



UESF

United Educators of San Francisco
AFT/CT, AFL-CIO ■ NEA/CTA

2310 Mason Street ■ San Francisco, CA 94133 ■ 415 956-8373 ■ Fax 415 956-8374 ■ www.uesf.org

March 10, 2011

Dear Teacher,

We are sending this packet to you because the San Francisco Unified School District has told us that they have sent you a notice of layoff.

You should take this situation seriously and pay attention to the information we provide you in this packet. Read the documentation carefully, now. Follow the instructions because what you do matters to the possibility of your future employment in the SFUSD.

These layoffs are occurring because of reduced funding and the anticipation of potentially greater funding reductions to SFUSD. As you probably know, Governor Brown's proposed budget ostensibly does not cut funding to K-12 education but that funding level depends on the electorate passing a ballot measure to extend taxes that would otherwise expire this June. As of this writing, the Republicans in the legislature have not voted to allow the measure on the ballot. Since by law, teachers have to be notified of a potential layoff by March 15th, and the ballot measure will not be passed until June at the earliest, school districts throughout California are laying off teachers, 'just in case'.

If you fail to follow our directions and instructions, it can prejudice your situation, so please pay attention to what is written here and join our efforts to protect your rights.

We anticipate recalls from layoffs from two funding sources: SFUSD will be eligible for about \$8 million from the City of San Francisco's 'Rainy Day' Fund and SFUSD has to spend the roughly \$10 million they received from the Federal Government's Edu-Jobs bill, which must be used for classroom educators. SFUSD did not spend any of that money this year, and it must be spent by next Fall.

If the ballot measure proposed by Governor Brown makes it out of the legislature, you should work along with the rest of us to make sure it passes, because the job you save may literally be your own. If that measure passes, the recall is likely to be nearly a complete one. If the measure does not pass, the layoffs will not be rescinded to the same degree and the layoffs next year will be much worse in scope and result because there will be no Federal or City Funds of the magnitude we have today.

Do not contact UESF until you have carefully read through the documentation provided carefully. Please email Eric Hall, at ehall@uesf.org, or send your questions by fax to 415-956-8374. Do not phone.

In unity,

Dennis Kelly
President

Enclosures



Guide to Certificated Layoffs

March 2011

Background

On March 1, the SFUSD Board of Education voted to authorize the Superintendent to send out 279 notices to certificated employees. The layoff list includes 139 administrators, 53 elementary school positions, 49 middle school positions and 38 high school positions. School districts must give notices recommending layoff of permanent and probationary certificated employees on or before March 15.

The School Board also voted to layoff 108.23 FTE of paraprofessional services.

SFUSD will send out teacher layoff notices in particular subject areas. By the California Education code this must be done in reverse seniority order within one's credential.

Keep all communications from SFUSD, including the envelopes with post dates, and make copies before returning completed forms. Do not miss timelines. We will be sending out updates via the website and emails.

Layoff Hearings – April 4 – 7, 2011

All teachers who receive a layoff notice are entitled to a hearing upon request. You must mail or deliver both a Request for Hearing and a Notice of Defense to the district within the specified time limit or you may waive your right to a hearing. Keep a copy for your records and send UESF a copy. In the past UESF had submitted a blanket hearing request on behalf of all members who received such notices. The district may or may not accept a blanket submission, so to be on the safe side it's best if you individually submit a request for hearing.

Senior Field Rep Eric Hall is the point person here for these hearings. UESF will be sending out a "Consent to Representation by UESF Representative" form, as soon as we receive notice from SFUSD. Please complete and return this immediately. If your name does not match the one with the district, i.e. maiden name, hyphenated, please provide us with the correct one. If your address is incorrect with us or the district, please notify us immediately. You may also retain an attorney at your expense to represent you at the hearing.

Preparing for the Hearing

Prior to receiving the notice, check to make certain that the district has all of your credentials on file. Judges have already held that the district is entitled to rely on what its records show at the time that the decision to send the notices were made. At the hearing, you will be able to challenge an incorrect seniority date, credential, or other errors that SFUSD has used to determine your position in the layoff.

Further notify UESF if:

- ✓ Date of Hire is incorrect.
- ✓ Classification as a temporary or emergency teacher is not correct. A temporary teacher is hired on the basis of temporary funding, such as a grant, or to replace a regular teacher on leave. An emergency teacher is hired to teach a subject area for which he/she does not hold the appropriate credential. **Note:** Even though you do not have a clear credential, this does not necessarily mean you are a temporary. You are temporary only if the job you are doing is a temporary one, such as replacing a person who is absent or on leave. If you achieved probationary or permanent status and then were assigned to a temporary job, you do not lose your original status.
- ✓ Circumstances have changed and you are no longer working in a temporary position, but you are classified such.
- ✓ Hired on an emergency basis, but have subsequently received your credential.
- ✓ Your credential information is not complete. In some cases, we may be contacting teachers if we have insufficient information to verify or determine their credentials from the California Commission of Teacher Credentialing website.

To review your personnel file, we suggest you set up an appointment with SFUSD Human Resources at 555 Franklin Street. Send an email to Roger Buschmann at RogerBuschmann@sfusd.edu or call 241-6101. Remember to keep copies of everything.

