



BEVERLY HILLS EDUCATION ASSOCIATION

Educational Employees Working Together

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TO: All BHEA Members
FROM: Christopher Bushée, BHEA Certificated President
DATE: Mar. 5, 2008
RE: Layoff and Involuntary Transfer Procedures

The procedure that California school districts must follow when involuntarily laying off certificated employees is dictated by state law. Included in this procedure is the affected unit member's right to a hearing before a judge. The purpose of the hearing is to make sure that BHUSD follows the law in determining which employees it has selected to lay off. The technical term for layoffs is 'reduction in force,' or 'RIF.' Often, layoff notices are referred to as 'RIF notices.' Some of the main considerations within the layoff procedure relate to 1) seniority within BHUSD of each employee, 2) the specific program areas targeted for cuts, and 3) the nature and status of each employee's credential.

BHEA stands ready to help all of our affected members gain access to their important due process rights. The burden to request a hearing lies with the unit member, not the district. Also, the timeline to notify BHUSD of an employee's request for hearing is very short...only seven days. Therefore, I strongly advise the following: If you receive a layoff notice, contact BHEA **immediately** so that we can arrange legal representation for you through CTA. It is each employee's choice whether or not to request a hearing. It is not mandatory that you make a request but please understand that if you choose to forgo the hearing, you will likely have very little recourse if it turns out later on that BHUSD made a mistake with regard to the issuance of your layoff notice.

Layoffs are painful. There is no other way to describe it. BHEA will be there every step of the way to guarantee that your rights throughout the process are upheld.

As a result of the 33 planned certificated position closures and the reconfiguration of staffing district-wide that will result, it is likely that our district will initiate involuntary transfers of some of our members who will be returning to work next year. A transfer is defined as the movement of a unit member from one school site to another. Article VII of our contract lays out the procedure for district-initiated transfers. You may access the language of this 3-page article online at BHEA.org. If you are involuntarily transferred and also believe that our district violated Article VII, let BHEA know so we may assist you with a filing of a grievance. The general procedure called for in our contract is:

1. Our district must ask for volunteers first before initiating involuntary transfers.
2. Our district must follow the four criteria specified on Page 2 of Article VII.
3. Once our district decides to involuntarily transfer a unit member, BHUSD must notify the affected employee immediately.
4. If the transfer occurs during the school year, our district must provide up to 2 days of released preparation time for the affected unit member and our district must assist with the move.
5. Upon request by the unit member, our district must provide the transferred employee a list of all of the reasons why he or she was involuntarily transferred.

I hope this helps to answer some of your questions during this anxious period. Please do not hesitate to contact your BHEA representative if you have any questions. Your union stands at the ready, by your side...always.