

LEGAL ALERT

Public Sector Employer Alert

Timeline For Implementing A Reduction in Certificated Employees

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Faced with continuing severe cuts in their budgets, many California school districts are being forced to consider reducing their certificated work force. Districts considering a reduction in their certificated staff must be aware of the following timelines for implementing and completing a reduction in force:

January – The district’s seniority list and credentials list for certificated employees must be updated. A letter should be sent to each certificated employee setting forth the seniority date and credentials held as shown in the district’s records. The employee should be required to notify the district of any disagreement by a specified date, such as February 15.

February – The board should adopt a resolution to reduce or discontinue particular kinds of services. The certificated unit’s bargaining representative should be notified of the pending RIF. The Office of Administrative Hearings should be contacted to reserve a hearing date.

Prior to March 15 – The superintendent’s recommendation to terminate employees (specify FTE) should be presented to the governing board and an appropriate Resolution adopted. Employees who are to be terminated or reduced must be given written notice.

Seven days after service of notice – Last date for certificated employees to request a hearing.

At least 15 days prior to hearing date – Service of Notice of Accusation, Accusation, Request for Hearing, Notice of Defense, etc. on certificated employees.

At least 10 days prior to hearing – Service of Notice of Hearing (if not done above).

From the date of service of the accusation until the date of hearing – Discovery by employees and/or employees’ attorney/representative.

April – Layoff hearing.

May 7 – Last day for administrative law judge to provide his/her recommended decision to the governing board.

May 7-14 – Governing board adopts, modifies or drafts decision regarding reduction in force and prior to **May 15**, governing board gives notice of decision and nonreemployment notice to employees who will not be reemployed.

For further information, please contact Allen R. Vinson at Girard & Vinson’s Walnut Creek office located at 1676 N. California Blvd., Suite 450, (925) 746-7660, or e-mail at vinson@gandv.com.

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