

# **Questions and Answers about RIF Notices- Part 1**

(This is Part 1 of the answered questions compiled from site meetings on May 29, 2020.)

## **CATEGORIES:**

I. **SENIORITY/SENIORITY LIST**

II. **IF YOU GET A RIF NOTICE**

III. **BUDGET**

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VI. **FURLOUGHS AND SALARY REDUCTIONS/EARLY RETIREMENT**

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IX. **DISTRICT**

X. **NEW HIRES AND TEMPS AND PART TIME**

I. **SENIORITY/SENIORITY LIST**

**Q: How does the District decide who keeps their job out of all the people hired on the same date?**

Tie breakers are done annually. Those who are hired on the same date are sorted by credential. The FCEA President meets with HR and draws the sorted names from an envelope to determine the order. For example, if a group of teachers all have August 1 as their seniority date, they would be grouped by credentials (only multiple subject, those with a supplemental credential, etc.) and the names would be drawn for each group. Those with multiple **credentials go before** those with only one credential on the Seniority List.

**Q:I have additional credentials not listed on the seniority list. How do I ensure that they are recognized? I have asked the district and they told me they are on file and it is not necessary to have them on that list.**

A: **The seniority list is only updated in November each year.** Keep all correspondence with the district until you see the new seniority list and can verify that your information is correct.

**Q: I was hired Dec 2018. Do they consider your years teaching in California or only in this district?**

A: Years teaching in the district count toward seniority in the district.

**Q: Do performance and reviews have any weight?**

A: No, it is strictly by seniority date.

**Q: My hire date shows that it is the first day of school, yet my hire date on my documentation is actually in July of 2014. Is the hire date the first day of work or the actual date of hire on the seniority list?**

A: Your hire date is the date you signed your documentation. Your seniority date is your first day of paid service.

**Q: Does the specialized training the teachers received to work with CME student factor in to the RIF decision?**

A: No.

**Q: Would this create a bumping situation?**

A: It may.

**Q: Are non-rostered teachers able to bump rostered teachers? Were they hired under a different contract?**

A: The seniority list is used. A non-rostered teacher could only possibly be considered differently if they hold multiple credentials. That would place them higher than others with the same hire date.

**Q: How does admin "bumping" work - say an administrator at School X has a credential in a given content area but fewer years in the district than a teacher in that same content area - who gets bumped in that type of scenario? When someone becomes an admin and was previously a teacher in the district how does that impact their seniority?**

A: Admin can't bump someone with more seniority. However, if the admin does have more seniority, they can.

**Q: Is there a timestamp for those with the same hire date for seniority purposes?**

A: No, because only the seniority date (first day of paid service) is considered.

**Q: Seniority list: If people have the same hire date, how is it determined who will get the RIF?**

A: It will go in order of seniority, as determined by the seniority list.

**Q: This is the renewal year for my credential. I paid and am renewed through 2025, and this is reflected on [ctc.ca.gov](http://ctc.ca.gov), however the district seniority list was last generated November 2019, and reflects my July 2020 expiration date. Do I need to contact anyone at the district to make certain that my credential is not flagged as expired?**

**A:** Yes, notify the district that you have renewed your credential. You may be able to do it through Talent Ed or you can contact HR.

**Q: If we are 2nd year, will we still get tenure on the first day of school?**

**A:** Yes.

**Q: How far back would they be sending layoffs to?**

**A:** We do not know at this time.

**Q: Where is the seniority list? On staff page?**

**A:** There is a seniority list including credentials posted on the HR website. This is the link to the seniority list

<https://www.fcusd.org/cms/lib/CA01001934/Centricity/Domain/622/Seniority%20List%202019-2020%20-%20Ties%20Broken%20on%2011-08-2019.pdf>

**FCUSD Link to Seniority FAQ:** <https://www.fcusd.org/Page/2323>

**Q: Will they update the seniority list soon? This is from November.**

**A:** No. It is updated annually in late October/early November to incorporate new hires, add any credentials received over the summer and allow for time to remove those who have left the district over the summer.

**Q: Any idea how deeply they're going to pull names for RIFs? Back 5 years, 10 years? 15 years? of hire?**

**A:** We do not know at this time.

**Q: Should a masters degree appear on the seniority list?**

**A:** No. Only credentials and authorizations are listed.

**Q: Does seniority date get established by temporary contract or permanent contract date?**

**A:** It is by permanent contract date, but there are some situations where a temporary teacher is hired as a permanent teacher for the following year. In this case, the one temporary year could count.

