



March 8, 2011

SUBJECT: IMPORTANT INSTRUCTIONS FOR PERMANENT MEMBERS SERVED WITH RIF (LAYOFF) NOTICES

Dear Colleagues,

As you go through this difficult time of dealing with the ramifications of receiving a layoff notice from the District, we want you to know that we are working on organizing against these harmful cuts while at the same time preparing for the procedural steps necessary to fight any notices that were sent outside of legal boundaries.

In this packet we will provide necessary information for you to challenge your layoff notification if the District did not follow the pertinent rules that govern permanent certificated employee RIFs. There are several important forms that you will have to fill out and submit to the District, so please read this letter carefully.

REQUEST FOR HEARING

By law, you are eligible for a hearing before an administrative law judge to challenge your notice, but in order to have a hearing on your case, you must request one. This request must be made in writing within the time specified in the Notice of Intended Dismissal (“Notice”), usually seven (7) calendar days after you receive the Notice. Failure to request a hearing within the appropriate time limit may waive your right to participate in the hearing and you may be laid off as a consequence. To request a hearing you must take the following steps.

- Fill out the attached form entitled *Request for Hearing* and address it to the District.
- Deliver the original to the District’s Central Office 4100 Normal St, San Diego, CA 92103. Specifically take the Request to the Department of Human Resources, either in person or by certified mail.
- If you deliver the form personally, give one copy to the District and have the District staff time/date stamp the other copy.

NOTICE OF DEFENSE

After the district receives your Request for Hearing, it will provide you with documents including a Statement to Respondent and an Accusation. After you receive the Accusation:

- Fill out the form (which is included in this packet) entitled *Notice of Defense*.
- **Do not** use the forms provided by the District for this purpose.
- You must deliver the Notice of Defense to the superintendent, or the District official named in the Statement to Respondent, within **five (5) calendar days** after the Accusation is served. The

Accusation is served on the date the district hand-delivers the Accusation, or, in the case of service by mail, the date the Accusation is placed in the mail.

- You may deliver the Notice of Defense personally or by registered mail to the School District at the address given in the Statement to Respondent so long as the Notice is received by the District within the five day period.
- If you fail to deliver the Notice of Defense on time you may waive your right to participate in the hearing.

CONSENT TO LEGAL REPRESENTATION AND RIF DATA FORM (*Ivory color documents*)

In addition to the forms that you must fill out and return to the District, we have included in this packet certain documents that you must complete in order for SDEA staff and union attorneys to fully represent you. Please fill out both the Consent to Legal Representation and RIF Data Forms and return them to SDEA.

Also make sure to gather together your employment contract, credentials and other relevant employment information so that SDEA staff can determine whether or not your rights have been violated.

Union Meeting

In order to provide you with further information about the layoff process, your rights and the next steps, please make sure to come to *one* of the following union meetings:

Monday, March 21, 2011 at 4:30 p.m.

Wednesday, March 23, 2011 at 3:00 p.m.

Thursday, March 24, 2011 at 5:30 p.m.

Friday, March 25, 2011 at 4:30 p.m.

All of the above meetings will be held at the SDEA Office located at 10393 San Diego Mission Road, Suite 100, San Diego, CA 92108. Please RSVP your attendance via email with a subject line of “Layoff Informational Meeting Reservation” to mpurvis@sdea.net.

—Bill Freeman, SDEA President