

BEFORE THE
GOVERNING BOARD OF THE
INGLEWOOD UNIFIED HIGH SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of:

OAH No. L2008020715

The Reduction in Force of 50 Full-Time
Equivalent Positions of the Certificated
Employees of the District,

Respondents.

PROPOSED DECISION

David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 28 and 29, 2008, at the Inglewood Unified School District, Inglewood, California.

Margaret A. Chidester and Alexandria M. Davidson, Attorneys at Law, represented the Inglewood Unified School District (District).

Trygstad, Schwab & Trygstad, by Lawrence B. Trygstad, Attorney at Law, represented Respondent teachers. A list of Respondents is attached as Attachment A. An explanation of the notes on that list, including the Respondents who were present at the hearing, is found in Factual Finding 7, below.

Evidence was received by way of stipulation, testimony and documents. The record was closed and the matter was submitted on April 29, 2008.

SUMMARY OF PROPOSED DECISION

The Governing Board of the District determined to reduce or discontinue particular kinds of services provided by certificated teachers for budgetary reasons. The decision was not related to the competency and dedication of the individuals whose services are proposed to be reduced or eliminated.

District staff carried out the Board's decision by using a selection process involving review of credentials and seniority. The selection process was in accordance with the requirements of the Education Code, except to the extent that the District sent more notices than justified under the circumstances. The affected employees will have the Accusations against them dismissed. Otherwise, the Board may proceed as indicated herein.

FACTUAL FINDINGS

Jurisdiction and Parties

1. The District provides educational services for students in grades kindergarten through 12. The District employs approximately 766 certificated staff in permanent or probationary positions.

2. Pamela Short-Powell, Ed.D., is the Superintendent of the District and Robert Mena is the Director of Human Resources of the District. Their actions were taken in those official capacities. Mr. Mena was responsible for implementation of the technical aspects of the layoff.

3. Before March 15, 2008, the District served on 221 teachers, including Respondents, by personal service and/or certified mail, a written notice (notice) that it had been recommended that notice be given to them pursuant to Education Code sections 44949 and 44955 that their services would not be required for the next school year. Each notice set forth the reasons for the recommendation and noted that the Board had passed a Resolution reducing the certificated staff by 50 full-time equivalent (FTE) positions.

4. Approximately 130 certificated employees, referred to as Respondents, submitted timely written requests for a hearing to determine if there is cause for not reemploying them for the ensuing school year. The District's contention that Nellie Saldana did not submit a timely request for hearing is rejected. The weight of the evidence established that Ms. Saldana's request was filed at the same time as requests by three other employees which were accepted as timely.

5. The Superintendent made and filed Accusations against each of the Respondents. On March 28, 2008, the District served the Respondents by certified mail with an Accusation along with required accompanying documents and blank Notices of Defense. Several of the Respondents were also personally served.

6. Notices of Defense were served on the District in at least three ways. Several Respondents filled out and returned the blank Notice of Defense that had been served with the Accusation packets. Several Respondents filled out and served another form of a Notice of Defense. (Both of these formats are found in Exhibit 2.) Finally, Mr. Trygstad filed a Notice of Defense with respect to all of the Respondents. (Exhibit A.)

7. Attachment A is incorporated by reference. The 130 names originally listed and numbered are Respondents whom the District claimed had submitted timely Notices of Defense. (See list at beginning of Exhibit 2.) The evidence established that the Respondents' names added at numbers 3a, 9a, 34a and 99a are properly treated as Respondents in this matter. As to Bruce Wullschleger at number 129a, although it was not established that he submitted a Notice of Defense, nevertheless the District stipulated that the notice and Accusation were withdrawn as to him. The District also stipulated that its notices

and Accusations were withdrawn as to all names with the designation "+". Finally, all Respondents whose names have the designation "*" appeared at the hearing, although not necessarily for the entire hearing.

8. Respondents in this proceeding are probationary and permanent certificated employees of the District.

The Governing Board and the Lay Off Resolution

9. On February 27, 2008, the Governing Board of the District (Board) was given notice of the Superintendent's recommendation that 50 FTE employees be given notice that their services would not be required for the next school year and stating the reasons therefore.

