

Collaborate

Advocate

Educate

Governor Schwarzenegger's proposed mid-year and 2008-09 budget cuts have Districts state-wide contemplating how to best prepare themselves. In light of the uncertainties in the budget and statutory deadlines, we recommend that Districts take action immediately to consider and prepare for potential layoffs. Such measures will provide Districts with maximum flexibility in responding to the proposed budget cuts. The following is a checklist of general steps involved in a certificated layoff. However, because of the complexity of this process and the severe consequences for mistakes, we recommend that Districts seek legal advice and assistance. We are well-equipped to assist Districts in each step of this process in a cost-effective manner and have successfully handled large-scale certificated and classified layoffs for numerous clients in recent years. For assistance, please contact us at the number at the bottom of the page.

✓ DEVELOP A COMPREHENSIVE SENIORITY LIST

The seniority list should include the name of each certificated probationary and permanent employee, by order of seniority, with the date that the employee first rendered paid probationary service. Potential pitfalls include, among other things, properly calculating seniority for administrators, reinstated teachers, interns and provisionally credentialed teachers.

✓ VERIFY EMPLOYEES' CREDENTIAL INFORMATION

Carefully review each employee's teaching credentials on file with the District and with the County Superintendent of Schools. Some credentials provide only limited authorization, and credentials are an important factor in determining "bumping" or "skipping" rights. However, recent court decisions emphasize that interns and persons with provisional credentials are still entitled to full statutory layoff rights including the right to accrue seniority for layoff purposes only.

✓ ***CONFIRM ACCURACY OF SENIORITY LIST***

Once the seniority list has been created, advise each employee of the seniority date that the District has on record and give the employee an opportunity to respond in the event there is a mistake. Permit a reasonable time for the employee to respond to the accuracy of the seniority date and credentials on file.

✓ ***ANALYZE PARTICULAR KINDS OF SERVICE (PKS) TO BE REDUCED***

Consider the District's needs, attrition rate, and identify specific services to be reduced or discontinued. Determine the number of full time equivalents (FTE) to be released and prepare corresponding Board Resolutions.

✓ ***CREATE A BUMPING CHART***

Once the services to be eliminated or reduced have been identified and the total number of employees in those services subject to layoff has been determined, prepare a detailed spreadsheet identifying in seniority order all impacted employees and cross-reference the impacted employee to the District's master seniority list to determine whether the impacted employee can bump a less senior employee and whether that bumped employee can bump a less senior employee, continuing the process until the least senior impacted employee is identified. The Governing Board must design and adopt "tiebreaker" criteria and must approve any "skipped" employees with a rationale supporting the skipping.

✓ ***PRE-HEARING AND HEARING PROCEDURES***

BEFORE MARCH 15, the District must provide affected employees with notice of the recommended dismissal. In light of the numerous steps and Board action required prior to this March 15 Notice, Districts should begin the layoff process now. Failure to serve properly a layoff notice to an employee's last address on record may invalidate all layoffs for employees with seniority over that employee (the "domino effect"). It is advisable to serve the layoff notice both personally and by registered mail.