



**A Guide for  
ISTA Members  
What to Do  
if You Are  
RIF'd**

**June 2020**

## Guide Introduction

This brochure is a guide for ISTA members who have been notified that they are going to be laid off due to a reduction in force (RIF). It includes some initial information about dealing with the prospect of job loss and will help you answer the following questions.

- 1. Was my layoff in accordance with my legal rights?*
- 2. What rights do I have as a laid off employee regarding health insurance, unemployment insurance and retirement?*
- 3. Should I maintain my ISTA membership?*

Questions around reductions in force involve the interplay of ever-changing state law, school district policies and the particular situations of each employee. There is no substitute for working with your local association to ensure that all of your rights are protected.

*ISTA and your local association will work to protect your rights as the RIF is considered and implemented by your school board. Association members should contact their local association for information, advice and representation.*

## Your ISTA Membership Status

Any active ISTA member, establishing status with the Association as being on leave of absence from the profession for the school year for professional improvement, emergency or laid off due to a RIF, shall be eligible for Reserve Active Membership.

## Actions to Take Immediately

**DO NOT RESIGN:** Resigning may significantly impact your rights to due process and more. It is important you understand these impacts before you make a decision.

**CONTACT YOUR UNION:** Contact your local association president immediately to ascertain whether you are the appropriate person to be laid off. There are numerous sources of rights that may impact this, including your local school board's rules, state statute and importantly, a favorable court decision in a lawsuit initiated by ISTA that overrules the impact of state statute in part.

**UNDERSTAND YOUR RIGHTS:** Ask your union representatives about your legal rights for a conference or hearing and discuss the best options for your personal situation.

## Using the Due Process Worksheet

The following page contains a due process worksheet intended to help you track the deadlines applicable to protecting your rights after receiving notice that your job may be lost in a RIF.

You are advised, however, to work in concert with your union representative throughout this process. Your representative will assist you in understanding the ever-changing legal landscape, the pros and cons associated with each step of the process for you and how to ensure you are protecting your rights at each step. In addition, we strongly recommend that you prepare for your private conferences with a union representative and take your representative to those conferences.

## Due Process Worksheet

Line	Action	Date
A	In the box to the right, enter the date you received <b>written notice</b> of a recommendation that your teaching contract would be cancelled/discontinued.	
B	Beginning with the date entered on Line A, count five calendar days forward, including non-school days such as weekends and holidays, and enter that date in box to the right. This date is the last day you can request a private conference with the superintendent to discuss your layoff notice.	
C	In the box to the right, enter the date you delivered your written request for a private conference with the superintendent.  <i>Note: You should retain proof of this delivery by printing and copying your letter and asking the superintendent's office to stamp the copy with the date it was received. Retain that date-stamped copy for your records.</i>	
D	In the box to the right, enter the date of your private conference with the superintendent.	
E	Beginning with the date entered on Line D, count five calendar days forward, including non-school days such as weekends and holidays, and enter that date in box to the right. This date is the last day you can request a private conference with the school board to discuss your layoff notice.	
F	In the box to the right, enter the date you delivered your written request for a private conference with the school board.  <i>Note: You should retain proof of this delivery by printing and copying your letter and asking the superintendent's office to stamp the copy with the date it was received. Retain that date-stamped copy for your records.</i>	
G	Enter date of school board conference.	

# What Is Unemployment Insurance?

## **It's a social insurance program.**

Unemployment insurance is a social insurance program, much like social security. The system is designed to collect revenues while you are working so that it can pay benefits to you during a period of unemployment you may experience through no fault of your own.

Absent the system, there would have been more funds available for your local association and the ISTA to negotiate as wages throughout your employment, just as your employer's payments to social security decrease the funds available for wages today.

If you have been subjected to a RIF, you are experiencing unemployment through no fault of your own. It is part and parcel of the RIF process that but for the school corporation's need to reduce staff for financial or other reasons, you would have been returning to your position during the next school year.

At one point, the administration of then-Gov. Mitch Daniels tried to deny these benefits to teachers in your situation, and ISTA fought to ensure your eligibility. Don't be hesitant to utilize the unemployment insurance benefits for which you are eligible.

## **File for unemployment insurance.**

If you were fully laid off and have no assurance of a job in the fall, you are entitled to unemployment insurance compensation. If you experience a 20 percent or greater reduction in hours or wages, you may be entitled to benefits.

# Filing Your Unemployment Insurance Claim and Getting Benefits

## Where to File Your Claim

File online at [unemployment.in.gov](https://unemployment.in.gov).

## Filing Resources and Receiving Benefits

Review the Indiana Department of Workforce Development's Unemployment Insurance Claimant Handbook at [in.gov/dwd/files/Claimant\\_Handbook.pdf](https://in.gov/dwd/files/Claimant_Handbook.pdf).

Get your questions answered by Indiana Department of Workforce Development concerning special rules applicable to unemployment insurance claims for a limited time period due to the COVID-19 crisis. Learn more at [in.gov/dwd/files/Indiana\\_Unemployment\\_FAQ.pdf](https://in.gov/dwd/files/Indiana_Unemployment_FAQ.pdf).

