

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. A teacher 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.

Public School Vacancies

Employees can view a listing of vacant teaching, school service personnel and administrative positions from school districts throughout the state, and submit resumes for consideration by school districts seeking to fill vacancies, at the Illinois Education Job Bank ("IEJB"), sponsored by the Illinois State Board of Education and Illinois Association of School Administrators. One can reach the IEJB through the ISBE website (www.isbe.state.il.us), by clicking on "Announcements" under "Teachers A-Z Index", then click on "Educator Vacancies" on the left-hand side of the screen.

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 the regular dues amount. This special dues rate is available so long as RIF'd employees are eligible to be recalled or for three years, whichever is longer.

Your individual situation may vary depending upon your particular circumstances, including your collective bargaining agreement. If you have questions, please contact your UniServ Director.

Prepared by



Field Services Series

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Contact Us

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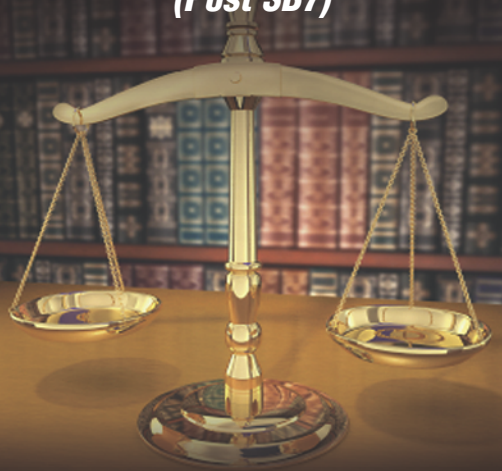

CONNECT

We're here **844-IEA-1800** for you!

IEAConnect@ieane.org



PreK-12 Teacher Reduction In Force Rights (Post SB7)

ILLINOIS EDUCATION ASSOCIATION-NEA

PreK-12 Teacher Rights and Responsibilities



RIF (Reduction In Force) Notice

With the passage of SB 7, the School Code now requires that written notice (sent certified mail or personal delivery with receipt) of an honorable dismissal or reduction in hours/days of employment (RIF) of a teacher because of a decision to decrease the number of teachers or discontinue some type of teaching service must be given at least 45 calendar days before the end of the school term. This is a change from prior law which required at least 60 calendar days notice and only applied to tenured teachers. The term “teacher” includes all district personnel regularly required to be certified/licensed (e.g., school nurses, social workers, etc.).

Performance and Seniority

In a RIF, non-tenured teachers without any evaluation, employed for one school term or less for a teacher on a leave of absence, or employed on a part-time basis, are to be dismissed first. All other teachers, both tenured and non-tenured, are placed into performance groups based upon their most recent evaluation(s). Teachers with the lowest evaluation ratings are most susceptible to being dismissed while teachers with the highest evaluation ratings are least susceptible. Among teachers in each performance group, those with the shorter length of continuing service with the district shall be dismissed first, unless an alternative sequence is established by a collective bargaining agreement or an affirmative action plan. RIF lists are required to be established by 75 days before the end of each school year, categorized by positions and performance and show the length of continuing service of each teacher who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established by collective bargaining agreement or affirmative

action plan. It is the responsibility of the employees to review these lists carefully and bring any inaccuracies to the attention of the district as soon as possible, or within any timetable set out in the contract.

Bumping Rights

RIF'd teachers have the statutory right to bump teachers in lower performance groups and teachers in the same performance group who have less seniority if the teacher is qualified to teach all the courses taught by the teacher who will be bumped.

Recall Rights

Teachers in the two highest performance groups have the statutory right to be recalled. If a position that a teacher is qualified to teach becomes vacant within one calendar year from the beginning of the following school term (unless a longer period has been bargained), the vacant position must be offered to the teacher. These recall rights will last for two years if the number of honorable dismissals based on economic reasons that occurred at the time the teacher was RIF'd exceed 15 percent of the number of full-time equivalent positions filled by teachers and other non-supervisory certificated staff during the preceding year. Some teachers in the third highest performance group have more limited statutory recall rights for vacancies which occur through Feb. 1 of the following school term or six months from beginning of that term if provided in the local collective bargaining agreement. Collective bargaining agreements could give other teachers recall preferences.

Payment of All Earned Compensation

The district is required to pay a RIF'd teacher all earned compensation within three days following his/her last day of employment.

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

If the teacher's compensation included health insurance payment through the end of the summer, that benefit should continue. RIF'd teachers 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 teachers and any covered dependents, providing them the opportunity to elect continuation coverage. Teachers (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.

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