**Q: What if we aren't on the seniority list? I was a temp employee last year and got hired again as a temp employee this year.**

**A:** Temporary employees are not on the seniority list. They are only on a one year contract and have no due process rights in the case of RIFs.

**Q: I emailed Josh in HR and had him update my credential to my clear credential. I got a reply from him saying he would update it and Angelica was cc'd on the email. I just want to make sure that I am all good and don't have to do anything else.**

**A: Keep all correspondence in the event that it is not updated.**

## **II. IF YOU GET A RIF NOTICE**

**Q: If laid off, do we get preferential rehire?**

**A: Rehires will be done by seniority order.**

**Q: Will people be hired back in order of seniority?**

**A: Yes.**

**Q: Could there be rights of return to the same spot for people hired on their same day?**

**A: Yes and that is why it goes by the seniority list. The most senior person would be contacted first for the open position.**

**Q: Can a principal request back staff when pink slips are rescinded?**

**A: No. It goes by seniority.**

**Q: If a RIF is rescinded, do you get to go back to your same school site?**

**A: Not necessarily.**

**Q: What could really be done if you get a summer RIF?**

**A: You have 5 days to contact FCEA so members can have representation at a hearing.**

**Q: Is it 5 days from when it is post stamped or from when it arrives at my door?**

**A: You have 5 days from the date you receive the notice.**

**Q: If we do get a RIF letter, who do we contact to start the legal process?**

**A: Notify one of the following people: Angelica Miklos at [president@fcea.com](mailto:president@fcea.com), Jeannette Sansenbach at [jssansenbach@prodigy.net](mailto:jssansenbach@prodigy.net) or Debbie Krikourian at [dkrikour@gmail.com](mailto:dkrikour@gmail.com)**

**Q: Does everyone request a hearing?**

**A: Yes, if you receive a RIF notice.**

**Q: What does a hearing accomplish?**

**A: A hearing will determine that people are in the correct seniority order and that due process has been followed.**

**Q: Will RIF'd teachers qualify for unemployment?**

A: Yes.

**Q: How will the RIF affect non tenured teachers?**

A: Probationary teachers will be laid off before tenured teachers. (Temporary, Probationary, then Tenured)

**Q: If rehired, do we return to our position on the pay scale or have to start over?**

A: You will be placed at the same position on the salary schedule, i.e., step and column.

**Q: If you are RIF'd don't you go on the 39 month re-employment list?**

A: All rehires will be based off of the seniority list. So the person with the most seniority to be RIF'd would be given the chance to become rehired.

**Q: Is there a possibility to be RIF'd then get my job back before school starts?**

A: It is a possibility if they rescind the RIF.

**Q: Can a RIF'd elementary PE teacher with a BS in physical education and secondary physical education credential go to secondary?**

A: Yes.

**Q: If we're RIF'd, How much time do we have to go into our classrooms and pack up?**

A: You will work with your administrator to determine a time to go in and pack.

### **III. BUDGET**

**Q: How does this process impact the SIG grant funds?**

A: The SIG grant provided supplemental money for 2 schools in our district. It should not affect the personal that are paid through the grant until the grant ends next school year. When the funding ends, more than likely, those positions will end as well.

**Q: How does the Senate rejection of the budget affect the RIF decision?**

A: One of the criteria for summer layoffs is that the state budget is passed on time (by June 15).

**Q: What if the budget is delayed?**

A: Summer RIFs cannot happen if the budget is not passed on time.

**Q: When is the budget meeting? Is the budget on the June 4th agenda for school board?**

A: I believe the budget will be presented at the June 18 board meeting.

**Q: What is the link for board meeting/zoom invite?**

A: Board meetings are listed on the district website. You can also follow the FCUSD YouTube Channel and request notifications to be reminded of any Board meetings.

**Q: Will the district release their budget to the public?**

A: The budget will be presented at the June 18 board meeting.

**Q: When should we expect to hear about whether the new budget passes or not? How will we be informed? Or is there a specific source we should be consulting/keeping an eye on for that decision?**

A: The deadline for passing the state budget is June 15. Watch the FCEA bulletin sent to your home email and our Facebook page for updates.