10. Board Resolution number 19/2007-2008, adopted on February 27, 2008, proposed a layoff of 50 FTE certificated employees (Resolution). Specifically, the Resolution provided for the reduction or elimination of the following particular kinds of services:

<u>FTE</u>	<u>Services</u>
40	K-6 Classroom teaching positions
1	Physical Education teaching position
4	Classroom Language Arts teaching positions ¹
3	Classroom Social Studies teaching positions
2	Classroom Art teaching positions

At the hearing, the District withdrew one of the FTE reductions for Classroom Art teaching positions.

11. The Resolution also established tie-breaker criteria for determining the relative seniority of certificated employees who first rendered paid service on the same date. It provided that the order of termination shall be based on the needs of the District and the students in accordance with the criteria stated therein. More specifically, the tie-breaker criteria provide for points to be awarded for certain credentials, certificates, authorizations, degrees or salary steps. The more points awarded to a teacher, the higher the seniority within the shared date of first paid service. In the event of a tie after reference to all listed criteria, a lottery would be held in which the lower the number drawn, the lower the seniority.

12. Director of Human Resources Mena stated that the Resolution was required by the District's fiscal crisis and need to reduce services to balance its budget for the welfare of students, as well as a projected reduction in enrollment. More specifically, the Board

¹ By a typographical error, in one place in the Resolution this was erroneously referred to as a 3 FTE reduction.

received information about the next state budget leading the Board to believe that, for school year 2008-2009, it would experience a budget shortfall of \$3.9 million, and reduced enrollment of approximately 760 to 770 students.

13. The decision to reduce services was not related to the competency and dedication of the individuals whose services are proposed to be reduced or eliminated.

The Seniority List and the Lay Offs

14. The District maintains a seniority list which contains employees' seniority dates (first date of paid service), current assignments and credentials.

15. The District used the seniority list to develop a proposed layoff list of the least senior employees currently assigned in the various services being reduced. The District then determined whether the least senior employees held credentials in another area and were entitled to displace, or "bump," other employees. In determining who would be laid off for each kind of service reduced, the District counted the number of reductions not covered by the known vacancies, and determined the impact on incumbent staff in inverse order of seniority. The District then checked the credentials of affected individuals and whether they could "bump" other employees.

16a. The Resolution also included a determination that the District would seek exemption from the layoff for certain employees "because of special training, experience or credential that others with more seniority do not possess." (Exhibit 1a.) In essence, the Board seeks approval in this hearing process to skip these employees, but nevertheless served them with notices so that, if approval was not given, the employees could be laid off.

16b. The categories of exemptions sought by the District are for personnel currently in the following assignments who will serve in the same assignments for the 2008-2009 school year: administrators possessing administrative credentials; special education teachers possessing special education credentials or other listed permits or credentials; teachers possessing single subject credentials or other listed permits or credentials in math, Spanish, French, band (music) or science; school psychologists possessing school psychologist credentials; personnel possessing single subject credentials or other listed permits or credentials in Library Media Teacher Services; and program coordinators. According to Mr. Mena, the exemptions are necessary because administrators are needed for governance and for safety; special education is mandated; school psychologists are not assigned to classrooms and are not affected by the projected lower enrollment; program coordinators are an integral part of the instructional program at each school site; and the other positions are historically hard to fill and are not affected by the projected lower enrollment.

17. The District used information from the seniority list and personnel files to apply the tie-breaker criteria of the Resolution.

18. The services identified in the Resolution are particular kinds of services that could be reduced or discontinued under Education Code section 44955. The Board's decisions to reduce or discontinue the identified services were neither arbitrary nor capricious, and were a proper exercise of its discretion. The decisions were based on the welfare of the District and its pupils.

19. The District identified the certificated employees providing the particular kinds of services that the Board directed be reduced or discontinued. No junior certificated employee is scheduled to be retained to perform services which a more senior employee is certificated and competent to render.

