

**MASTER COMPILATION  
ADMINISTRATIVE LAW JUDGE LAYOFF DECISION SUMMARIES**

**TABLE OF CONTENTS**

|                                                                               | <u>PAGE</u> |
|-------------------------------------------------------------------------------|-------------|
| I. <u>PROCEDURAL ISSUES</u>                                                   | 1           |
| A.     Failure To Request Hearing Or File Notice Of Defense                   | 1           |
| B.     Motivation For Reducing Services                                       | 1           |
| C.     Service                                                                | 2           |
| D.     Estoppel                                                               | 2           |
| E.     Jurisdiction                                                           | 4           |
| F.     Existence And/Or Sufficiency Of Resolution And/Or Notices              | 5           |
| G.     Notice                                                                 | 6           |
| H.     Miscellaneous                                                          | 7           |
| II. <u>REDUCTIONS OR DISCONTINUANCES IN SERVICES NOT ALLOWED</u>              | 8           |
| A.     Services Not Particular Or Not Sufficiently Specific                   | 8           |
| B.     Miscellaneous Reductions Or Discontinuances Disallowed                 | 9           |
| III. <u>REDUCTIONS OR DISCONTINUANCES IN SERVICES ALLOWED</u>                 | 9           |
| A.     Services Described With Sufficient Specificity                         | 9           |
| B.     Services Reduced Or Performed In A Different Manner                    | 10          |
| C.     Services Reduced Or Performed In A Different Manner – Nursing Services | 11          |
| D.     Services Reduced Or Performed In A Different Manner – Other Services   | 11          |
| E.     Services Not Mandatory                                                 | 11          |
| F.     Mandated Services Not Being Discontinued                               | 11          |
| G.     Services Not Reduced Below The Level Required By Law                   | 12          |
| H.     Librarian Services                                                     | 12          |

|                                                                                        | <u>PAGE</u> |
|----------------------------------------------------------------------------------------|-------------|
| I. Reductions Upheld Despite Contentions That Services Were Not Actually Being Reduced | 12          |
| J. Miscellaneous                                                                       | 13          |
| IV. <u>SENIORITY</u>                                                                   | 14          |
| A. Entitled To Retroactive Seniority                                                   | 14          |
| B. Not Entitled To Retroactive Seniority                                               | 16          |
| C. Early Reporting Or Orientation Effect On Seniority                                  | 17          |
| D. Prior Temporary Or Substitute Service                                               | 18          |
| E. Effect Of Resignation On Seniority                                                  | 19          |
| F. Specific Cases                                                                      | 20          |
| G. Issues Involving Interns, Coaches And Exchange Teachers                             | 20          |
| H. Categorically-Funded Employees                                                      | 21          |
| I. Proper Notifications Of Temporary Status ( <i>Kavanaugh Probs</i> )                 | 21          |
| J. Miscellaneous                                                                       | 23          |
| V. <u>CREDENTIALS</u>                                                                  | 24          |
| A. Late Receipt                                                                        | 24          |
| B. Miscellaneous                                                                       | 24          |
| VI. <u>COMPETENCY</u>                                                                  | 25          |
| A. General Standards                                                                   | 25          |
| B. Competency Standard Upheld - Employee Competent                                     | 27          |
| C. Competency Standard Upheld - Employee Not Competent                                 | 27          |
| D. Employee Competent - No Standard Mentioned                                          | 30          |
| E. Employee Not Competent - No Standard Mentioned                                      | 30          |
| F. Particular Cases                                                                    | 31          |

|                                                                                                | <u>PAGE</u> |
|------------------------------------------------------------------------------------------------|-------------|
| G. Miscellaneous                                                                               | 31          |
| VII. <u>CRITERIA FOR BREAKING SENIORITY TIES</u>                                               | 31          |
| A. Criteria Invalid And/Or Not Property Applied                                                | 31          |
| B. Criteria Valid And Property Applied                                                         | 32          |
| C. Miscellaneous                                                                               | 34          |
| VIII. <u>SKIPPING</u>                                                                          | 34          |
| A. Skipping Allowed                                                                            | 34          |
| B. Skipping Not Allowed                                                                        | 39          |
| C. No Obligation To Skip                                                                       | 43          |
| D. Miscellaneous                                                                               | 45          |
| IX. <u>BUMPING</u>                                                                             | 45          |
| A. Partial Bumping                                                                             | 45          |
| B. Bumping Should Have Been Allowed                                                            | 46          |
| C. Inverse Bumping                                                                             | 48          |
| D. Bumping Correctly Allowed                                                                   | 48          |
| E. Bumping Correctly Disallowed                                                                | 49          |
| F. Bumping Of And By ROP And Adult School Teachers, Consultants And<br>Other Special Employees | 52          |
| G. Miscellaneous                                                                               | 53          |
| X. <u>ASSIGNMENTS AND REASSIGNMENTS</u>                                                        | 55          |
| XI. <u>ATTRITION</u>                                                                           | 55          |
| A. Not Necessary In PKS Cases                                                                  | 55          |
| B. Attrition Need Not Be Considered                                                            | 56          |
| C. Attrition Must Be Considered                                                                | 56          |

|                                | <u>PAGE</u> |
|--------------------------------|-------------|
| D.        Miscellaneous        | 57          |
| XII. <u>CONTRACTUAL ISSUES</u> | 57          |
| XIII. <u>DOMINO THEORY</u>     | 57          |
| A.        Applied              | 57          |
| B.        Not Applied          | 57          |