**Q: What is meant by “surplus”?**

A: Do you mean surplus teachers or surplus funds? Surplus teachers would be teachers whose positions were eliminated and need to be put into another position.

**Q: If social distancing guidelines stick around and our class sizes decrease, what cuts, other than personnel, can the district make?**

A: They could consider programs or change schedules.

**Q: If enrollment does not decline how can teachers be let go regardless of funding?**

A: They could raise class sizes. Elementary (TK-3) would still be held to the SITE BASED average of 24:1 in those grades.

**Q: Are monies still held in categorical that could be used for essential needs instead of lesser needs?**

A: Categorical funds can only be spent on the category they are allotted for.

#### **IV. STAFF/DEPARTMENTS/PROGRAMS AFFECTED**

**Q: Will people be moved around to other sites due to the RIFs?**

A: It's a possibility, based on previous RIF years.

**Q: How will Special Education be handled with this process?**

A: It is possible that Special Education will be deemed essential and those employees will be skipped in the RIF process.

**Q: How will layoffs affect students with IEP's and other special needs? There are legal requirements that the district must follow due to IDEA, federal law requirements.**

A: Those legal requirements will remain in place.

**Q: When there were reductions in the past our special education teachers considered in that process? I know in my past district when they did the cuts and reduce staff special ed staff was exempt in a way from the reductions because of her credentialing and specific student audience.**

**A: It is possible that Special Education teachers will be skipped in the RIF process.**

**Q: Does the specialized training the teachers received to work with CME student factor in to the RIF decision?**

**A: No. It is done by seniority.**

**Q: Are classified also affected? If so, will there be an even distribution of RIFs between certificated and classified?**

**A: Classified will most likely also be affected. The district will determine the number of positions to cut in each area.**

**Q: Rancho Cordova schools get hit the hardest during times like this. Will the district consider the needs of Rancho Cordova students when it is sending out RIFs?**

**A: RIFs are done by seniority, not by site or city.**

**Q: How will we teach with the possible changes in teaching today? If we are to do socially distant teaching, online teaching, would the number of students in a class go up or remain the same? If it remains the same, wouldn't we need the same number of teachers?**

**A: That is the dilemma and CTA is advocating that the section of Ed Code that allows for summer layoffs be temporarily suspended due to our current circumstances.**

**Q: Will layoffs be based on seniority or jobs availability?**

**A: Layoffs are based on seniority.**

**Q: Are the layoffs based on what your current position is or your qualifications? I am currently teaching a special program.**

**A: Layoffs are based on seniority, but some special programs could be skipped, if the district deems it necessary.**

**Q: Can teachers be RIF'd according to program elimination (P.E./Music) or strictly by seniority?**

**A: The district could decide to eliminate particular kinds of service (PKS) which would mean eliminating a program area.**

**Q: Is there talk of eliminating or scaling back PE since students may not be there every day?**

**A: Not currently.**

**Q: Can teachers be RIF'd according to their positions, e.g., academic support coach?**

A: Yes. The district could eliminate particular kinds of service (PKS).

**Q: Are RIFs going to be by position type or date- like just elementary and not secondary?**

A: That will be determined by the district. It is unknown at this time.

**Q: Will other FCUSD be RIF'd as well? First Classified, then Administration, then Certificated.**

A: Yes.

**Will classified staff also be subject to possible layoffs?**

A: Yes.

**Q: If there are RIFs, who is RIF'd first? Is it by seniority?**

A: Yes, it is by seniority.

**Q: Can the district eliminate a prep program without negotiation?**

A: No, it cannot.

**Q: Has the state inquired with districts about cutting minutes, school days, etc?**

A: At this time, the state has not allowed for a reduction in minutes or days.

**Q: What things in Ed Code will give if the situation is dire for most school districts? Class size? Minutes of instruction? etc**

A: At this time, the state has not allowed for a reduction in minutes or days. The County of Sacramento is working on that now. It is possible that next year we may be able to have less instructional days and shorter minutes of instructional time, but nothing is certain yet.

**Q: With the new math graduation requirements changing from 3 years to 2 years, I want to make sure there isn't a reduction in math staff. Hopefully this requirement is only for this pandemic year.**

A: That will be the board's decision to make with recommendations from the district, FCEA, and CSEA. Our goal is to keep the cuts as far away from the students as possible.

**Q: What will PE and Music look like? What will happen to those teachers? Will they get pink slipped? Or forced to take a furlough year?**

A: Furloughs must be negotiated.