Respondents' Contentions

20. Respondents contend that the Accusations must be dismissed because the District sent out many more notices of lay off than are justified by the 49 FTE positions being eliminated. Further, the seniority list contains numerous errors to the extent that it is difficult, if not impossible, to determine the order of termination. Respondents argue that the "over noticing" and the District's requests for exemptions are attempts to avoid the statutory requirement to send notices by March 15, as the District retains discretion over a large portion of its certificated personnel to determine who will be laid off, long after March 15. Further, Respondents contend that the lottery held after all other tie-breaking criteria were used is illegal, and, if not, should have taken place before the notices were sent.

21. In support of these contentions, the following evidence was submitted.

(a) One version of the seniority list (Exhibit 3a) shows that layoff notices were sent to all employees with seniority numbers from the last on the list, Mr. Mena, number 764 with a seniority date of March 15, 2008,² to Lisa Fears, number 547 with a seniority date of January 29, 2004.

(b) On a copy of the seniority list (Exhibit 3), Mr. Mena marked the employees who received notices related to the specific FTEs reduced by the Resolution. Exhibit 3 indicates that the last person receiving a notice correlated to an FTE reduction is number 637, Sharon Bell.

(c) Most of the errors proven in the seniority list related to the failure of the District to properly note employees who had Masters degrees or credentials that would be significant in applying the tie-breaking criteria to employees with the same first date of paid service. Mr. Mena stated that the District intended to correct this information and redo the tie-breaking process, including new lotteries where necessary, to correct the order of employees who share the same seniority dates.

² Mr. Mena was hired on August 6, 2007, but testified that he does not accrue seniority because he is assigned to the District office and not to any school site.

(d) Nakia Wilson-Sears claimed that she had an earlier seniority date, however the evidence established that she was a day-to-day substitute until she started a full-time position on her given seniority date. Similarly, Francesca Chase claimed that she had an earlier seniority date, however the evidence established that she had a break in service. Their seniority dates were correct.

(e) Cheryl Alexander had a special education credential, but it expired. Cherelle Hartley-Brown received a GATE certificate after attending a training program. Evanna Hampton may have enough credits to obtain a science authorization, but has not applied for it. None of these three circumstances would change information on the seniority list.

(f) Amber Rae established that, instead of a seniority date of October 3, 2007, it should be October 1, 2007. Allen Fowler is listed as a "prob 2" (second year of probation), but established that he is a permanent employee and should be listed as tenured. The District agreed to make these corrections.

(g) Jong-Eun Son has a certificate of eligibility for an administrator credential, however it has not been filed with the District. She has never served in an administrative position in the District, and wants to teach for another year.

22. Respondents raised several additional contentions in their brief (Exhibit B) which were not supported by sufficient evidence or the law; therefore, the contentions are rejected.

(a) For example, Respondents rely upon a Board resolution dated March 7, 2008, to argue that 15 personnel nonreelected at that time must be treated as attrition and thereby reduce the number of FTEs herein. The nonreelection process of the District under Education Code sections 44951 and 44929.21, is entirely separate from the rights of probationary employees under sections 44949 and 44955. Further, some of the nonreelected teachers did not teach in areas targeted for reduction under the Resolution. Further, Mr. Mena testified that nonreelected employees in the subject areas included in the Resolution were considered as part of the attrition. Respondents' contention was disproved.

(b) Respondents also contend that the District changed the status of temporary employees to probationary employees of some employees who were using emergency permits or intern and pre-intern authorizations, but did not change the status of other temporary employees who were similarly situated. However, Mr. Mena testified that the District does not employ any temporary certificated employees. There was insufficient evidence to support this contention of Respondents.

(c) Respondents contend that there are probationary employees with less seniority who did not participate in the layoff proceeding. The only evidence produced to support the contention was that some employees were sent notices of nonreelection under Education Code sections 44951 and 44929.21. Respondents did not establish that these nonreelections were not treated as attrition (see Factual Finding 22(a)) or that there were any

other probationary employees with less seniority who did not participate in the lay off proceeding. Nor did they establish that, had these employees been included in the layoff process, the outcome would have been different for any Respondent.

(d) Respondents contend that positively assured attrition must be considered by the District such that the number of any employees who resigned, retired or otherwise separated from service must be used to reduce the number of FTEs at issue in this proceeding. Respondents did not establish that the District did not properly consider positively assured attrition.

