

Displacements/Layoffs Q & A
June 16, 2011

- 1. Is having a reduction in FTE the same as taking a leave?**
Answer: No. Leaves need to be requested through Human Resources (HR) and the deadline is March 15th of each year. Waiver of this date can be requested of HR.
- 2. If a teacher/specialist is temporary, should it say that on the contract?**
Answer: Yes, but don't assume. If it's not there, the teacher/specialist is unsure, he/she should call Human Resources. A temporary person is hired for a one year contract only and receives his/her last paycheck on July 31st.
- 3. If a teacher/specialist has full-time (1.0 FTE) status (contract) and decides to take a part-time position, does he/she maintain full-time rights?**
Answer: Yes, a contract teacher/specialist (non-probationary) can request a part-time leave and return to full-time status the following year.
- 4. What about Educational Support Services (ESS) and postings / displacements?**
Answer: ESS has a different timeline for filling positions. All ESS teachers/specialists are considered one site. For example, if a learning center teacher changes schools, it would be equivalent to a first grade teacher moving to third grade in the same building.
- 5. Are English Language Learner teachers (ELL) in the same category as ESS?**
Answer: Yes, it's the same as the ESS process in that ELL teachers are considered one site when making assignments.
- 6. If a teacher/specialist is recalled from layoff status after August 1st, does he/she become temporary or lose any rights?**
Answer: No.
- 7. Where does the District send notice about displacement?**
Answer: The first notice goes to the work site (home school if the teacher/specialist is itinerant). Notice of assignment will be sent to the home address listed in the 4J system by US mail.
- 8. When will the District have a better picture of licensure areas?**
Answer: After the final District budget is submitted.
- 9. What if there is a licensure match, but the teacher/specialist doesn't feel comfortable teaching a particular position – what rights does he/she have?**
Answer: A teacher/specialist who declines a position for which he/she has proper licensure would be turning down employment if he/she opted not to take the position.
- 10. If a teacher/specialist substitute taught for 4J before this year and is RIFd, can he/she get back on the guest teacher list?**
Answer: Yes, a RIFd unit member (even if he/she has not been on the guest teacher list previously) can e-mail HR (Gennesa Waite at waite_g@4j.lane.edu) to request placement on the guest teacher list.

- 11. If a teacher/specialist is full-time and is partially displaced, will he/she have to work at two or more sites?**
Answer: It depends. HR works to get a 1.0 FTE position at the same site. There are no guarantees, but it's good to share a preference when working with the administration.
- 12. When do positions get posted?**
Answer: After all displaced licensed teachers/specialists are placed in positions and all RIFd teachers/specialists in that licensure area have been recalled.
- 13. If a teacher/specialist takes a whole year's leave and finds a position in the middle of the year, can he/she be reinstated?**
Answer: If a unit member is RIFed, he/she has specific recall rights for twenty-seven months following the last District duty day (unless he/she has resigned in writing earlier). If a unit member takes a leave, there would be specific beginning and ending dates depending on the type of leave.
- 14. What happens if a teacher/specialist is FOPA (temporary FTE added for purposes of assignment) for one year?**
Answer: The teacher/specialist reverts back to part-time status at the end of the work year. If the position becomes full-time, it has to be posted and there have to be interviews. In order to have full-time rights, a teacher/specialist must be hired into a posted full-time position.
- 15. If a teacher/specialist has multiple endorsements, does it impact seniority?**
Answer: No, seniority is based on the first date of employment in the District, but multiple endorsements enhance the options that may be available in specific licensure areas. If a teacher/specialist adds additional endorsements after initial employment in 4J, his/her seniority date remains the first day of work in the District.
- 16. What is the difference between part-time and full-time job rights?**
Answer: A teacher/specialist with part-time job rights is guaranteed a minimum 0.5 FTE assignment. Part-time assignments can vary from year to year and a part-time assignment could be greater than 0.5 FTE (up to 0.99 FTE). A teacher/specialist with full-time job rights is guaranteed a 1.0 FTE assignment.
- 17. What happens to accumulated sick leave?**
Answer: A teacher/specialist retains accumulated sick leave hours. If a teacher/specialist is laid off s/he cannot get paid for unused sick leave or personal leave days. Accumulated sick leave hours follow an employee, if s/he goes to another PERS employer in Oregon. Appropriate paperwork verifying the number of accumulated sick leave hours needs to be requested by the PERS employer.
- 18. If a teacher/specialist gets an additional endorsement during the summer or during the time he/she is RIFd, does this additional endorsement allow for consideration for positions in that licensure area?**
Answer: No, a teacher/specialist needs to have the endorsement at the time of layoff to be considered for positions in that licensure area.
- 19. How will a teacher/specialist who is RIFd receive his/her final compensation?**
Answer: June 30 and July 31st paychecks will be as usual. Benefits will be continue through August 31st for employees hired before November 1st. If there is a monthly out-of-pocket

