

Surviving A RIF – A Guide for PGCEA Members

The Board of Education (BOE) announced that, as part of the Fiscal Year 2011 budget process, it would have to implement an across-the-board reduction in force or RIF, of employees. This would impact all Units of BOE employees, including Unit I PGCEA members. Under Maryland law, local boards of education are vested with the sole discretion to determine whether or not a lay-off is necessary. Along with the RIF, we will also see the implementation of involuntary transfers. These occur when positions are eliminated due to financial reasons, declining student enrollment or program elimination. The PGCEA *Negotiated Agreement* ensures that the district must follow a process when implementing a RIF (Article 4.12) and involuntary transfers (Article 4.11).

This is a complex process in which the result comes from many steps. Whether or not someone will be part of the RIF or be an involuntary transfer depends on criteria such as years of service in your position, years of service in Unit I and your area(s) and Class of certification.

How does seniority work?

According to Article 4.01 of the *Negotiated Agreement*; Seniority shall be defined as the length of a unit member's continuous service from the most recent date of permanent employment. Seniority shall begin on the first contract day on which the employee reports for duty. In the case of those employees who have the same seniority date, they are ranked by a computer generated random seniority number that was assigned at the time of hire. Those with a lower number are deemed more senior than those with a higher number.

Does the number of years I have been at my school impact relate to my seniority?

No. Seniority is based on your number of years in the system, not in any particular building or worksite.

Why Am I being RIF'd?

It's important that you remember that being RIF'd is not personal and has nothing to do with your performance. It is a financial decision that has led to the elimination of your program or position, your lack of certification in another field that would enable you to maintain employment or your low seniority status has caused you to be RIF'd.

How does Reduction in Force (RIF) work?

Article 4.12 of the *Negotiated Agreement* details the process of why and how RIF's are implemented:

In any reduction of professional personnel necessitated as a result of budgetary actions, declining enrollment or curriculum and/or administrative reorganization, professional

personnel shall be laid off solely on the basis of certification in the subject field assignment and on system-wide seniority as defined in Article 4.01.10. For purposes of this section, all elementary teachers (1-6) will be considered as having the same subject assignment.

First: In continuing order of least system-wide seniority in the subject field taught, severance shall be restricted to persons holding a provisional certificate.

Second: Thereafter, in continuing order of least system-wide seniority in the subject field taught, severance shall be restricted to non-tenured employees.

Third: Thereafter, in continuing order of least system-wide seniority, tenured employees holding a Class II certificate.

Fourth: Thereafter, in continuing order of least system-wide seniority, tenured employees holding first class certificates.

Can I be RIF'd if I am tenured?

Yes. System wide seniority in the affected area determines who will be part of the RIF. So someone who has 10 years of service in PGCPs could be RIF'd if there is no one else in the affected area with less years of service in PGCPs.

When will I be notified if I am part of the Reduction in Force (RIF)?

Letters began going out to affected employees in April. Those notices will continue to go out as positions are identified for reduction. Some employees may receive notice that their *position* has been eliminated and a review of their seniority status and certifications is on going to determine if they may be eligible to move to another position in the County. Final notice of being a RIF is expected to be delivered to affected employees by the end of the school year.

What should I do if I receive notice that I am part of the RIF?

Remember that RIF's are done in a reverse seniority order, so if you receive a notice you will want to do the following:

- You should contact the Human Resources department and obtain your seniority information. This would be your seniority date and seniority number.
- You should gather any documentation you have to show your seniority.
- Make sure that the Teacher Staffing and Certification Office has all of your valid certifications on file. This could make the difference between being RIF'd or possibly being able to move into another position.
- Contact PGCEA. Your UniServ Director can help you with questions you may have.

I have certification in multiple fields. Can I bump a less senior person if I am part of the RIF?

The *Negotiated Agreement* does provide this right. Article 4.12 states; *A teacher who holds a teaching certificate in a second subject area, and who has taught in that subject-field assignment in Prince George’s County Public Schools since the most recent date of employment, may be assigned to that subject field provided that teacher has greater seniority than the least senior teacher assigned to the subject field.*

Are conditional teachers included in the RIF?

Conditional teachers who hold less than a standard certificate in the subject area to which they are assigned to teach will be selected for reduction before any teacher holding a standard or advanced professional certificate.

I’m a “Retire/Rehire.” How does this affect me?

Unit Members who are part of Maryland’s Retire/Rehire program will not automatically return next year as those positions are contracted on a year to year basis. Some Retire/Rehire’s may be retained or rehired based on certification and the needs of the school system.

If I am employed by the Board of Education, and I am currently on a work visa, am I automatically placed on the reduction-in-force list?

Visa status has nothing to do with placement on the RIF list. Decisions will be driven by seniority and the area of reduction.

I am in an “alternative certification program.” Can I be part of the RIF?