(e) Respondents contend that the District cannot justify retention of junior employees without proving that the more senior employees who were given notices are not competent to perform an actual, "necessary" assignment, and not just that the District merely desires to retain those with certain training or experience. This contention is addressed in the Discussion section, below.

LEGAL CONCLUSIONS AND DISCUSSION

1. Education Code³ section 44944, subdivision (a), states in pertinent part:

"No later than March 15 and before an employee is given notice by the governing board that his or her services will not be required for the ensuing year for the reasons specified in Section 44955, the governing board and the employee shall be given written notice by the superintendent of the district or his or her designee . . . that it has been recommended that the notice be given to the employee, and stating the reasons therefor."

2. Section 44955 provides, in pertinent part:

"(a) No permanent employee shall be deprived of his or her position for causes other than those specified in Sections 44907 and 44923, and Sections 44932 to 44947, inclusive, and no probationary employee shall be deprived of his or her position for cause other than as specified in Sections 44948 to 44949, inclusive.

"(b) Whenever . . . a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, . . . and when in the opinion of the governing board of the district it shall have become necessary by reason of any of these conditions to decrease the number of permanent employees in the district, the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. Except as otherwise provided by statute, the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

³ All citations are to the Education Code.

"As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. Upon the request of any employee whose order of termination is so determined, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of termination shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement. . . .

"(c) . . . [S]ervices of such employees shall be shall be terminated in the reverse order in which they were employed, as determined by the board in accordance with Sections 44844 and 44845. In the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 44949, he or she shall be deemed reemployed for the ensuing school year.

"The governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. . . .

"(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

"(1) The district demonstrates a specific need for personnel to teach a specific course or course of study, or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess."

3. Sections 44949 and 44955 establish jurisdiction for this proceeding. The notice and jurisdictional requirements set forth in sections 44944 and 44945 were met. (Factual Findings 3 through 9.)

4. A District may reduce services within the meaning of section 44955(b) "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by determining that proffered services shall be reduced in extent because fewer employees are made available to deal with the pupils involved." (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.)

5. Cause exists to reduce the number of certificated employees of the District due to the reduction and discontinuation of particular kinds of services. Cause for the reduction or

discontinuation of services relates solely to the welfare of the District's schools and pupils within the meaning of section 44949.

6. A senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the senior employee may displace or "bump" a junior employee who is filling that position. (*Lacy v. Richmond Unified School District* (1975) 13 Cal.3d 469.) Junior teachers may be given retention priority over senior teachers if the junior teachers possess superior skills or capabilities which their more senior counterparts lack. (*Poppers v. Tamalpais Union High School District* (1986) 184 Cal.App.3d 399; *Santa Clara Federation of Teachers v. Governing Board* (1981) 116 Cal.App.3d 831.)

7. Many Respondents who testified provided evidence that the seniority list was deficient in listing the information showing they were entitled to different treatment under the tie-breaking criteria, and the District agreed to reconfigure the seniority list. See Factual Findings 20, 21 and 22. For the reasons set forth below, this will not have an affect on the order of layoff. It may affect possible rehiring rights, which are not subject to the jurisdiction of this hearing and are covered in other statutory provisions such as sections 44956 and 44957.

8. In the one instance of an incorrect seniority date for Amber Rae (Factual Finding 21(f)), the correction of the date will not have an affect on the order of layoff, as Ms. Rae is a relatively junior employee and would be laid off under the corrected date.

9. The Respondents with breaks in service are only entitled to a seniority date upon their reemployment, under section 44848.

10. None of the errors in the seniority list are prejudicial to Respondents in the context of this preceeding. Therefore, they are deemed "nonsubstantive procedural errors" under section 44949, subdivision (c), and are not cause for dismissing the charges.

11. The District only resorted to the use of a lottery after applying eight tie-breaking criteria, and then based upon the reasoning that it was the most expeditious means of establishing the hierarchy necessary to proceed with the layoff process. (See Factual Findings 11, 17 and 21.) This process is in the best interests of the District and its students.

