



Frequently Asked Questions: Rights for Probationary and Temporary Teachers

This flyer is an attempt by PVFT to answer some of the most frequently asked questions about the rights of probationary and temporary teachers. For more information please feel free to contact Radhika at the PVFT office radhipvft@pvft1936.org or 831-319-9212.

1. If I am told I am going to be released or non-reelected from PVUSD employment what are my due process rights?

As per California Ed Code if you are an Intern, STIP, PIP, Waiver, Probationary 0, Probationary I, Probationary II, or Temporary teacher the District may release you without having to provide a cause. We know, THIS SUCKS!

STIP, PIP, Waiver, Probationary 0 or I: the District has the right to release you up until the end of the school year. Typically this happens before March 15th

Probationary II: you must receive notice of non-reelection by MARCH 15TH, or by default, you will have employment in PVUSD next year.

2. If my evaluation was not done properly can I still be released?

Yes. According to Education Code, the District has complete discretion to release teachers who are not permanent. However, if you feel the process was not followed properly according to the contract, you can contact PVFT so we can look into a possible Grievance. **The Grievance cannot ask that you retain your job as part of the remedy.**

3. I've heard that if I resign (effective the end of the year) before the non-reelect notice goes to the board, I will not be non-reelected and my record will only show that I resigned. I don't think it's fair that they're not recommending me, so why should I resign?!

Whether or not you believe it's fair (read number 1 and 2), if your supervisor recommended that you not come back next year (that you be non-reelected), your name will go to the Board of Trustees and if approved (which it is 99% of the time) they will not renew your employment contract with PVUSD for the following year. Once this happens, you will have a non-reelection on your permanent record. When you apply to most districts you are asked if you have been non-reelected on the application form. In addition, when your potential employer does your employment check, PVUSD will confirm you were non-reelected. However, if you choose to resign your record will only show that you resigned and you can say **no** to this question. PVUSD will also reflect this during employment checks. This is just an option and is 100% up to you.

4. Can I resign and leave PVUSD right now?

You are under contract to PVUSD until the end of the school year therefore, you cannot resign now without PVUSD's permission. However, if you would like to avoid having a non-reelect on your employment record, you have the option of turning in a resignation to **take effect at the end of the school year**. You must turn this form into HR **(Contact the Union for the deadline)**. It can be found at PVUSD.net, Human Resources page. The date you should write on the resignation form for both your last day of work and your last paid day should be June 30th of the current school year. If you need help, call Radhika at (831) 319-9212 for assistance.

5. If I resign, can I re-apply to jobs in PVUSD?

Yes. You can apply for jobs in PVUSD through the same process as any other potential applicant. If you are non-reelected instead of resigning, your chances for reemployment are almost zero for at least one year (this is based only on the union's observations of PVUSD's past practice).

6. Do future (non-PVUSD) employers have access to my PVUSD personnel file?

No, they do not. However, many district applications ask if you have ever been non-reelected, and when they call for an employment history, PVUSD will tell them how you ended your employment (layoff, resignation, non-reelect, retirement).

7. What happens to my benefits if I resign?

You will maintain your benefits through the end of the month of your resignation if you resign prior to the end of the school year. If your resignation takes effect on the last day of school, your benefits will continue until the end of August.

8. What happens to my sick leave if I resign?

If you get employment in another California K-12 school district, your accrued sick leave can be transferred to your new district. You should ask your new district what steps you need to take to make that happen. *Note: When you retire under STRS all unused sick leave contributes to your retirement.*

9. What resources are available to help me during this difficult time?

One good resource is the Employee Assistance Program. This is a free service provided on a completely confidential basis to all PVUSD employees. The program includes counseling, financial advising, legal consultations and other services. You can reach the Employee Assistance Program at (800) 999-7222. The link is also on the PVUSD.net website under the Benefits Department page.

10. Am I eligible for unemployment?

Based on our observations, if you resign, it is unlikely you will receive unemployment benefits, but if you are non-reelected, and do not find employment before the beginning of the next school year, it is more likely you will receive unemployment benefits. **The Union cannot make that determination for you**, and we recommend contacting the California Employment Development Department, as they are the experts. You can reach an EDD counselor at: <https://www.edd.ca.gov>

(This flyer is intended for informational purposes only and not as legal advice.)