

SANTA CRUZ CITY SCHOOLS DISTRICT

RESOLUTION # 33-09-10

RESOLUTION AND DECISION NOT TO REEMPLOY CERTIFICATED ADULT EDUCATION
EMPLOYEES FOR THE 2010-11 SCHOOL YEAR

WHEREAS, the Board of Trustees of the Santa Cruz City Schools District adopted a Resolution on March 3, 2010, authorizing and directing the Superintendent or Superintendent's designee to initiate and pursue procedures necessary to not reemploy certificated adult education employees of this District pursuant to Education Code sections 44949 and 44955 because of a reduction and/or discontinuance of particular kinds of services; and

WHEREAS, the Superintendent or Superintendent's designee duly and properly served notice on the certificated employees listed on Attachment "A" on March 10, 2010 indicating that the Governing Board did not intend to reemploy them to the extent they are currently employed indicated in the Resolution and Notice reducing and/or discontinuing services for the 2010-11 school year; and

WHEREAS, the certificated employees listed on Attachment "A" were informed of their right to request a hearing and that failure to do so in writing would constitute a waiver of the right to a hearing; and

WHEREAS, the Superintendent's designee entered into Side Letter Agreement with the Greater Santa Cruz Federation of Teachers, attached hereto as Attachment "B", in order to resolve the contested layoff issues; and

WHEREAS, all employees who requested a hearing rescinded their requests and waived their right to a hearing; and

WHEREAS, the Board approved the Side Letter Agreement on April 21, 2010;

THE BOARD HEREBY FINDS sufficient cause for not reemploying the certificated employees listed on Attachment "C" in accordance with Resolution #24-09-10 and finds that the decision not to reemploy these employees relates to the welfare of Santa Cruz City Schools District and the pupils thereof; and

BE IT FURTHER RESOLVED that the Board shall reduce particular kinds of services to the extent indicated on Resolution #24-09-10 and said decision shall be effective immediately;

FURTHERMORE, considering the certificated staff requirements of Santa Cruz City Schools District for the 2010-11 school year, as well as the seniority and qualifications of each of the certificated employees of the District, it is necessary that the services of the certificated employees listed on Attachment "C" will not be required for the ensuing school year; and

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent of Santa Cruz City Schools District or Superintendent's designee, is authorized and directed to notify those certificated employees listed on Attachment "C", pursuant to Section 44949 of the Education Code, that their services will not be required by this District for the ensuing 2010-11 school year. Said notice shall be given by serving upon the certificated employees listed on Attachment "C" a true copy of this Resolution and Decision Not to Reemploy Certificated Adult Education Employees.

Duly and regularly adopted this 28th day of April, 2010 by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Rachel Dewey-Thorsett, President, Board of Trustees
Santa Cruz City Schools District

Exhibit "A"
Preliminary Layoff Notice Recipients
Adult Education
3/11/10

LAST	FIRST	HOURS
Burke	Barbara	20
Carriere	Jeanne	22.27
Cherk	Cory	22.27
Colman	Lori	10
Conant	Tom	15
Hinnenkamp	Katie	10
Klepp	Marjorie	21.09
LaValley	Donna	13.5
Malikoff	Marina	12.5
Meservey	Helen	12
Miras	Toni	12.5
Powers	Mary	10
Samsel	Nancy	21.12
Sander	Bettina	15
Temsemani	Kenza	15
Thornton	Dara	21.09
Tobias	Laura	21.63
Weber	Rebecca	13.5
Wilson	Nanda	14
Woodland	Kimberly	21.12
Wyckoff	Wendy	10
Yee	Seewing	12

AGENDA ITEM: VII.3.5

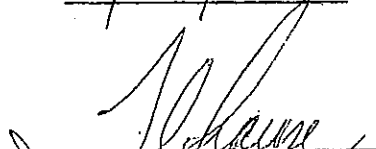
SANTA CRUZ CITY SCHOOLS DISTRICT
SIDE LETTER AGREEMENT REGARDING 2010 ADULT EDUCATION
CERTIFICATED LAYOFF

This Settlement Agreement is entered into between Santa Cruz City Schools District ("District") and Greater Santa Cruz Federation of Teachers AFT Local 2030 ("Federation") with regard to the 2010 certificated layoff, OAH Case No. 2010030242:

1. The District will issue layoff notices for 50% of the 2009-2010 assignment for the following employees: Rebecca Weber, Lori Colman, Tom Conant, Donna LaValley, Wendy Wyckoff, Toni Miras, Bettina Sander, Marina Malikoff. These employees will retain 50% of their 2009-2010 hours and will be assigned to the appropriate number of hours in an assignment that they are credentialed to teach.
2. The permanent employees listed in #1 above shall have rehire rights for 39 months, except for the probationary employee, Marina Malikoff, who will have 24 months rehire rights, to the following number of hours: Rebecca Weber (29 hours), Lori Colman (23 hours), Tom Conant (35 hours), Donna LaValley (27 hours), Wendy Wyckoff (27.29 hours), Toni Miras (26 hours), Bettina Sander (30 hours), Marina Malikoff (26 hours). Except for Wendy Wyckoff, who is currently teaching in Parent Ed, rehire rights shall be to any Adult Education (non Parent Education Co-Op) courses which the employee is credentialed to teach.
3. The District and the Federation do not agree regarding the status of the following employees: Jeanne Carriere, Cory Cherk, Laura Tobias, Nancy Samsel, Kimberly Woodland, Marjorie Klepp, and Dara Thornton. The District believes they are temporary employees; the Federation contends they are permanent. For the purposes of this layoff only, the Parties agree to the following:
 - a. The District will issue final layoff notices to the employees named above for their entire assignment.
 - b. These employees will have rehire rights for a period of 39 months, to Parent Education Co-Op positions only.
 - c. Rehire rights shall be to the following number of hours: Jeanne Carriere (22.27), Cory Cherk (22.27), Laura Tobias (21.63), Nancy Samsel (21.12), Kimberly Woodland (21.12), Marjorie Klepp (21.09), and Dara Thornton (21.09).
 - d. Although the Parties disagree on whether "Addendum" hours should be counted towards tenure, since "Addendum" hours are included in the rehire hours listed above, they will also be counted as hours to satisfy the rehire rights.
 - e. Once the terms of this Agreement are satisfied, the Parties reserve the right to contest the status and/or tenure hours for these employees at a later date.
4. The seniority list for Adult Education (all non-Parent-Education Co-Op program) is attached as Exhibit A. The seniority list for Parent Education is attached as Exhibit B. Exhibit C reflects those employees who qualify for rehire in the Parent Ed program based on 3b above.

