted by the school board; and d) make sure that your CTA primary contact staff person is fully appraised and updated during this period. Please see the accompanying two documents, one for local leaders titled "Summer 2020 RIF Survival Kit for Chapter Leaders" and the other for members titled "Attention All CTA Members," which will help during this process.
- 8. Who will represent members at the possible RIF hearing?**

As soon as you know your districts is planning a summer layoff, inform your CTA primary contact staff person (who may in turn consult with the CTA Legal Department and/or Center for Organizing and Bargaining). Your staff person will take the lead in either representing members during the hearing or securing another staff person/attorney to fill that role.
- 9. How can a district hold a summer layoff when we may be starting school at the same time, under conditions that will require more staffing rather than less?**

That is the question. It is certainly a conundrum. But our job is to prepare and be poised to fight, or manage, the chaos in the best ways possible. So, as we attempt to prohibit summer layoffs at the state level, we must also fight against them – and prepare for them – at the local level.
- 10. Are community college employees subject to summer layoffs?**

No. The layoff statute, Education Code Section 44955.5, applies to K-12 certificated employees and districts. There is no comparable statute that applies to community college districts.