**Q: If RIF takes place, how many FCUSD teachers should expect a letter?**

A: It is currently unknown.

**Q: How steep do we anticipate these possible layoffs to be? What percentage of teachers could be laid off if the governor's 10% cut is carried out?**

**A: We have been told that it could be as high as 56,000 statewide.**

**Q: Should all requirements be met for the district to complete summer layoffs, how "deep" do you think these cuts will go for teachers if we are looking at a 20% deficit?**

**A: It is unknown at this time.**

**Q: If a teacher cannot return back to school because of Covid19 concerns and if we do not have any DL would those teachers take time off for medical reasons? Would the district consider all of the non-returning teachers because of medical reasons before they lay off other teachers?**

**A: No, they cannot discriminate on the basis of medical reasons.**

**Q: Would the district want 'old' teacher out during a time of sickness?**

**A: They want to protect employee's rights, but cannot layoff based on age or health conditions.**

**Q: Can the district lay you off if you are at high risk (pre-existing condition) in regards to COVID?**

**A: They cannot discriminate due to health conditions.**

**Q: Are some subjects considered "hard to fill"?**

**A: Yes.**

**Q: If you were surplus then hired back, are you exempt from RIFs if they happen within the 3 years from the date you were categorized as surplus?**

**A: No. RIFs are done by seniority.**

**Q: Are retirements and non-re-elect people considered before they hand out pink slips? The seniority list doesn't reflect that and I think that's why people are freaking out!**

**A: Current retirees, non re-elects and anyone who has left the district will be removed from the process.**

## **V. HOW TO PREPARE FOR POSSIBLE RIF**

**Q: Should we be collecting letters of recommendation right now and applying in other places just in case?**

**A: Getting letters of recommendation would be fine. If you have already agreed to come back next year, you cannot leave your position unless the district finds a replacement.**

## **VI. FURLOUGHS AND SALARY REDUCTIONS/EARLY RETIREMENT**

**Q: With all this budget deficit talk, is the District looking to reduce our salaries?**

A: Any reduction in salary or benefits would have to be negotiated.

**Q: Will teachers be asked to take pay cuts or furlough days to save jobs?**

A: Furlough days and any changes to step and column must be negotiated.

## **VII. COMMUNICATION AND NOTIFICATION**

**Q: What is the soonest that we should expect to have district send notices? July 5th?**

A: RIF's would have to be approved by the board first and this could only occur 5 days after the California State budget is adopted. If the state budget is approved before June 30th, then the board could make the decision to RIF teachers. If the budget is approved after June 30th, then summer RIFs cannot happen.

**Q: How will we be notified if we are subject to RIF?**

A: You will receive a letter via certified mail. The district must have your correct mailing address and you must be checking your mail. The legal system will not look at not receiving the certified letter as an excuse.

**Q: Will the union or district not reach out individually before someone finding out by mail?**

A: No. You will be notified by certified mail.

**Q: What if we won't be home during the summer to get the letter? Do they email a notice also?**

A: No. You need to have someone check your mail, if you will not be home and believe that you may receive a RIF notice.

**Q: How do they verify when you receive the letter?**

A: Letters are sent via certified mail with a signature required.

**Q: Who will the RIF letter be from? FCUSD? Just so I know to tell a friend to look out for that piece of mail while I'm gone...**

A: It will be from FCUSD.

**Q: Will RIFs be coming all summer? RIFs could happen up to Aug. 15?**

A: The layoff window is between 5 days after the state budget is passed and August 15.

**Q: Is it possible we would be notified about being RIF'd after school actually starts?**

A: It is possible. The layoff window is between 5 days after the state budget is passed and August 15.

**Q: Can the District provide a tentative list, if cuts are needed? It seems so anxiety provoking to wait until July.**

A: No. The procedure is to send RIF notices through certified mail.

**Q: We may want to have a process in place to reach out to non-members about the limited CTA protection they have re RIFS. These non-members might be less likely to attend site meetings [can exec board reach out to non-members?**

A: Meetings held last week (Friday, May) were open to all teachers, not just members.

**Q: Will FCEA be given a list of layoffs when that goes out by the district or is it entirely up to the employee to get the notice and contact FCEA?**

A: It is up to the employee to contact FCEA when they receive a notice.