12a. A school district may deviate from strict seniority in layoffs and skip employees if it can demonstrate a "specific need" and that the employees have "special training and experience . . . which others with more seniority do not possess." (Section 44955, subdivision (d)(1), set out in more detail in Legal Conclusion 2.) The District established a specific need and submitted evidence of the special training and experience of the teachers for which it seeks exemption from layoff, and Respondents did not provide any evidence to the contrary. (See Factual Findings 14, 15 and 16.) However, rather than actually skipping those employees by not send them notices, the District sent them notices and included them

in these proceedings, as explained by Mr. Mena, in an abundance of caution so that, if not skipped correctly, it would not invalidate related portions of the layoff process.

12b. Although this is an unusual method and resulted in more teachers receiving notices than if they were actually skipped, Respondents did not establish that they were prejudiced or that the process employed by the District was not in the best interests of the District and its students.

13a. The number of employees receiving notices does present an issue in one regard. Mr. Mena was able to establish that, moving up the seniority list from the most junior employee at seniority number 766 to employee number 637, employees either received notices because of the FTEs of particular kinds of services being reduced or eliminated, or bumped other employees, or were the subject of an exemption (skipping) based upon needs and special training and experience. Sharon Bell at number 637 was the last employee for whom the layoff was tied to a particular kind of service FTE position to be reduced or eliminated. However, for more senior employees beyond Sharon Bell at number 637, the only explanation offered was a desire to maintain sufficient flexibility to lay off employees due to the District's need to remain solvent. This is an insufficient basis on which to justify the notices of employees with seniority numbers 636 to 547.

13b. According to section 44955, subdivision (b), "the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district" as it relates to the particular kinds of services to be reduced or eliminated. Admittedly, this statutory limitation applies to the ultimate decision of the District to send final layoff notices by May 15. The District is allowed a certain amount of flexibility, as it is understood that the March 15 notices are the first step in the process and that details of the precise number of terminations emerge as the administrative hearing progresses. (*Karbach v. Board of Education* (1974) 39 Cal.App.3d 355.) However, that flexibility should not be limitless and the District's discretion is affected by the statutory language that limits the governing board to final layoff of a number of employees characterized as a "corresponding percentage." "[T]he determination of the amount by which a service is to be reduced is the determination of the number of positions to be eliminated." (*San Jose Teachers Assn v. Allen* (1983) 144 Cal.App.3d 627, 636.)

13c. Here, the hearing process has taken place and determinations are made herein concerning the validity of the positions slated for reduction and personnel who fill those positions. The need for flexibility becomes reduced as the process moves to its conclusion. According to the seniority lists (Exhibits 3 and 3a), and Mr. Mena's correlation of names to FTEs to be reduced (see Factual Finding 21(b)), there are 12 employees who are correlated to particular FTE reductions or eliminations who did not request a hearing.⁴ Also, the Order below allows the District to send final layoff notices to 45 Respondents, if necessary. This is sufficient flexibility to serve the purposes of fiscal responsibility as described by Mr. Mena.

⁴ Employees with seniority numbers 677, 682, 688, 690, 697, 711, 722, 737, 755, 756, 759 and 762.

The District went beyond the reasonable need for flexibility by sending notices to those teachers with more seniority than Sharon Bell at number 637.

14. Respondents requested that all of the Accusations should be dismissed due to the "over notice" by the District. There is no basis to grant this motion as stated. However, the Respondents with more seniority than Sharon Bell at number 637 will have the Accusations dismissed as to them. Those 61 Respondents are identified as follows, and include those Respondents about whom the District withdrew the Accusations and notices: Allums, Moi; Anderson, Darlene; Armstrong-Booth, Tara L.; Baker, Beth Anne; Bentley, Jimanese; Berry, Christopher; Blanco, Victor T.; Bowen, John; Brownlee, Christopher; Crawford, Tanya; Cueva, Emma; Devereaux, Heather; Evans, Camille M.; Flowers, Jennie; Fowler, Allen; Friedman, Sally; Ginsberg, Brent; Gonzalez, Wendy; Greene, Krystal; Hartley-Bonar, Cherelle; Hashim, Peter; Herndon, Jo Ann L.; Igweze, Benedict; Laugo, Zenaida; Lord, Earlene; Lund, Allison; Mace, Jantonia; Manning, James; Marasco, David; Marquez, Fabiola; Martin, Ariana; McClay, Mia; McDonald, Carolyn; Mckee, Wilson; Mecolick, Bianca; Montgomery, Miko; Najera, Maria; Nichols-Mosley, Tammy; Obregon, Desiree A.; Okonkwo, Rosemary; Orliczky, Thomas; Rieux-Harvey, Regina; Rowe, Stephen; Royal, Aisha Bahati; Ruben, Jennifer I.; Slack, Eddie; Sopa, Adele; Sparks, Jerane; Tahajian, Samantha; Tellez, Mayra; Thomas, Stephen D.; Torres, Efren; Trotter, Monique; Walker, Johnny; Washington, Rudy; Webb, Catherine J.; Weintraub, Daniel R.; Wilkerson, Opal L.; Witt, La Shawn Denise; Wolfe, Darcie; and Woods, Rashondra. Further, the District withdrew its notice and accusation as to Bruce Wullschleger.

