

- The RIF notice must include a statement of honorable dismissal and the reasons for the RIF.
- The notice must be given to the tenured teacher by first class mail *and* either certified mail, return receipt requested or personal delivery with a receipt.
- *Recall RIF'ed teachers if positions become available.*
 - During the RIF recall period, a RIF'ed teacher is entitled to recall to any vacancy in a position the teacher is qualified to fill, not merely the position from which the teacher was RIF'ed.
 - The RIF recall period is one (1) year from the beginning of the school term following the RIF. However, if the number of tenured teachers subject to RIF exceeds 15% of the number of full-time equivalent positions held by certified employees (excluding principals and administrative personnel) in the preceding school year, the RIF'ed tenured teachers are entitled to a two (2) year recall period, rather than a one (1) year recall period.
 - A RIF'ed teacher who obtains additional qualifications during the RIF recall period (and notifies the district of the additional qualifications) is entitled to recall to any vacant positions which include the additional qualifications.

EDUCATIONAL SUPPORT STAFF RIF DISMISSALS AND REDUCTION IN HOURS

A RIF of educational support staff ("ESPs") occurs whenever a district decides to decrease the number of ESPs employed by the school board or to discontinue a particular type of support service. A RIF also occurs when a district decides to reduce the hours of an ESP. A district is not obligated to wait until the end of a school term to conduct a RIF of ESPs.

The ESP RIF procedures are the same as the procedures for teacher RIFs, with the following exceptions:

- Notice of the Board decision to RIF an ESP must be given thirty (30) days prior to the employee's last workday, rather than sixty (60) days before the end of the school term.
- Notice of the Board decision to reduce the work hours of an ESP must be given thirty (30) days before the employee's hours are reduced. However, if the reduction of work hours is due to an unforeseen reduction in student population, only five (5) days notice is required.
- ~~If the decision to RIF an ESP is due to subcontracting non-instructional services, a ninety (90) day notice must be given to the affected employees prior to the implementation of a decision to subcontract work to a third party.~~
- The RIF layoff must be targeted to the employee's category of position, rather than overall district ESPs.
- ~~The RIF recall period is one (1) calendar year from the beginning of the school term following the RIF.~~
- ~~A RIF'ed ESP has recall rights to vacancies in the specific category of position from which the employee was RIF'ed or any other category of position they are qualified to hold.~~
- ~~The district is not required to conduct a public hearing prior to the RIF even if the number of ESPs subject to the RIF layoff is substantial.~~

Does not apply - No union or contract

RSNLT has prepared model teacher and ESP non-reemployment and dismissal resolutions and notices. If you have any questions regarding teacher or support staff dismissals or RIFs, please contact Phil Gerner in our Chicago office.

Philip H. Gerner III and Catherine R. Locallo of the firm's Chicago office prepared this In Brief.

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