'Accusation' Document

After receiving a layoff notice and requesting a hearing, a second document, unfortunately called an "Accusation", will be sent to you. That is the formal document which sets forth the basis for the hearing. The hearing is a mass hearing at which everyone has an opportunity to participate. Participation is discretionary, and as long as you have filed a request for a hearing and have authorized the union to present a defense on your behalf, your interests will be represented. The Union has retained the services of counsel who have many years of experience in these proceedings. In many cases both sides will stipulate to the facts which will raise defenses on your behalf.

Getting Your Emergency CLAD Certificate

The district has informed UESF that it intends to use CLAD certification in its determination of retention. Teachers without English Learner certification may be laid off even if they have an earlier seniority date than other teachers. This means that possession of CLAD certification will be a basis for skipping over less senior personnel and laying-off senior personnel who are not CLAD certified.

If you have not received your CLAD certification, you should submit an application for an emergency CLAD as soon as possible. For more information and an application, contact Angie Sagastume at 415-241-6415, or email her at sagastumea@sfusd.edu. You may also go to SFUSD Human Resources, 555 Franklin Street, 2nd Floor, between the hours of 8:00 a.m. and 5:00 p.m. A \$55.00 check or money order is required with the application.

Moving Forward

The layoff notices sent out the week before March 15th is technically the first step in the layoff process. The second step is the official hearing. The third step comes in the month of May, during which time final layoff notices will be sent out. During the weeks and months ahead, the SFUSD can decide to rescind any number of layoff notices sent out. These 'rescissions' can happen at any time. As stated above, pressure brought to

bear on the SFUSD and negotiations between UESF and the district will both have an impact on the number of layoffs made final.

If you do ultimately get laid off, you will have recall rights under the California Education Code. For tenured teachers you will be rehired in the first available open job for which you are qualified for a period of 39 months. For probationary teachers the time frame is 24 months. Those who are laid off are also eligible for unemployment benefits.

More Information

The UESF website (www.uesf.org) will be continually updated with information about layoffs and ongoing negotiations between UESF and SFUSD. Regular communications will also be made via UESF email blasts. If you are not receiving UESF emails, send an email to mkimura@uesf.org.

**CONSENT TO REPRESENTATION BY
UESF REPRESENTATIVE**

I, _____, declare that I am a permanent or probationary certificated employee of the San Francisco Unified School District and a member of UESF, that I have received from the district a notice of recommendation of non-reemployment, and that I have requested a hearing pursuant to Education Code Section 44949. The reasons given for the recommendation for non-reemployment are those set forth in Education Code Section 44955. I understand that similar notices were delivered to other certificated employees of the district and that other employees have also requested a hearing.

I understand that UESF has agreed to provide representation to the entire group or class of certificated union member employees similarly affected by the district's action.

I hereby consent to and authorize representation at said hearing by Attorney Stewart Weinberg, a UESF representative. By executing this document, I consent to such representation as a member of UESF and as a member of the group or class similarly affected by the district's action.

In that regard, the undersigned consents to abide by, authorize and ratify all decisions made on behalf of the group or class represented. Such decisions may include, but not be limited to, decisions relating to strategy, the presentation of evidence, continuances of hearing dates, and extensions of notice deadlines.

I acknowledge that I have been advised and understand that relevant issues involved in the hearing may include assignments, qualifications, seniority, and so-called "bumping rights", so that real and potential competing and conflicting rights and interests may exist within the group or class represented. I further acknowledge that I have been advised and understand that I may secure independent counsel and representation at my own expense in lieu of that provided by UESF, and, further, that I may do so at any time upon written notice to UESF.

I agree to cooperate fully in the defense of this matter and acknowledge my individual responsibility to promptly request a hearing, to thoroughly read and review all notices served, and to provide all relevant information, including that relating to my seniority and qualifications.

I understand that the representation provided herein relates only to the administrative hearing and that it does not include appeal or judicial review.

DATED: _____, 2011

Signature

Printed Name

Address

City, Zip Code

Home Phone

Personal Email Address

Cell Phone

SFUSD Employee ID #

Seniority Date

Comments/Discrepancies with SFUSD documents: _____

**Please return to Eric Hall, UESF, 2310 Mason Street, San Francisco, CA 94133
or fax (415) 956-8374.**

REQUEST FOR HEARING

Dear _____ :

I hereby request a hearing to determine whether there is cause to not re-employ me for the 2011-2012 school year.

Signature

Printed Name

Address

CA _____

School Site

Date

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or fax (415) 956-8374.**

NOTICE OF DEFENSE

TO: Board of Education
San Francisco Unified School District
555 Franklin Street
San Francisco, CA 94102

In response to your accusation, dated March _____, 2011, I _____,

1. Request a hearing.
2. Object to the accusation upon the ground that it does not state acts or omissions upon which you may proceed.
3. Object to the form of the accusation on the ground that it is so indefinite or uncertain that I cannot identify the transaction or prepare my defense.

This constitutes my notice of defense pursuant to Government Code Section 11506.

Signature

Printed Name

Address

_____, CA, _____

Date

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