Learn more by watching the Indiana Department of Workforce Development's video tutorials at [in.gov/dwd/3252.htm](https://in.gov/dwd/3252.htm).

## When to File Your Claim

You should file as soon as both of the following conditions have been met:

- 1. The school board has approved the RIF for your position; and*
- 2. You have worked your last day for the school corporation.*

Don't wait. It may take the agency a few weeks to make a determination and begin making the payments you are owed. You should file your claim as soon as both of the above conditions have been met.

You are eligible for benefits when you are no longer working, even if you continue to receive paychecks throughout the summer (assuming you are not teaching summer school or working another job). The test for unemployment is whether you are currently earning wages. Your summer paychecks are actually earned during the school year, but the time of payment is delayed. Those paychecks do not delay your eligibility for unemployment insurance benefits.

## **Tips for Members Filing Weekly Unemployment Insurance Vouchers**

1. You do not belong to a union with a hiring hall so you must complete a work search. This is more applicable to building trades unions, where the industry's history is for employers to hire trained workers through a union office.
2. You should answer "No" to the question, "Did you work?" This response assumes you have not obtained a new job and are not working at another employer.
3. You should answer "No" to the questions, "Did you/will you receive holiday pay?" and "Did you/will you receive severance or vacation pay?" Your ordinary summer paychecks are not holiday, severance or vacation pay. These checks are ordinary wages you earned during the school year as school corporations are permitted to pay you later due to a special statutory provision that applies only to schools. They are not relevant to your claim for unemployment insurance benefits in any way.

## **Pandemic-related Changes to Unemployment Insurance**

As part of the federal government's response to the economic fallout related to COVID-19, changes to unemployment insurance include:

- An additional \$600 weekly will be added to unemployment insurance limits until the week ending July 25, 2020. You will receive this benefit as a result of being eligible for Indiana unemployment insurance and no additional steps need to be taken to receive it.
- The maximum eligibility period of unemployment insurance has been extended from 26 weeks to 39 weeks (these extended weeks are available until December 31, 2020). Your actual benefits period may be different due to your wages and benefit level.
- The requirement that you actively search for work during your receipt of unemployment compensation has been temporarily suspended. However, due to the typical hiring season for teachers in Indiana, failure to search for a job in the spring and summer may make it difficult to find work before you have exhausted your unemployment insurance benefits. Also ensure you stay in contact with the Indiana Department of Workforce Development to learn when the requirement to actively search for work has been restored.
- The waiting period for unemployment benefits is eliminated until December 31, 2020. You can receive benefits for the first week of your unemployment. You should file your initial claim promptly.
- One requirement of receiving benefits is that you must complete a Reemployment Services and Eligibility Assessment. Typically, this requirement involves a visit to a WorkOne office. However, alternative measures may be required until in-person service is resumed. You must comply with this requirement regardless of delivery method.

## Health Insurance After Layoff or RIF

**OVER THE SUMMER:** Check your collective bargaining agreement to see if you are entitled to remain in your school district's health insurance plan with the employer continuing to contribute its share of the monthly premiums over the summer.

**COBRA:** All laid off employees and covered dependents are entitled to continue in their employers' health (and if applicable dental) insurance programs for up to 18 months after separation from employment. However, you will be likely be charged the entire cost (including the employer's portion of the premium) and an administrative fee to do so.

**FEDERAL MARKETPLACE:** You may elect to purchase health insurance coverage on the federal marketplace. Depending on your family composition and annual income, you may find this option more affordable. However, it may be exercised only within 60 days of the date you lose your job or during an open enrollment period.

# CARES Act Student Debt Relief

If you are looking for a way to reduce household expenses in the aftermath of a RIF, you may be able to take advantage of one of the following CARES Act programs for student loan debt.

## **Federal Family Education Loans (FFEL), Federal Direct Loans and Federal Perkins Loans Held by the Federal Government**

- Eligible for suspension of payment and interest until September 30, 2020. This does not include commercially held FFEL loans or Federal Perkins Loans held by your institution of higher education.
- For the effective loans, you can skip payments without accruing additional interest during the temporary relief program. Your principal balance will remain the same at the end of the relief period.
- Your credit history and reporting will not be effected by skipping a payment on these loans during this time period.
- If you are participating in the Public Service Loan Forgiveness Program, skipped payments will not negatively impact your progress in the program.

## **Commercially Held FFEL Loans and Federal Perkins Loans Held by an Institution of Higher Learning**

- Your lender or institution may or may not provide the temporary relief described above. Contact your service provider to inquire.
- You have the option to consolidate FFEL and Federal Perkins Loans into a Direct Consolidation Loan under the U.S. Department of Education. A Direct Consolidation Loan would be eligible for the relief described above; however, it may also be subject to higher interest rates for the life of the loan and the addition of any outstanding interest to your loan balance. Your service provider can outline how consolidation would impact your loan balance, interest and amount paid.

## **Private Student Loans**

- These loans are not impacted by the CARES Act. You must continue to pay as agreed.





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