premium required for insurance coverage, the August premium will be deducted from the July paycheck unless other arrangements have been made.

20. What are the future implications for full-time rights if a teacher/specialist doesn't want to travel between sites for a full-time position?

Answer: The teacher/specialist may want to take a part-time leave but this won't guarantee placement at one site. The teacher/specialist could give up his/her full-time rights, but this is not recommended.

21. If a teacher/specialist has a 0.83 FTE position this year and the position drops to 0.6 FTE, what are his/her rights?

Answer: Part-time rights means a teacher/specialist is guaranteed a minimum of 0.5 FTE, not the currently assigned part-time FTE.

22. How do part-time and full-time rights factor into placements?

Answer: Part-time or full-time rights do not factor into the placements. Seniority and licensure are the two factors that are relevant. Individual sites and administrators do not have to use seniority for displacements.

23. How do extra duty positions (i.e. coaching sports) impact seniority?

Answer: Extra duty assignments do not impact seniority and do not guarantee a particular position or a particular site.

24. What if a teacher/specialist goes to teach in another district and can't return in September when offered a position?

Answer: S/he would need to apply for a leave. The teacher may need to request a waiver of the March 15th leave deadline from HR if applicable. If the leave is granted, his/her status is retained upon return.

25. Can a teacher/specialist accept an offered part-time position but continue to apply for full-time positions during the exclusive posting period?

Answer: Yes. If you accept a part-time position and take a part-time leave, you cannot revoke your part-time leave request.

26. If a teacher/specialist has worked as a temporary employee, does that experience count toward step advancement?

Answer: Yes, as long as the service has been continuous (no breaks in service).

27. When will the District know about retirements?

Answer: Many, but not all, retirements will be known by April 1. Plan A retirees who choose to participate in the retiree insurance coverage are asked to give an April 1 notification of the intention to retire in the period from April 1 – November 15. Plan B retirees who choose to participate in the retiree insurance coverage must give at least 60 days notice of the intention to retire. Please refer to Articles 4.10.1 and 4.10.2 of the Collective Bargaining Agreement for specific details.

28. Will temporary teachers be allowed to be placed on the guest teacher (substitute) list?

Answer: No. However, if a teacher was on the sub list prior to accepting the temporary position, he/she will be allowed to return to the guest teacher list.

29. Does HQ status affect placement?

Answer: For the most part, a teacher/specialist will not be placed in a position for which he/she is not HQ. However, it can happen in some individual instances which may include the use of a CAP (Conditional Assignment Permit).

30. How does a teacher/specialist who has been RIFed get information about unemployment insurance?

Answer: The State of Oregon Employment Department administers unemployment benefits and makes all decisions regarding eligibility and payment of benefits. For additional information go to: <http://www.employment.oregon.gov/>. A teacher/specialist can apply for unemployment when the work year is completed. There is a waiting period before benefits begin.

31. If a third year teacher/specialist gets RIFed, substitute teaches for a year and then is recalled to the District, does he/she return as a contract teacher?

Answer: Yes. Please see the EAST (guest teacher) contract (Article XII) for the specific formula of how this is calculated.

32. If a teacher/specialist is RIFed, can he/she opt-out of insurance for the month of August?

Answer: Yes, a RIFed teacher specialist can drop insurance for the month of August by submitting an OEGB Enrollment Form to 4J Human Resources by June 17. Eligibility for COBRA will not begin until September 1 as the teacher/specialist will not lose eligibility for the District coverage until August 31.

33. In what order will teachers/specialists be placed into positions?

Answer: At the current time teachers/specialists from closing schools will be placed at their receiving schools first. The remaining placements will be determined after the Validity Committee has met to determine amount of district-wide FTE displaced and licensure/endorsement requirements for subjects taught. The Validity Committee is scheduled to meet from mid-April to the end of April.

