



# Contact Us

## For additional information or assistance:

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## PreK-12 ESP Reduction In Force Rights



ILLINOIS EDUCATION ASSOCIATION-NEA

# K-12 ESP

## Rights and Responsibilities



### RIF (Reduction In Force) Notice

Written notice (sent certified mail or personal delivery with receipt) of an honorable dismissal (RIF) or reduction in hours of employment because of a reduction in the number of employees or reduction in an educational service provided must be given 30 days before the dismissal or reduction in hours is effective, (five days if the reduction is caused by a reduction in student enrollment).

### Seniority

In a RIF, employees with the shorter length of continuing service with the district, within the category of position, shall be dismissed first, unless an alternative method was bargained between the union and district. Seniority lists are to be established by Feb. 1 of each year, showing the positions, length of continuing service of each ESP employee and the positions the employee is qualified to hold. 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 the framework established by the contract.

### Bumping Rights

RIF'd ESP employees have the right to "bump" less senior ESP employees in the same category of position.

### Recall Rights

RIF'd ESP employees have the right to recall to any vacancy for the following school term or within one year from the start of the following school term (unless a longer period has been bargained), to the same category of position or a different category of position to the extent the employee is qualified for that position.

### Payment of All Earned Compensation

The district is required to pay a RIF'd ESP 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

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 employees and any covered dependents, providing them the opportunity to elect continuation coverage. Employees (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 employee'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.

### 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](http://www.isbe.state.il.us)), by clicking on "Announcements" under "Teachers A-Z Index" then click on "Education 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 dues. This special dues rate is available so long as they are eligible to be recalled or for three years, whichever is longer.