Yes. The RIF is based on staffing needs and who is part of the RIF is determined by seniority, not program participation. Teachers who are participants in programs such as Teach for America, The New Teacher Project, College of Notre Dame Program and PGCPs Resident Teachers are not protected from the RIF by simply being in one of these programs.

If I was impacted last year by the reduction in force, can I be this year as well?

Yes. Last year’s RIF is considered a separate action from the one proposed for the upcoming school year. The recall list that was created last year remains in effect for the period specified by the *Negotiated Agreement*. A recall list for this year’s RIF will be created.

Can I be rehired if I was RIF’d?

Yes. Article 4.12 of the *Negotiated Agreement* provides for recall rights for RIF’d employees:

While a lay-off continues, no new hires shall be permitted except in the unique circumstances where:

(a) There are no teachers on lay-off qualified to fill a vacant position, or (b) all qualified professional personnel on lay-off decline the offer to fill the vacancy.

Professional Personnel shall (a) receive official notice by phone or registered mail at least four (4) working days in advance of their deadline for determining whether to exercise recall rights, (b) shall be available to begin within thirty (30) days, (c) retain recall rights for a period of three

(3) years and (d) except for proven medical disability, a teacher who declines an offer of vacancy in their field of certification shall forfeit all recall rights, provided, however, that a laid-off employee who has accepted employment with another public school system in the State of Maryland and is unable to get released from his/her contract, may decline an offer to return to work if the offer of vacancy is issued later than July 1 for a position to become available at the beginning of the new school year.

Involuntary Transfers

Some schools will lose allocations for staffing due to declining enrollment or the elimination of certain programs. In that case, someone may be involuntarily transferred as a staff reduction.

I've been told I'm a staff reduction or involuntary transfer. What does that mean?

Some schools will lose allocations for staffing due to declining enrollment or the elimination of certain programs. In that case, someone may be involuntarily transferred as a staff reduction. You still have a job, but you will be transferred to another school.

Article 4.11 of the *Negotiated Agreement* explains the process for involuntary transfers:

1. Volunteer(s) shall first be sought (a teacher who volunteers to become the involuntary transfer will be given the same consideration in determining the school transfer as is given to other involuntary transfers),

2. Persons holding less than a standard certificate in the subject or teaching level to which they are assigned shall then be selected and

3. Should the previous two steps not satisfy the required transfer, the decision shall be made according to:

a. The least senior person in the County in that school within the category affected.

Categories are as follows:

(1) Early Childhood

(2) Elementary (1-6)

(3) Elementary subject areas of music, physical education, librarian, reading, guidance.

(4) Middle School subject area

(5) High School subject area

b. The official evaluation and performance for the previous year.

c. The procedures indicated above shall not apply in the transferring of itinerant teachers resulting from the regrouping of schools.

Can I be involuntarily transferred if I am tenured?

Yes. System wide seniority in the affected area determines who will be an involuntary transfer. So someone who has 10 years of service in PGCPs can be involuntarily transferred if there is no one else in the affected area with less years of service in PGCPs.

When will I know if I am an Involuntary Transfer?

Principals need to notify Unit I members that will be an involuntary transfer by June 1.

I've been RIF'd now what?

Once it has been determined that your employment has ended, there are several things you need to consider: filing for unemployment benefits, what happens to your unused leave and pension contributions and looking for new employment.

Can I file for unemployment benefits if I am part of the RIF?

As a regular 10 month employee you would be eligible to apply for unemployment if you are still without a job during the time frame that teachers would be working so this would mean once school started and you were not employed, you could seek unemployment benefits. PGCEA has reached an agreement with the district that it will not contest unemployment of any employee that is part of the RIF. **Teachers who are terminated for not meeting certification requirements or for unsatisfactory performance may apply for unemployment, but the Board does have grounds to contest those claims.**

For specific information on Maryland Unemployment Insurance, please contact 1-800-827-4839 or go to www.dllr.state.md.us/employment/unemployment.shtml where you may also be able to apply online.

If you live in the District of Columbia or a state other than Maryland, you should still file your request with Maryland DLLR at the above phone number or web address.

You will need to have the following information ready when you file:

- Your Social Security Number and mailing address.
- A telephone number where you can be reached.
- The name, birth date and Social Security Number of all dependents under age 16.
- If you are not a citizen, proof of your alien status.
- The business names, addresses, and dates of employment for all employers within the last 18 months. A copy of your [W-2 form](#) may be helpful.
- If you seek work through a union, the hiring hall number is required.
- If you were in the military within the last 18 months, you should have your [DD214](#), Member 4.

You can also find more information here:

<http://www.dllr.state.md.us/employment/clmtguide/uiclmt pamphlet.pdf>

What happens to the money that was contributed towards my pension?

