

School districts have issued reduction-in-force ("RIF") notices to more school employees this year than in recent memory. Although these individuals may be rehired, the RIFs have created uncertainty and stress. This Q & A for ESP provides an overview of RIF rights and issues for Marana's school employees.

**1. Is there an Arizona law regarding the RIF of education support personnel?**

No. Arizona law is silent about RIF procedures for education support personnel. The typical policy is GDQA. Marana's policy says that RIFs for ESPs shall be accomplished in the following manner:

- 1) normal attrition
- 2) Voluntary early retirement and leaves of absence
- 3) Retention of employees with greatest district-wide seniority per department or area
- 4) Employees with least seniority may be involuntarily transferred

**2. What is the recall procedure?**

Recalls shall take place per department or area in order of greatest to least seniority. The District shall give written notice of recall from layoff by sending a registered or certified letter to the employees to be recalled, at their last known addresses, so make sure the District has your current address. Once you receive notice you have 10 days to accept or reject the position offered. If you refuse the position, you will be removed from the recall list. Laid-off employees will remain on a recall list for up to one year after the effective day of lay-off. However, an employee will be removed from the list if he/she waives recall rights in writing, resigns from the District in writing, or fails to report to work after accepting a recalled position. If an employee has accepted temporary employment elsewhere while awaiting recall, the employee will be allowed 14 calendar days to report to a recalled position.

**3. When is the deadline for a RIF notice?**

The Marana School District's policy states that those employees who are to be laid off for the next school year shall be notified by the last day of March.

**4. Can employees be RIFFED during the school year?**

Maybe. All support personnel are either term employees or at-will employees of the District. Employment of an at-will employee may be terminated by action of the Governing Board without advance notice, though the Marana policy says an employee must receive a 15 day notice if the RIF takes place during the current school year.

**5. Do RIFFED employees qualify for unemployment benefits?**

Usually. An individual whose employment is terminated involuntarily usually qualifies for unemployment benefits unless the individual is dismissed for misconduct. The Department of Economic Security has helpful info at [www.azdes.gov](http://www.azdes.gov)

**6. Does a RIFFED employee retain health benefits?**

Some districts provide health insurance coverage to RIFFED employees only through the end of the contract year. Other districts extend coverage through the summer months or beyond. Check your district policies and employee handbooks as well as any bargaining agreement.

Employees who are RIFFED qualify for COBRA benefits to maintain health insurance. COBRA is a federal law that allows most employees to continue health care coverage for up to 18 months after termination of their employment. The recently enacted federal economic stimulus package provides a subsidy toward the cost of COBRA coverage. This subsidy covers 65% of COBRA premiums for up to nine months for RIFFED employees and their families. Employees are responsible for paying 35% of what would usually be paid for COBRA coverage. More information on the COBRA subsidy is available from the U.S. Department of Labor at [www.dol.gov](http://www.dol.gov). You also may call 1-866-444-3272 to speak with an Employee Benefits Security Administration Benefits Advisor.

**7. Are community resources available to help RIFFED employees?**

Community Information and Referral provides information on vital services at [www.cirs.org](http://www.cirs.org). The Web site has a very helpful downloadable brochure entitled "Surviving Unemployment," which includes a comprehensive list of agencies and organizations that provide assistance for a variety of needs. You also may contact Community Information and Referral by telephone: 602-263-8856 or 800-352-3792 (from area codes 520 and 928).

**8. Are RIFFED employees entitled to AEA benefits?**

AEA membership and accompanying benefits extend through August 31, 2009. The AEA Web site has comprehensive information about benefits, including discounts with thousands of merchants.