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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
FAYRENE KOROMA)	OEA Matter No. 2401-0150-04
Employee)	
)	Date of Issuance: October 24, 2005
v.)	
)	Joseph E. Lim, Esq.
D.C. PUBLIC SCHOOLS)	Senior Administrative Judge
Agency)	
)	

Fayrene Koroma, Employee *pro se*
Harriet Segar, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION

On June 9, 2004, Employee, an ET-15 Elementary School Teacher with the D.C. Public Schools (the "Agency"), filed a Petition for Appeal with the Office of Employee Appeals (the "Office"), contesting Agency's decision separating her from government service pursuant to the abolishment of her job for financial reasons (the "RIF"), effective June 30, 2004. This matter was assigned to me on March 8, 2005. I held a Prehearing Conference on May 9, 2005.

Since this Matter raised no factual disputes, no hearing was held. I closed the record after both parties submitted their legal brief on the issues.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether Agency's action separating Employee from service as a result of the RIF was in accordance with applicable law, rule or regulation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Findings of fact.

The following facts are not subject to genuine dispute:

1. According to Agency's personnel records, Employee was an ET-15 Elementary School Teacher at Malcolm X Elementary School.
2. During School Year 2003-2004, Agency experienced financial constraints and made the decision on May 11, 2004 to reduce staffing levels by abolishing positions throughout the school system.
3. Agency required Malcolm X Elementary School to abolish a set number of positions based on student enrollment and budgetary constraints.
4. Together with input from the Chief Finance Office and the Assistant Superintendent, Malcolm X Elementary's principal determined that two positions would be abolished at the school site.
5. Employee's competitive area was K-6 while her title and grade of competitive level was ET-15 Elementary School Teacher.
6. Using the prescribed Competitive Level Documentation Form ("CLDF"), Employee received 40 points out of a total of 100.
7. On May 27, 2004, Agency issued to Employee a letter of official notice of abolishment of her position, effective June 30, 2004.

Analysis and conclusions.

At the prehearing conference and in her submissions, Employee made several complaints: that the school made mistakes in her position assignments; that the excessing decisions made by management were flawed; that her students made false allegations of teacher abuse against her; that students committed acts of vandalism on her car; that some students had consistently harassed her; and that she was consistently placed in overloaded classes of problem students who should have been considered for Special Education.

D.C. Official Code § 1-624.08(f) reads as follows:

Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this action shall be subject to review except that . . . (2) An employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (e) were not properly applied.

Section 1-624.08(d) states in part that:

An employee affected by the abolishment of a position pursuant to this section . . . shall be entitled to one round of lateral competition which shall be limited to positions in the employee's competitive level.

Section 1-624.08(e) states that:

Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

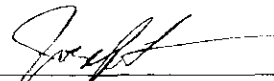
Thus, an employee whose position was abolished as a result of a RIF may only contest before this Office: 1) that she was not afforded one round of lateral competition within her competitive level; and/or 2) that she was not given 30 days notice prior to the effective date of her separation.

Here, none of Employee's complaints or arguments deal with the only two issues that the statute allows me to entertain. Indeed, Employee's arguments have little to do with the RIF itself. Thus based on the record before me, I conclude that the RIF was conducted in accordance with applicable law, rule, or regulation. Therefore, the agency's action must be upheld.

ORDER

It is hereby ORDERED that Agency's action separating Employee from service pursuant to the modified RIF is UPHELD.

FOR THE OFFICE:



JOSEPH E. LIM, Esq.
Senior Administrative Judge