If you have accrued at least five years of eligible service in the pension system, you are vested and have earned the right to receive a future benefit based on your service at termination. If you withdraw any of your contributions at termination, you will forfeit the right to future benefit. If you have less than five years of service at the time of termination, you should contact the Maryland State Retirement and Pension Agency at 410-625-5555 or www.sra.state.md.us/, to receive a return of any contributions with interest you have made. You can also contact the PGCPs Benefits Administration Office at 301-952-6230 or by email at hr.benefits@pgcps.org

You should read the article, "Leaving Employment? Don't Forget about Your Retirement" at <http://www.sra.state.md.us/Participants/Members/Downloads/Newsletter/Mentor-2010-Winter.pdf>. Be sure to carefully review your options when deciding what to do with your pension contribution. There will be tax implications upon withdrawal of those funds. If you remove yourself from pension system you will lose credit for the years you have worked if you are reemployed as a teacher in the State of Maryland later. Check with a qualified financial advisor for advice in these important financial matters.

What happens to my unused sick leave?

Sick leave is transferrable to other school districts in Maryland if you are reemployed. However there is no payment or compensation for sick leave if you are separated from employment with the district and you have less than 12 years of employment.

What if I have unused earned annual leave?

The district will pay those employees for any earned annual leave at the time of separation.

What about my health insurance?

PGCEA was worked with PGCPs to ensure that health benefits will be covered for those employees affected by the Reduction-in-Force/Layoff through August 31, 2010.

Beyond that, you may temporarily maintain health insurance under the federal law, Consolidation Omnibus Budget Reconciliation Act of 1985 (COBRA). All information pertaining to benefit continuation will be sent to you.

The *Negotiated Agreement* also speaks to this. From Article 4.12: *Employees on lay-off shall be granted, during the period that they are vested with recall rights, the option of paying 100% of the premiums due on any hospitalization, dental insurance, optical insurance, life insurance or health maintenance organization plans as the Board may have available for its employees at the time of lay-off, provided that the insurance coverage is such as to permit this participation.*

What other places can I go to seek out assistance?

PGCEA has collected a list of sites that members can visit to seek out assistance during this time:

Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) offers creative solutions for the demands of life and work. INOVA Health System administers the EAP.

Services provided include:

- Confidential Counseling
- Legal Services
- Financial Services
- Work life referral services
- On-line resources

Contact information: www.inovaeap.com (User Name: PGCPSS Password: Prince) or 1-800-346-0110

<http://www.mwejobs.com>: Maryland Workforce Exchange

<http://www.pgworkforce.org>: Prince George's County One-Stop Career Center
Telephone: Largo Center: 301-618-8425 Laurel Center: 301-362-9714

<http://teacherscount.com>: This site is a search engine for teaching jobs.

<http://salliemae.manageyourloans.com>: Provides information on deferment of student loans.

<http://www.communitycrisis.org/>: Local County non-profit to assist families in crisis.

<http://www.mdhope.org/>: Mortgage/rent assistance through a State-sponsored program.

Maryland.JobSearchMaryland.Jobs.aspx: A wealth of information covering services available through the State.

www.craigslist.com: Check for job listings

www.indeed.com

Marylandjobnetwork.com: A confidential site to develop and manage a job search.

www.debtadvice.org/nea : **National Foundation for Credit Counseling**

NEA Member Benefits and the National Foundation for Credit Counseling (NFCC) have teamed up to provide debt management and housing counseling services to NEA members and their families. You can contact NFCC at 1-866-479-NEA2 (-6322) or visit www.debtadvice.org/nea.

www.monster.com

www.careerbuilder.com

www.teachers-teachers.com: **National Online Job Search Resource** a free online education placement service, to help educators find new teaching positions, administrative jobs and other related service positions. Visit Teachers-Teachers.com to view job postings from school systems nationwide.

Contact information for other area school districts:

Anne Arundel Public Schools

Website: <http://www.aacps.org/humanresources/index.asp>

Telephone: 410-222-5075

Baltimore County Public Schools

Website: <http://www.bcps.org/jobs/>

Telephone: 410-887-7869

Calvert County Public Schools

Website: <http://www.calvertnet.k12.md.us/>

Telephone: 443-486-4224

Charles County Public Schools

Website: <http://www2.ccboe.com/employment/>

Telephone: 301-934-7255

DC Public Schools

Website: <http://dcps.dc.gov/DCPS/careers>

Telephone: 202-442-4090

Fairfax County Public Schools

Website: <http://www.fcps.edu/DHR/applicants/default.html>

Telephone: 1-800-831-4331

Howard County Public Schools

Website: <http://www.hcpss.org/employment/>

Telephone: 410-313-6693

Montgomery County Public Schools

Website: <http://www.montgomeryschoolsmd.org/departments/careers/>

Telephone: 301-279-3278