ORDER

1. Notice may be given to employees occupying 49 full-time equivalent certificated positions that their services will not be required for the 2008-2009 school year because of the reduction and discontinuance of particular kinds of services. Such notices may be given to the following 45 employees: Alexander, Cheryl; Anderson, Marcela; Aquino, Yesenia; Barahona, Miguel; Barrios, Karla Marivel; Bautista Jr., Noe; Bell, Sharon; Bellante, Matthew; Brooks, Tasha; Brown, Kevin; Brown, Tracey; Chase, Francesa D.; Cherry, Deborah; Choi, Becky J.; Collins, Ginifer; Fujiwara, Andres; Grant, Ignacia; Gurse, Yael; Gutierrez, Jaime; Hampton, Evanna; Harvey, Brian; Hensley, Heather L.; Jernigan, Elise C.; Johnson, Jaclyn; Johnson, Lashawnda; Leyva, Leticia; Meekins, Donnell R.; Ocampo, Celerina; Oliveira, Sandra; Pogue, Melody; Rae, Ambur; Raschilla, Nicholas; Rice, Terrence; Robles, Reyna; Saldana, Nellie; Smith, Jamie; Son, Jung-Eun; Udechukwu, Peace; Valdivia-Garcia, Yolanda; Valenzuela, Claudia; Velarde, Sofia; Villanueva, Rachel; Villavicencio, Mayra; Wilson, Nakia; and Yeldell, Constance.

2. Notice shall be given in inverse order of seniority. Each Respondent shall receive such a notice.

3. The Accusations are dismissed as to the following Respondents, and no final layoff notices may be sent to them: Allums, Moi; Anderson, Darlene; Armstrong-Booth, Tara L.; Baker, Beth Anne; Bentley, Jimanese; Berry, Christopher; Blanco, Victor T.;

Bowen, John; Brownlee, Christopher; Crawford, Tanya; Cueva, Emma; Devereaux, Heather; Evans, Camille M.; Flowers, Jennie; Fowler, Allen; Friedman, Sally; Ginsberg, Brent; Gonzalez, Wendy; Greene, Krystal; Hartley-Bonar, Cherelle; Hashim, Peter; Herndon, Jo Ann L.; Igweze, Benedict; Laugo, Zenaida; Lord, Earlene; Lund, Allison; Mace, Jantonia; Manning, James; Marasco, David; Marquez, Fabiola; Martin, Ariana; McClay, Mia; McDonald, Carolyn; Mckee, Wilson; Micolick, Bianca; Montgomery, Miko; Najera, Maria; Nichols-Mosley, Tammy; Obregon, Desiree A.; Okonkwo, Rosemary; Orliczky, Thomas; Rieux-Harvey, Regina; Rowe, Stephen; Royal, Aisha Bahati; Ruben, Jennifer I.; Slack, Eddie; Sopa, Adele; Sparks, Jerane; Tahajian, Samantha; Tellez, Mayra; Thomas, Stephen D.; Torres, Efren; Trotter, Monique; Walker, Johnny; Washington, Rudy; Webb, Catherine J.; Weintraub, Daniel R.; Wilkerson, Opal L.; Witt, La Shawn Denise; Wolfe, Darcie; Woods, Rashondra; and Wullschleger, Bruce.

DATED: May 6, 2008.

DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings