



Continuation of IEA-NEA Membership

Frequently IEA-NEA Legal Services has been the key to ensuring that the contractual and statutory rights of RIF'd employees are honored. RIF'd employees may maintain their legal protection, along with all other rights and benefits of active membership in the IEA-NEA, at half dues. This special dues rate is available so long as they are eligible to be recalled or for three years, whichever is longer.

Prepared by



Field Services Series

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Community College Full-time Faculty

Reduction In Force Rights



ILLINOIS EDUCATION ASSOCIATION-NEA

Community College Full-time Faculty Rights and Responsibilities

RIF (Reduction in Force) Notice

Written notice (sent certified mail or delivered in person) of an honorable dismissal (RIF) of a full-time faculty member for the ensuing school year, because of a decision to decrease the number of faculty or discontinue a particular teaching service or program, must be given 60 calendar days before the end of the preceding school year. Failure to provide the notice within the 60-day timeframe results in the faculty member being deemed re-employed for the following school year.

Seniority

In a RIF, non-tenured full-time faculty are to be dismissed prior to tenured full-time faculty. Among tenured full-time faculty, the faculty member with the shorter length of service shall be dismissed first for any service which the more senior tenured full-time faculty is competent to render. Seniority lists are required to be established by Feb. 1 of each year categorized by positions, showing the seniority of each faculty member for each position entailing services such faculty member is competent to render (unless the collective bargaining agreement provides a different system for classifying seniority). It is the responsibility of the employees to review these lists carefully and bring any inaccuracies to the attention of the college as soon as possible, or within any timetable set out in the contract.

Bumping Rights

RIF'd tenured full-time faculty have the statutory right to bump less senior tenured full-time faculty or non-tenured, full-time faculty, if the tenured full-time faculty member is competent to render the service performed by the less

senior full-time faculty member. The statute does not define "competent to render service" so that term may be defined in the collective bargaining agreement or community college policy. Non-tenured, full-time faculty do not have the statutory right to bump less senior non-tenured, full-time faculty, unless such right is provided for in a collective bargaining agreement or college policy.

Recall Rights

RIF'd full-time faculty (whether tenured or non-tenured) have the statutory right to be recalled to a position entailing services they are competent to render, prior to the appointment of any new faculty member. The recall right lasts for a period of 24 months from the beginning of the school year for which the faculty member was dismissed (unless a longer period is bargained). Recall is to be done by seniority (the RIF'd faculty member with the greatest seniority is to be called back first, to teach in the area they are "competent to render service").

Payment of All Earned Compensation

The Illinois Wage Payment Act requires that employers are to pay all earned compensation to a RIF'd faculty member no later than the next regularly scheduled payday for such employee.

Unemployment Compensation

RIF'd employees have the right to receive unemployment compensation benefits after they receive their last paycheck. They must meet the statutory requirements for eligibility (able to work, available for work, and seeking work — contacting three prospective employers a week). Benefits are based on a formula that takes into account the size of the family and amount of wages last earned.



Health Insurance

RIF'd employees have the right to continue their health insurance coverage under COBRA (18 months for employers with 20 or more employees) and/or the Illinois Health Insurance Continuation Law (nine months for all employers). The employer is required to notify the health insurance carrier of any RIFs and then the health insurance carrier is required to send official notice to the employee and any covered dependents, providing them the opportunity to elect continuation coverage. Full-time faculty (or their dependents) have 60 days after receipt of the notice to elect coverage. The carrier can charge the employee up to 102 percent of the regular premium for the cost of the continuation coverage. For those employees who are RIF'd between Sept. 1, 2008 and Dec. 31, 2009, the American Recovery and Reinvestment Act of 2009 may provide the right to have some of the COBRA premium cost covered. Please consult with your UniServ Director regarding this right.

The federal Health Insurance Portability and Accountability Act (HIPAA) requires that an employer provide to an employee a certificate of prior creditable insurance coverage when the employee ceases to be covered by the employer's health insurance plan, becomes covered under COBRA and when COBRA coverage ceases. This certificate of coverage may reduce or eliminate any pre-existing condition waiting period that the teacher's next employer may have in its health insurance policy. An employee has 62 days from the cessation of prior coverage to enroll in another health insurance program to take advantage of this reduction or elimination of pre-existing condition waiting periods.