

FAQs Regarding RIFs and DITs

(Updated April 20, 2009)

1. **Is seniority the sole criterion in determining who is subject to a Reduction in Force (RIF) action?** Not entirely. Some programs, departments or other groups of employees may be reduced or eliminated. The reverse may also be an issue, such as those in hard-to-fill positions, or within certain programs or departments, may be protected from RIF action. There is no statute in Arizona that requires that teachers with less experience be RIFed before more experienced teachers. However, a tenured teacher may not be RIFed without the district first RIFing a probationary teacher with similar positions and the same certification. (See the memo about RIFs by AEA Legal Counsel located at: http://arizonaaea.org/pdfs/politics/RIF_Memo_April_2009.pdf.)
2. **Is seniority the sole criterion for the order of recall?** Again, if two teachers have the same certification and highly qualified status, then the more senior teacher must be recalled before the less senior one. However, teachers will be recalled to a position for which they are appropriately certified and highly qualified. So if you are next on the seniority list according to hire date, and the next position that opens is one for which you are not qualified, then the district would move down the list to the next person in line qualified for that kind of position.
3. **Are RIFed teachers eligible for unemployment insurance benefits?** Yes, and information will be made available for that process.
4. **Who is placed first: DITs or RIFed teachers?** DITs, as they still have contract status with the district. However, if RIFed employees are called back to the district, and their original site positions are no longer available, then they will assume DIT (contract) status.
5. **Are RIFed teachers who are recalled guaranteed to go back to the site where they were prior to being RIFed? How about DITs if a position later opens up at their previous site?**
 - a. A recalled RIFed employee is not guaranteed placement at his/her prior site, only in a position for which he/she is certified and highly qualified, where necessary.
 - b. However, if a teacher is DITed from a site due to a reduction in positions, then a position opens at that site for which that DIT is qualified, then the DIT will be offered the position if it's available by a specific date (Per Memorandum of Agreement, the date was moved from June 30th to July 31st. See email memo to ARs dated April 1 located at: [memo to ARs re RIF and DIT info.pdf](#).) If a RIFed teacher refuses a position or being a DIT, then he/she will be considered to have resigned.

6. **What are the recall rights for RIFs?** If the district begins to hire back teachers or begins to reinstate programs, a teacher has recall rights for three years. Again, the teacher may only be recalled to a position for which he/she is qualified. A teacher who is RIFed may want to consider taking appropriate AEPAs to increase his/her chances of being recalled.
7. **What happens to seniority and accumulated leave for someone who is RIFed?** Upon being recalled to the district, seniority and leave are reinstated at the levels accumulated prior to the RIF action. Neither one accumulates while the teacher is on the recall list.
8. **May an employee “bump” another employee with less seniority?** “Bumping rights” do not actually exist within the certified ranks. However, if a site must reduce FTEs, such as due to declining enrollment or cuts in programs, then the principal must first request a volunteer (s). If none is forthcoming, the least senior person within the program or department (determined by district, not building, seniority) becomes the DIT. It is often assumed, for instance, that a person who is in a non-classroom program that is being reduced may “bump” a classroom teacher. That is not correct.
9. **If a program is reduced and a certified employee wishes to remain in the building, is that possible since bumping is not available?** If a position is vacant for which that person is certified and highly qualified, the principal may simply assign that person to that position. Again, that is another reason to expand one’s highly qualified status options.
10. **Do employees on a leave of absence go back to the site where they were prior to going on leave?** If an employee is on leave for a period of one year or less, the employee returns to his/her site. Beyond that, the employee is assured of a position for which he/she is highly qualified but not necessarily at the original site, provided he/she has not been RIFed. (Such an employee basically follows the DIT process.)