

Recall Rights

SC Code of Laws Section 59-25-415 - Priority for certified personnel as to rehiring within two years; mailing of notice of intent to rehire. Certified personnel who have taught in a school district for at least one year and who are dismissed for economic reasons have priority for being rehired to fill any vacancy for which they are qualified which occurs within two years from the date of their dismissal. A school district has complied with the requirements of this section by mailing a notice of intent to rehire to the teacher's last known address.

Payment of All Earned Compensation

S.C. Code of Laws §41-10-10- When an employer separates an employee from the payroll for any reason, the employer shall pay all wages due to the employee within 48 hours of the time of separation or the next regular payday which may not exceed 30 days. "Wages" means all amounts at which labor rendered is recompensed, whether the amount is fixed or ascertained on a time, task, piece, or commission basis, or other method of calculating the amount and includes vacation, holiday, and sick leave payments which are due to an employee under any employer policy or employment contract. Funds placed in pension plans or profit sharing plans are not wages subject to this chapter.

Unemployment Benefits

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).

What Disqualifies You?

1. Voluntarily retiring or resigning.
2. Quitting a job without good cause
3. Being fired for cause
4. Refusing to accept a suitable job offer from a Workforce Center or employer

COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees who lose coverage due to job loss to continue group coverage for a limited period of time. The individual in the school district's administrative office who handles COBRA benefits must give you a notice stating your right to choose to continue benefits provided by the plan. You then have 60 days to accept coverage or lose all rights to the benefits. Once you select COBRA coverage, you may have to pay 100 percent of the total insurance cost, plus a two percent processing fee. If you do not have preexisting conditions, purchasing a private temporary health insurance policy may be less expensive. If you do not elect coverage within the 60-day window, you will lose your right to COBRA coverage. Also, there is no grace period for payments. Payments not made by the due date will result in a loss of coverage.

COBRA FAQs:

<http://www.dol.gov/ebsa/newsroom/fscobra.html>. South Carolina State Insurance Department:
Tel: (803) 737-6180

**Reduction in
Force and
Job
Loss**

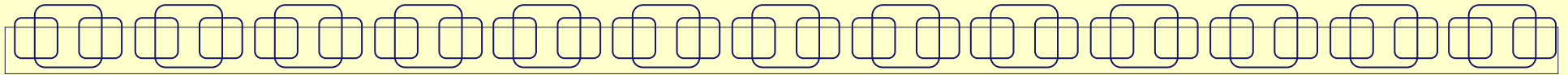


NEA Member Assistance Program
<http://www.neamb.com>

SC Retirement System
<http://www.retirement.sc.gov/>

SC Unemployment
<http://dew.sc.gov/claim-land.asp>

*A Publication of
The SCEA Member
Advocacy Center*



Dear Educators,

For the past few years, school districts have struggled with strapped budgets and there is no way to know how long this trend will continue. We want to believe that school districts do the right thing when they make decisions related to staffing levels; however, this doesn't lessen the impact to someone who ends up without a job. The SCEA wants to provide you with information and guidance in navigating these situations. This brochure cannot possibly address all situations but we hope you will find it informative.

If you are facing unemployment, here are considerations. *Some of these may not apply to you.*

- Being told you won't have a job next year can be upsetting. How it will impact you and your family depends on several variables but for many educators, it can be devastating. This emotion can make it difficult to focus and know what to do next. You may want to call school board members or call an attorney. It is important to remain calm and focused while you process what has happened. Call The SCEA immediately.
- Meet with Human Resources and try to convince them that you are an asset to the district and the children, and they should keep you. Sell yourself.
- Explore other jobs in the district that you believe you can handle with competence, even if it's only for one year, to give things a chance to improve in the district, or find another job.

- Consider a lower paying position for one year. This keeps your insurance and benefits in place.
- If you do leave the district, check your personnel file and get copies of anything you don't already have in your files.
- Check the state department to make sure their records are current related to your certificate renewal credits, evaluations, and so forth. If anything is wrong, it will be easier to correct it before you leave.
- Seek written references from credible professionals, especially your principal. If your principal will give you a written reference that is positive, it is unlikely he or she will say anything contrary to that when contacted for a reference by a prospective hiring principal.
- Download personal files and e-mail that you stored on the school computer onto your personal flash drive and remove it from the school computer.
- If you are not familiar with the district's policy related to unused leave, ask how it will be handled.
- Follow up with the district about COBRA benefits. Stay on top of this to avoid missteps that can jeopardize you.
- Make sure the district has your correct mailing address. Watch for mail from the district or a notice of certified mail, and pick it up promptly.
- If you need help with the emotional stress, seek the support and help you need from family, friends or professionals.
- Contact The SCEA as soon as you receive notice of employment action! There is a deadline for grievances and appeals.

Contract Non-Renewal

SC Code of Laws Section 59-25-410-860. These statutes provide continuing contract teachers the following rights:

1. Priority re-employment following a RIF
2. Notice of separation from employment and opportunity for hearing
3. Dismissal for cause only
4. Notice of reasons for potential separation
5. Due process including:
 1. written notice of cause;
 2. written notice of opportunity for hearing (public or private);
 3. availability of subpoenas for witness attendance;
 4. testimony under oath;
 5. record of proceedings;
 6. a decision by the teacher's board
6. Hearing requirements include:
 1. hearing held by the board within fifteen days of request upon demand;
 2. five days written notice prior to the hearing date;
 3. the privilege of being present with counsel at the hearing;
 4. the opportunity to cross-examine witnesses;
 5. the opportunity to offer witnesses
 6. a written decision by the board within ten days following the hearing.

Seniority

Most school districts in South Carolina treat seniority only as a "consideration" in deciding which employees will be cut in a reduction in force. The specific policy for Reduction in Force is usually in the school district's board policy manual.