**Q: How do I update my address with the District? I've done it several times and my pay stub is still wrong.**

A: Address & Phone change are available on TalentEd records under "blank docs"

**Q: When speaking to the Board - how should we phrase the importance of protecting programs and electives - so many kids' high school experience is positive because of electives - I loved HS because of my theatre program - how can we communicate solidarity across programs to the Board?**

A: Students and parents speaking to the board about the programs can make an impact.

## **VIII. UNION MEMBERSHIP AND REPRESENTATION, NEGOTIATIONS**

**Q: If they join the union now, would they need to pay back dues?**

A: No. Dues have already been taken out for the 2019-2020 school year, since we received all our checks at the end of May. Employees who sign by June 1 will be covered over the summer and dues will start in August.

**Q: How can we confirm our membership status? How do I check if I am part of CTA?**

A: There will be 2 line items on the paystubs - FCEA dues and CTA dues. Down on the bottom left of your pay stub.

**Q: When the exec board starts negotiating with the district about positions that are possible layoffs, will they release that information prior to RIFs?**

A: RIFs are not negotiated. The district/school board will decide where to make the cuts.

**Q: My position for 2019-2020 was a temp position and I was rehired for 2020-2021 in a temp position again. From what I understand my 2019-2020 contract ends May 29th. Will I still be represented by the union over the summer since I will be in between contracts?**

**A:** If you are currently an FCEA/CTA member, you will continue to be represented.

**Q: What is the wisest choice? To take a medical leave of absence to save your spot at your site?**

**A:** FCEA cannot advise on personal matters. That has to be an individual choice.

## **IX. DISTRICT**

**Q: Will the District be taking a position on safety procedures, specifically mask wearing?**

**A:** They will take direction from the County Health Department.

**Q: Is our District willing to say that to the governor?**

**A:** The district will follow County health guidelines.

**Q: Is the District freezing hiring?**

**A:** FCUSD has not said that there is a freeze. Hiring for 2020-2021, however, has been leaner than in the past three years.

**Q: What pay cuts are being given at the District office level?**

**A:** Currently unknown.

**Q: Does anyone know what additional cuts are being made at the district level to keep teachers, and lead teachers?**

**A:** Currently unknown.

**Q: How about district salaries, positions, perks, etc.?**

**A:** Currently unknown.

**Q: Will District admin positions be cut?**

**A:** FCEA will advocate for cuts to be made farthest from the classroom, but the district will make the ultimate decision.

**Q: Will they negotiate furloughs or anything before RIFS?**

**A:** Currently unknown.

**Q: My clear credential expires 7/1. Is there a way to renew it and submit it to the District early?**

**A:** Visit the CTC website to renew your credential. Keep the district updated through the process. They can let you go if your credential is not up to date.

**Q: I am shocked that they are still interviewing. Wasn't there a hiring freeze the last time this was pending?**

A: **There is not a hiring freeze.** Most positions that have been hired are for Special Education or to fill existing openings.

**Q: Is the District planning on Fall online classes?**

A: That is one of the options available to us. A plan is expected to be presented to the school board by June 18.

**Q: Will they issue pink slips to cover themselves (up to 50 people) and then it will cause a scramble for spots?**

A: Currently unknown.

#### **X. NEW HIRES AND TEMPS AND PART TIME**

**Q: We have a new hire at our school. One of our K teachers is going 50% and they hired the other 50%. Is she a member of FCEA even though she has not yet started?**

A: If she signed her contract with the district, she would be able to apply to FCEA/CTA. The membership form needed to be submitted to CTA by June 1, however, to be covered over the summer.

**Q: Can this affect new hires, like the ones we just hired last month?**

A: Yes. RIFs are done by seniority, so the last hired is typically the first to be let go. The exception would be if their credential area was deemed necessary and they were skipped in the process.

**Q: How do we find out if recently hired positions are changed or eliminated?**

**If I was part time and moved back to full time recently is it possible that I may get bumped back to part time?**

A: If you are full time, you have the right to a full time position.

**Q: What happens if someone is a temp for next year?**

A: Temps are not part of the seniority list. Their contract is only for one year.

**Q: Since my position for next year is temporary should I just plan on being RIF'd?**

A: Temporary teachers would be the first ones to receive RIF notification.

**Q: My friend just got hired—is she protected by this? How can she stay informed if she is?**

A: If she already signed her contract, she would have been eligible to sign up for FCEA/CTA by June 1 in order to be covered over the summer.