



Washington Teachers' Union

WTU RIF Update

Questions and Answers

On the WTU response to the reduction in force

Q. What legal steps did the Washington Teachers' Union (WTU) take to protect the interests of teachers and the students we serve following the D.C. Public Schools (DCPS) reduction in force?

A. After 266 teachers were released from their positions, WTU immediately filed a class-action grievance contending that DCPS' actions amount to a massive discharge of teachers – or firing – rather than a RIF. Under the WTU contract, DCPS is required to show just cause, progressive discipline, and follow due process before teachers can be fired.

Q. What court-related actions has the union taken?

A. Attorneys for WTU have filed a motion for a temporary restraining order (TRO), as well as a complaint seeking a preliminary and a permanent injunction asking that teachers be reinstated – or placed back in their positions – while the arbitration is being decided. In addition to reinstatement, WTU also has asked that the arbitration of the grievance on the massive discharge be expedited and moved quickly to lessen the damage to teachers and the school system.

Q. What happened during the Oct. 28 Status Conference and how does it affect the preliminary injunction hearing?

A. During a Status Conference between the union, DCPS and Judge Judith Bartnoff on Oct. 2, the judge determined that a hearing on the TRO was not necessary prior to the Nov. 5 preliminary injunction hearing. The judge did, however, protect the reinstatement rights of teachers, pending the outcome of the hearing on Nov. 5. Further, Judge Bartnoff stated the Court would not accept arguments from DCPS that reinstatement was impossible simply because the teachers had been removed from the DCPS payroll. In other words, the court stated that it retained authority to reinstate the teachers who have

been subject to the RIF, in the event the Court agrees with WTU at the injunction hearing on Nov. 5.

Q. Did the judge refuse to grant a TRO on Oct. 28?

A. No. The judge made no ruling on whether to grant the TRO at the Oct. 28 Status Conference.

Q. What are the possible outcomes for the Nov. 5 preliminary injunction hearing?

A. The preliminary injunction hearing is just a first step and a vehicle to move the union closer to arbitration. The primary purpose of the hearing is for the judge to uphold the union's right to move forward on the massive discharge grievance under circumstances where the affected teachers remain on the payroll and the arbitrator will not face arguments from DCPS that these teachers cannot be permanently reinstated because they have been removed from DCPS' payroll.

The possible outcomes of the Nov. 5 hearing are: 1) The judge could decide to preserve our right to arbitrate the grievance and reinstate teachers through the arbitration process; 2) The judge could rule to expedite the arbitration process; 3) The judge could rule that the grievance is arbitrable, but teachers will not be reinstated through the arbitration process; or 4) The judge could deny the injunction.

Q. What happens if the judge rules against the preliminary injunction?

A. Even if the judge rules against the preliminary injunction, our fight is far from over. The union will continue to pursue arbitration on the massive discharge grievance. DCPS, however, would not be required to reinstate teachers during the grievance process. Regardless of the outcome of the Nov. 5 hearing, the union is committed to protecting the interests of our RIF'ed members to the fullest extent possible.

Working for what's good for kids and fair to teachers.

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