

YOUR RIGHTS IN A RIF OR TRANSFER

A Service of the

WEST VIRGINIA EDUCATION ASSOCIATION

This flyer will give you a brief summary of your legal rights if you are RIFed or Transferred. If you have questions, call your Association Rep, County President, WVEA Help Center @ 1-866-568-9832 or @ (www.wvea.org) or your Organizational Development Specialist.

YOUR RIGHTS IF YOU ARE RIFed

If you are RIFed, you have the right to:

- Have notice, reasons and hearing on or before February 1, 2012. The notice is to be by certified mail sufficiently in advance of the hearing to allow you time to prepare. At the hearing, the administration is responsible for showing the reasons for the RIF.
- Have representation, question the administration, present witnesses, testify yourself, be assured that no one less senior than you in your area of certification is being kept and to know exactly why you are the one to go. After your hearing, the BOE must vote on whether to RIF you. You will be notified in writing if you are to be RIFed.
- Look at the seniority list to be sure no one less senior than you in any of your certification areas is being kept by the school system.
- Protest your RIF through the grievance procedure if you believe you have been wrongfully released.
- Be recalled in seniority order to any teaching position you're certified to fill prior to new people being hired for those positions.
- Receive notice of all position openings for which you are certified while you're on preferred recall. These notices must be sent by certified mail.
- Remain on preferred recall until you are reemployed unless you take a teaching job elsewhere. You need to notify the BOE annually of your continued availability, any address changes, and changes in your certification.
- Receive all money the BOE owes you in mid-June rather than spreading it out through August.
- Keep PEIA coverage for three months at no additional cost and up to 18 months at your own expense. The health care benefits remain the same; there is no life insurance included. You are eligible to participate for the additional 18 months only if you do not have other insurance. You can contact PEIA for premium information (1-888-680-7342), Carelink (1-800-348-2922), Health Plan (1-800-624-6561). Both the health insurance and life insurance can be converted to private policies.
- Resume PEIA coverage without being subject to pre-existing condition limitations if there is less than a 61 day gap in health insurance coverage.
- You are eligible for unemployment benefits.
 - See the local Employment Security Office for details after you receive your RIF notice. As soon as possible after your last working day, revisit the local Employment Security Office to apply for unemployment benefits. Take your social security card or driver's license and all correspondence about your RIF with you.
 - You are entitled to benefits if you do not have a reasonable expectation of being reemployed.
 - On a \$25,000 a year salary, you can expect benefits to be about \$265 a week.
 - You must be fully and actively seeking employment and able and available to accept full time employment.
 - Your regular unemployment benefits will continue for 26 weeks. Part-time study should not be a problem and in some instances full-time study is permitted, but that is determined by the local Employment Security Office on an individual basis. Check with the local Employment Security Office before enrolling for classes either full time or part time.
 - If you have your ten months' pay spread over 12 months, it should not cause a delay in receiving benefits.
 - Unemployment benefits and procedures are subject to change. Your local Employment Security Office is your best information source.
- When you return to employment in your current school system or in any school system in West Virginia, the leave days you have earned prior to layoff remain intact and available for you to use. If you change counties, be sure to ask the administration to verify the number of days with your previous employer and credit you with them.
- If you work as a substitute prior to being recalled or employed in another county or if you aren't working in an education position at all, you can continue your WVEA membership with reduced dues.

YOUR RIGHTS IF YOU ARE TRANSFERRED

- If your job is being eliminated but you are senior enough to keep employment you must be notified in writing that you are being considered for transfer by February 1, 2012. You may write the Superintendent and request specific reasons for the proposed transfer if the reasons in the notification letter lack clarity. The written response has to be given to you within ten days. You may then write the Superintendent demanding a hearing before the BOE at which the reasons for your proposed transfer must be shown.
- You have a right to have representation, question the administration, present witnesses, testify yourself, and know why you are the one to be transferred.
- The BOE makes a decision on or before March 15, 2012, and you are notified by certified mail if you are to be transferred.
- If you believe you have been wrongfully transferred, you have the right to contest the transfer through the grievance procedure.
- If you are slated for transfer to the position of a RIFed (laid off) teacher you are transferred there directly. You do not sit on a transfer list waiting for openings, nor will you compete with other employees for the jobs vacated to make a place for you. These jobs are not posted. You simply move from school A to school B.
- Transfers are effective next school year. No one moves now.
- If more than one position in a certification area is vacated by layoff for senior teachers to move into, the common although not universal procedure is for teachers to choose among the positions in seniority order.
- If you don't like the position you are transferred to, you don't have to stay there. It is a base only, assuring that you are placed somewhere. As more desirable openings occur, bid out.
- In elementary schools, if your position is being cut but you are not the least senior teacher in the school, you have the right to stay at the school and bump the least senior teacher in the school if you are certified for their position. Board policy in your county may have an impact on this procedure.

**For further Information Contact Your WVEA Organizational
Development Specialist or the WVEA Help Center!**

Important Dates for 2012

- February 1 Deadline for completion of RIF process
- February 1 Deadline to notify employees of potential transfers
- March 15 Deadline for completion of transfer process
- March 15 Deadline for rehiring/non-rehiring of probationary personnel
- March 25 Deadline for notification of probationary personnel of non-rehiring