



In Between...



Moreno Valley Education Association

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Phone (951) 485-0545 / FAX (951) 485-0353 / www.MVEAInfo.com

Editors: Janet MacMillan and Ann Adler
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The State Budget: Truths

As we print this, there are rumors that a vote on the State Budget is imminent. When a budget is passed, MVEA will assess its impact on MVUSD fiscal operations before taking ANY ACTION, especially if it impacts the core instructional program. As for now, the following is our reality! Uncertainty-uncertainty-uncertainty!

To solve the projected 09-10 projected District deficit based on what we know today, it would take a **27 day furlough** or a **13.5% pay decrease!** IT IS THAT BAD! A 2% pay decrease, for example, would not come close to addressing the deficit or preventing lay-offs.

Your Association has been very busy working to keep cuts away from the core instructional program as per the Rep Council motion on the January 9, 2009 *In Between*. Your Bargaining Team has continued to meet with the District Team, and your leaders are in almost daily discussions to look for ways to prepare for both the 08-09 and 09-10 projected deficits. All MVEA's actions are guided by its elected groups: the MVEA Executive Board and the Representative Council. All discussions by MVEA follow motions and are based on ideas from you.

MVEA is **NOT IN AGREEMENT** with the District that raising class size and doing away with prep periods at the secondary level, furloughing 4 and 5 days (separate proposals), and raising primary class sizes, is the way to solve the deficit since that impacts the students and the core instructional program the most. The District has given MVEA notice that it has a right to return to the pre-'96 primary class size numbers as per the Contract. Can they do this? Yes, under the Contract. MVEA has **NOT** agreed to any reductions within the core program. Until there is State budget, there is no way to know what the real deficit will be. Even as we go to print, rumors abound that the furlough days ARE NOT in the final package by the state, and provisions for class size reduction are not as flexible as predicted. Will we have to make concessions? Likely, but to do that now is premature. MVEA will consider changes on working conditions **WHEN THE LEGISLATURE PASSES A BUDGET.**

MVEA is also working with the District to provide what is called a supplemental employee retirement plan (SERP) in an effort to generate funds for the District while at the same time providing a retirement incentive to veteran staff. Should this go through, vacancies created by the retirees would allow some of the newer educators to remain as employees of the Moreno Valley Unified School District. Rep Council approved this unanimously with the condition that enough people must opt for this program so that the fiscal results must not add to the deficit. MVEA is bargaining with the District and will alert you **IF** the program is viable.

So, what to do? **WRITE YOUR LEGISLATORS** and the **GOVERNOR TO PRESERVE PUBLIC EDUCATION.** Hope for the best, but for now, plan for the worst.

Lay-Offs (Reductions in Force)

The District has not released any RIFFED positions. To be prepared, however, please read on.

What is reduction in force (RIF) and who can it affect?

Under Education Code 44949, 44955, 87743, a district may issue a notice of lay off to employees as needed for three reasons 1) declining enrollment 2) budgetary issues, or 3) eliminating a particular kind of service (PKS). **Probationary and permanent employees** may be RIFFED in seniority order, least senior first. Any other classification of employees may simply be let go (temps, interns, etc.)

How are RIFs determined?

They are determined by seniority. A permanent employee cannot receive a RIF notice if a probationary, or an employee with less seniority is retained to provide a service for which the RIFFED person is certified to teach.

By what date must RIF notices be given and how are they given?

March 15 is the last day for such notice. Notices may be hand delivered or mailed to the employee.

If you receive a RIF notice, what should you do?

Make sure you have a Rep present. Exercise your rights. **Sign the form** for a hearing **within 7 days**. **Give MVEA a copy** of the hearing form. **Attend MVEA meetings to learn about your rights, paperwork, and the timelines.**

Should a person request a hearing?

Yes because it gives the right to have a defense and forces the district to “defend” the RIF. If one does not request the hearing, then he/she has waived his/her right to contest the termination (layoff). Attendance at a hearing does not guarantee that the employee will not be laid off.

After an employee requests a hearing, what happens next?

The district must serve the employee with an “accusation”. When this happens, the employee has **five (5) days to file a “Notice of Defense.” This form will be provided by MVEA at a RIF informational meeting** along with a **RIF Data form** to be returned to assist in the defense.

Where will the hearing be and what will happen?

It will take place in the district, usually the boardroom. The hearing will be held in front of an administrative law judge (ALJ.) Witnesses are called; usually administrators to “defend” the RIFs. Employees may be called upon to testify and present documentation on why they should be retained. After the hearing and by May 7, the ALJ will write a recommendation to the School Board that includes the “finding of the facts” and determines if the district has proven the grounds to RIF employees. **The School Board must send a final notice no later than May 15.** This decision is subject to judicial review. The district may rescind the RIFs at any time in seniority order.

Does the Board have to follow the ALJ’s report?

No. The School Board can adopt, modify, or reject the ALJ’s decision.

Does an employee have any rights if the decision is to RIF him/her?

The district may find that it needs to call employees back to work. They must do this in order of seniority. Reappointment is to a position an employee would have had if the RIF did not occur. The district has up to 39 months to reappoint permanent employees. For probationary employees, they have 24 months. The district must also offer substitute teaching service in order of seniority.

Will ALL RIFFED employees be represented?

Employees must be **CTA members prior** to the serving of the notice to be eligible for CTA services.

What if I do not receive a RIF notice by March 15?

Then you are deemed employed for the next school year.