



## **FREQUENTLY ASKED QUESTIONS & ANSWERS** **for Temporary and Probationary Teachers**

**What is the difference between a temporary employee and a probationary employee?**

- **Probationary** teachers are continuing employees until given proper notice by the district.
- **Temporary** employees work for the district until the end-date listed on his/her contract (usually 1 year).

**If I am a temporary or probationary employee and I am told I am going to be released from TRUSD employment, what are my due process rights?**

Under California law, if you are Probationary 1, Probationary 2 or Temporary teacher, you do not have due process rights, and you can be released without TRUSD having to provide cause.

### **PROBATIONARY TEACHERS:**

**What is a non-renewal notice (non reelect) and when can one be issued?**

- If you receive a non-renewal notice, this means your contract will not be renewed the following year.
- First year probationary teachers may be given notice of non-renewal effective at the end of the school year at any time without any statement of reasons or hearing.
- Second year probationary teachers in districts of 250 ADA or more may be given notice of non-renewal effective at the end of the school year, at any time before March 15 of the second year, without any statement of reasons of hearing (CA Education Code 44929.21)

**If I had a good evaluation or if my evaluation was not done properly can I still be released?**

- Yes. School districts have complete discretion to release teachers who are not permanent.

**I've been told I have the option to resign, but if I don't, I will be non-reelected. What does that mean?**

- It means your name will go on a resolution to the TRUSD School Board for approval to non-reelect you, which means the District decided not to renew your employment contract for next school year. (In some districts you are asked on employment applications if you have been non-reelected on a previous district.)

**If I decide to resign instead of being non-reelected, could I still apply for unemployment insurance?**

- Yes. You can apply for unemployment benefits either if you are non-reelected or if you resign instead of being non-reelected.

**Do potential future employers have access to my TRUSD personnel file?**

- No, they do not.

**What happens to my sick leave if I resign or if I am non-reelected?**

- If you are employment in another California K-12 school district, your accrued sick leave is transferred to your new district. When you retire under STRS, all unused sick leave contributes to your retirement.

## **TEMPORARY TEACHERS:**

### **I am a temporary teacher. What does that mean?**

- The Education Code allows districts to hire a number of temporary teachers to match the number of teachers on leave, as well as the number of teachers in positions paid for by “soft” categorical money.

### **If I have been released as a temporary teacher, what are my rights?**

- State Education Code does not give temporary teachers due process rights and the layoff process does not cover temporary teachers. Temporary teachers can be released with a simple letter from the employer.

### **Do I have any rights to be rehired?**

- Temporary teachers have no legal rights to be rehired, but you may indicate to TRUSD that you hope to be rehired.

### **Does my release mean that TRUSD doesn't think I am a good teacher?**

- Not necessarily, TRUSD will likely release all teachers on a temporary contract. The best way to judge the likelihood that you will be rehired if a position exists, is to look at your evaluation.

### **If I work in TRUSD next year, does my temporary service this year count toward becoming permanent?**

- If you work more than 75% of the days of the school year, your temporary service can count towards becoming permanent if you are rehired by TRUSD on a Probationary 2 contract for the following year. Only one year of temporary service can count toward becoming permanent.

# HOW DO YOU GET UNEMPLOYMENT BENEFITS AND MAINTAIN YOUR HEALTH INSURANCE AND MEMBERSHIP IF YOU ARE LAID OFF?

## Unemployment Insurance Benefits.

### 1. Eligibility.

Employees who are laid off or who are not re-elected are eligible to receive unemployment insurance benefits. In addition, a probationary employee who resigns effective the end of the school year after being given the choice to resign or be non-re-elected, is also eligible to receive unemployment insurance benefits.

### 2. How to file for a Claim for Unemployment Insurance Benefits.

File for UI benefits immediately after your last day of work. There is a one week, unpaid waiting period. The fastest and most convenient way to file a claim is online at <http://eapply4ui.edd.ca.gov> Or, print out the online application, hand write your answers, and send to the California Employment Development Department (at EDD, P.O. Box 826880 - UIPCD, MIC 40, Sacramento, California 94280-0001. For more information, call EDD at 1-800-300-5616 (English), 1-800-326-8937 (Spanish)).

Due to the recession and the resulting increase in the number of claims, you may experience a long wait on telephone lines.

### 3. What information is needed to file a claim?

- Your name, address, phone number and social security number.
- School District Office address and phone number.

- Specific reason you are no longer working. If you were laid off, state you were laid off and have no reasonable assurance of reemployment the following school year. If you resigned in lieu of being non-re-elected, state that you resigned after the employer informed you that you would be dismissed for reasons other than misconduct.
- Last day of work.
- Citizenship status, and if applicable, alien registration number.
- Driver's license number or state ID number.
- Report all wages earned whether or not you have already received them.
- Complete the form fully and accurately. Unanswered questions may delay processing. Use blue or black ink.

#### 4. What happens after the claim is filed?

Within 10 days of filing your claim, you should receive by mail either claim materials or notice that a telephone interview has been scheduled, if further information is needed. If you do not receive notification in the mail after 10 days, contact EDD. Your first UI benefit check should arrive within about three (3) weeks after filing.

#### 5. Benefit Amount & the Limited Federal Tax Exemption.

You can receive a regular benefit up to a maximum of \$450 a week depending on your past earnings. If you file in May or June, your benefit amount will be calculated on the highest quarter in the base period of the twelve months ending December 31. The state unemployment benefits can be received for up to 26 weeks.