



# BEVERLY HILLS EDUCATION ASSOCIATION

*Educational Employees Working Together*

Web: BHEA.org

241 Moreno Drive, Beverly Hills CA 90212

Phone: (310) 277-9364

March 9, 2010

What to expect during the layoff process:

- Layoffs are decided according to seniority (start of service as a probationary teacher-see seniority list), but the Board may consider other factors.
- Any ties in seniority are decided by the judge based on credential, degrees and experience.
- Any credentials and degrees you wish to be considered must be officially recorded with the district by March 15, 2010.
- Report any attrition (retirements, resignations) you are personally aware of (no rumors, only definite personal knowledge) in case the district does not have a complete picture or has not shown due diligence in reporting this information.
- Your layoff hearing is at 10:00am, April 7 in the district board room.
- Employees who have received a RIF notice are strongly urged to attend the hearing, as the judge will take role and may ask you questions.
- The judge is called the Administrative Law Judge (ALJ) and is employed by the State of California.
- At the hearing, employees will be able to present their case for why they should be retained; this is not to denigrate any other employee, but to show your value to the district. Any documentary evidence (degrees, credentials, awards, honor society membership) must be presented at the hearing (bring 4 copies). You will have 5-10 minutes to speak.
- You will be represented by a CTA attorney, but you have the right to retain your own counsel if you wish.
- The district has the burden of proof; evidence is presented by the HR department.
- The CTA attorney has the right to cross-examine.
- The hearing is expected to take about one day.
- The district may not dock your pay or force you to use sick leave when you attend the hearing in person.
- The judge must render a proposed decision by May 7. It is sent to the Board of Education, which must reach its decision by May 15 regarding how much of the judge's proposal it will adopt. A copy of the transcript from the court reporter will be made available to the Board. Typically, Boards accept judge's proposals in their entirety, but they are allowed to accept any part, or none, of it.
- The Board's final decision will be evaluated by the CTA attorney as to its legality. Any anomalies will be petitioned.
- If you are laid off, you have a right to: 1) be on a rehire list based on seniority, and 2) have first right to be a substitute.
- If you are laid off, be vigilant about your re-employment rights. Stay in regular contact with BHEA and HR. Positions sometimes open up over the summer unexpectedly.