34. How are displacements decided at the building level?

Answer: Displacement decisions are made by the building administrator. HR encourages administrators to ask for volunteers first, but this is not mandatory. Administrators may use seniority as the basis for displacement, but this is not required. Building administrators can make decisions based on loss of building FTE, program need, curriculum changes or reduction in student enrollment. The District's decision to displace a member and use of these reasons cannot be arbitrary or capricious. If a member believes the decision has been arbitrary or capricious and chooses to pursue it, there is a process for reviewing displacement decisions.

35. What is the deadline for a teacher/specialist to complete any endorsements to count towards consideration for displacement?

Answer: April 30, 2011.

- 36. What is the deadline for a teacher/specialist to completed any endorsements to count towards consideration of layoff?**
Answer: June 1, 2011
- 37. Can a laid off teacher/specialist cash out his/her Tax Sheltered Annuity (TSA)?**
Answer: An employee can cash out his/her TSA once employment is finished. However, there are strong penalties for cashing out before age 59 and ½. It's best to consult with a financial advisor and/or the company that manages the TSA. The 4J website has a list of companies that handle TSAs.
- 38. If a teacher/specialist is placed at one or more sites how does the schedule work?**
Answer: The principals at all the sites work out the schedule with the teacher/specialist and the Human Resources Department. The schedule will be finalized in the fall. The teacher or specialist should have a 30 minute duty-free lunch and should be compensated for travel time as outlined in Articles 14.12 and 13.11 of the Collective Bargaining Agreement.
- 39. Does a RIFed (laid off) teacher/specialist have to accept any position when being recalled?**
Answer: The teacher/specialist needs to accept any assignment that s/he is licensed for. State law ORS 342.934 states that a contract teacher who is recalled retains the status obtained before the release. Article 12.12.3.b states that the teacher/specialist has at least 20 days to respond. If a teacher/specialist is recalled for less than 60 days and is told s/he will forfeit recall rights, the teacher/specialist should contact EEA. The District considers it a resignation if a teacher/specialist is recalled for an assignment lasting more than 61 days and refuses to accept the assignment.
- 40. Are positions funded by grants subject to seniority and the Collective Bargaining Agreement?**
Answer: Yes.
- 41. Can laid off and displaced teachers/specialists be in the same pool?**
Answer: Yes, it is possible to have partial amounts of FTE displaced and/or laid off. Typically this happens due to licensure area and endorsements. However, the layoff and displacement procedures occur at different times, but can have overlap.
- 42. Do displaced teachers/specialists have job rights? Are they placed before RIFed (laid off) teachers/specialists are recalled?**
Answer: Yes and Yes.
- 43. Are RIFed (laid off) teachers/specialists recalled and placed before teachers/specialists who just prefer a transfer and are not displaced?**
Answer: Yes, if the RIFed teachers/specialists are qualified for the position.
- 44. Do displaced teachers/specialists have any choices available for positions?**
Answer: Yes, teachers/specialist are provided a list of what positions are available for their licensure areas.
- 45. Why don't recalled teachers/specialists go back to their same placement?**
Answer: Sometimes they do, but many times the position has been filled by a displaced teacher/specialist (who is more senior) or there have been changes with retirements, resignations and leaves.

46. How does a teacher/specialist get “bumped?”

Answer: The only time a teacher/specialist gets bumped is if a more senior teacher’s/specialist’s position is being cut and the particular teacher/specialist is the least senior teacher in the same endorsement area. If a more senior teacher’s position has been cut, it’s much more likely s/he will either be displaced to an opening at another school in one of his/her endorsement areas and if none are available, s/he will likely bump the least senior teacher/specialist in one of his/her endorsement areas.

47. Can a displaced teacher/specialist apply for a temporary position that is posted?

Answer: Yes. The District may make available temporary positions to displaced teachers/specialists, but is not required to.

48. Can a teacher/specialist be recalled based on having a Conditional Assignment Permit (CAP), without a specific subject area endorsement on his/her license?

Answer: No. In order to get recalled to a subject area, the teacher/specialist must have the authentic endorsement. CAPs are only temporary and for temporary type situations.