5. The GSCFT has acknowledged that the following employees are temporary: Katie Hinnenkamp, Barbara Burke, Helen Meservey, Kenza Temsamani, Nanda Wilson, and Seewing Yee.
6. This Agreement is not precedent setting and does not constitute a past practice.
7. The Parties agree that temporary employees who received release notices will be granted first consideration for vacancies during the 2010-11 school year after those laid off employees have been offered positions and before those outside the District are considered. It is expressly understood that temporary employees must meet all appropriate credentialing requirements.
8. This Agreement is understood to be a Side Letter to the current Collective Bargaining Agreement between the District and the Union. Any disputes concerning the interpretation or application or alleged violation of the Agreement will be subject to Article V of the current Collective Bargaining Agreement, including final binding arbitration.
9. The Federation represents all teachers who have requested hearings. The Union, on behalf of those teachers it represents, agrees to rescind their Requests for Hearing and waive their right to a hearing.
10. This Agreement is final upon ratification by the Governing Board.

Dated: 4/21/10


4/21/10
Gary S. Bloom, Superintendent, or Designee



4/21/10
Barry Kirschen, Federation President

EXHIBIT A

Adult Education
 Permanent Employees
 Seniority List
 (Non Parent Education Classes)

Name	Seniority Date	Status	Current Program	09-10 Hours	Side Letter Rehire Hours	Credential
Rebecca Weber	3/1/1977	Permanent	ABE	27	29	Life Standard Elementary Teaching Credential
Lori Colman	9/18/1978	Permanent	ESL	20	23	Life Designated Subjects Adult Education Teaching Credential: Foreign Language, Adult Basic Education
Tom Conant	6/18/1984	Permanent	Computers/EDD	30	35	Clear Single Subject Teaching Credential: Social Science
Donna LaValley	3/18/1985	Permanent	ESL/HS Diploma	27	27	Clear Standard Secondary Teaching Credential: English, Spanish
Mary Powers	11/18/1988	Permanent	Principal	20	23	Clear Multiple Subject Teaching Credential
Toni Miras	10/9/1989	Permanent	ESL	23	26	Clear Designated Subjects Adult Education Teaching Credential: Arts & Crafts English and Humanities French Spanish Basic Education
Wendy Wyckoff	3/1/1994	Permanent	Parent Education	25	27, 29	Clear Designated Subjects Adult Education Teaching Credential: Social Science, Parent Education, Basic Education
Bettina Sander	8/4/2003	Permanent	ESL/Coordinator	31	30	Clear Designated Subjects Adult Education Teaching Credential: Spanish Social Sciences Elementary and Secondary Basic Skills English as a Second Language Life Science (incl General Sci)
Marina Malikoff	9/1/2008	Probationary	ESL	25	26	Clear Designated Subjects Adult Education Teaching Credential: Elementary and Secondary Basic Skills English as a Second Language

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EXHIBIT B

Adult Education
 Permanent Employees
 Seniority List
 (Parent Education Classes)

Name	Seniority Date	Status	Current Program	09-10 Hours	Side Letter Rehire Hours	Credential
Wendy Wyckoff	3/1/1994	Permanent	Parent Education	25	27.29	Clear Designated Subjects Adult Education Teaching Credential: Social Science, Parent Education, Basic Education

EXHIBIT C

Adult Education
 Employees Qualified for Rehire in Parent Education Co-Ops with SCCS Adult Education

Name	Date of Hire	Hours with rehired rights	Current Program
JEANNE CARRIERE	9/1/1995	22.27	Parent Education Co-Op
CORY CHERK	8/1/1999	22.27	Parent Education Co-Op
NANCY SAMSEL	9/1/2002	21.12	Parent Education Co-Op
MARJORIE (MAGGIE) KLEPP	9/1/2003	21.09	Parent Education Co-Op
LAURA TOBIAS	9/1/2003	21.63	Parent Education Co-Op
DARA THORNTON	9/1/2004	21.09	Parent Education Co-Op
KIMBERLY WOODLAND	12/1/2006	21.12	Parent Education Co-Op

Exhibit "C"
Final Layoff Notice Recipients
Adult Education
May 2010

LAST	FIRST	HOURS
Carriere	Jeanne	22.27
Cherk	Cory	22.27
Colman	Lori	10
Conant	Tom	15
Klepp	Marjorie	21.09
LaValley	Donna	13.5
Malikoff	Marina	12.5
Miras	Toni	12.5
Powers	Mary	10
Samsel	Nancy	21.12
Sander	Bettina	15
Thornton	Dara	21.09
Tobias	Laura	21.63
Weber	Rebecca	13.5
Woodland	Kimberly	21.12
Wyckoff	Wendy	10

AGEBDA ITEM: VII.3.!