Reduction In Force (RIF) Logistics and FAQ

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1. What is a Reduction in Force (RIF)?

- A Reduction in Force (RIF) is the process the district goes through when they reduce the number of employees, often referred to as a "lay off" of staff.

2. Is this the same as a non-reelect?

- No. A non-reelect is the term used when administrators determine that a non-permanent certificated member will lose their job the following year. Until a certificated staff becomes permanent (after two full years of employment), administrators have this authority and do not need to give a reason for non-reelecting a member. Note: until the member's contract expires at the end of the school year, they are still protected by the CBA.

3. How does a RIF basically happen for certificated staff?

- The following is typical of the process:
    - The ESUHSD Superintendent needs to determine which positions to cut (with Board approval). After those positions are determined, the staff members serving those roles have the right to return to the classroom if they hold an appropriate credential and are typically not lowest in seniority with that credential. The lowest senior member within the credential area is the one who loses their employment. This process is both contractual (Article 9) and the one listed in California Ed Code 44955.

4. If my non-classroom position is eliminated, does that mean that I no longer have a job?

- It depends on your credential. If your position is eliminated and you are credentialed to teach in a subject area AND you have seniority over others in that subject area across the district, then you have the option to either resign or revert to teaching in that subject area.
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5. **Can I be involuntarily transferred because of a RIF?**

- Yes, but only on the criteria listed in Article 7.41 of our contract, and only as a result of staffing needs after the conclusion of the RIF process.

6. **When can a RIF happen?**

- A RIF can happen any year in which staffing needs to be adjusted. Reasons can be financially based, efficiency based, value based, and potentially others. All RIFs need to be approved by the Board of Trustees, regardless of the quantity, and give notice to affected members by March 15th.

7. **If I am laid off, can I appeal (and how)?**

- Yes! ESTA and CTA will provide an attorney for all members for the hearing and all details will be forthcoming once the final layoff list is provided by the district.
- In preparation for this, when you receive your layoff notice from the district, there will also be a "Request for Hearing" notice included. PLEASE complete that request immediately, return it where identified by the district, and be sure to get a date and time stamped copy for yourself.
- You will then receive a packet of information from ESTA and CTA to be completed for our attorney. **Please note: all documents will be housed at San Jose RRC (4810 Harwood Rd. Suite 100, San Jose, CA 95124).**
- To begin this process, PLEASE email your copy of the signed, dated and time stamped "Request for Hearing" document that you received from the district to the San Jose RRC at aanderson@cta.org or fax it to (408) 866-3739.