CONNEAUT SCHOOL DISTRICT
DISTRICT ADMINISTRATION OFFICE

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SUPERINTENDENT'S REGULATION

POLICY 339
Effective April 10, 2019

UNPAID LEAVE
ADMINISTRATIVE GUIDELINES
FOR EMPLOYEES UNDER THE CONNEAUT EDUCATIONAL SUPPORT PROFESSIONALS ASSOCIATION (CESPA)

Article XIX, Section K of the collective bargaining agreement between the Conneaut School District and the Conneaut Educational Support Professionals Association (CESPA) provides a framework of disciplinary procedures for situations in which unpaid days in excess of five (5) days are taken in a given school year.

Unpaid days shall be tracked, and subsequent progressive discipline adjudicated, as follows:

1. "Unpaid Leave" is defined and tracked in increments of half and whole days in relation to the regularly scheduled hourly shift for an employee.

2. Unpaid leave is tracked on a weekly basis and is expressed as the number of days short for the pay week, not for a specific date.

> a. Because of this, employees ***may*** have the option of making up missed time later in the week. For example, if an eight hour employee works seven hours on Monday, he/she may work nine hours on Tuesday to make up for the missed time. **This is at the sole discretion of the employee's immediate supervisor and may or may not be granted due to the nature of the department and the availability of extra work.** Making up of time must occur in the week in which the missed time occurred and may not occur in subsequent weeks.

3. Unpaid time equal to or exceeding one half of the employee's regularly scheduled daily shift will be charged to the employee as general unpaid leave. In all situations, however, employees will be paid based on actual hours worked in increments of fifteen (15) minutes.

> **Examples:**
> **1.** Employee A is an 8 hour employee and works 38 hours during a regular five day work week. Since the shortfall (2 hours) is less than one half of A's regular shift, he/she would not be charged with unpaid leave. However, A would still only be paid for the 38 hours worked.
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> **2.** Employee B is a 6 hour employee and works 26 hours during a regular five day work week. Because the shortfall (4 hours) is more than one half of B's regular shift, but less than a full regular day, B would be charged one half day of general unpaid leave. However, B would still only be paid for the 26 hours worked.
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> **3**. Employee C is a 7 hour employee and works 27 hours during a regular five day work week. Because the shortfall (8 hours) exceeds the regular daily hours for Employee C, but is less than the next increment of 1.5 times the regular daily hours, Employee C would be charged one day of general unpaid leave. However, C would still only be paid for the 27 hours actually worked.

4. Progressive discipline for excessive use of general unpaid leave will occur as follows:

a. When an employee utilizes their fourth day of unpaid leave, an email notification will be sent to their District email account. The same will occur when their fifth unpaid day has been used.

b. When an employee has utilized six days of unpaid leave, a meeting will be scheduled and a verbal warning will be issued. During this meeting, the employee will be provided with the "Request for Board Waiver of Unpaid Leave Disciplinary Action" form and may request that the School Board waive the disciplinary action at a future School Board meeting. The employee shall have five calendar days from the date of the disciplinary meeting to request a waiver by submitting the completed form to the District's Personnel Specialist. If a waiver is approved, all records relating to the verbal warning will be removed from the employee's personnel file.

b. When an employee has utilized seven days of unpaid leave, a meeting will be scheduled and a written warning will be issued. The employee will again be provided with the "Request for Board Waiver of Unpaid Leave Disciplinary Action" form and may request that the School Board waive the disciplinary action at a future School Board meeting. The employee shall have five calendar days from the date of the disciplinary meeting to request a waiver by submitting the completed form to the District's Personnel Specialist. If a waver is approved, all records relating to the written warning will be removed from the employee's personnel file.

c. When an employee has utilized eight days of unpaid leave, a meeting will be scheduled and the employee will be advised that their termination will be recommended for the School Board's approval at the next regularly scheduled School Board meeting. The employee will again be provided with the "Request for Board Waiver of Unpaid Leave Disciplinary Action" form and may request that the School Board waive the disciplinary action at the School Board meeting in which termination is recommended. The employee shall have 24 hours from the time of the start of the disciplinary meeting to request a waiver by submitting the completed form to the District's personnel Specialist. If a waiver is approved, the employee will not be terminated and records relating to the termination will be removed from the employee's personnel file.

5. Board waivers of disciplinary action will not reduce the number of days of unpaid leave charged to the employee. For example, if an employee receives a verbal warning for the utilization of their sixth day of unpaid leave, and the Board approves a waiver of the verbal warning, the employee will still have six days charged to them. The next unpaid day utilized would result in another verbal warning unless the provisions of #6 below apply.

6. If a Board waiver is approved for an ongoing medical issue, future disciplinary action will not occur for absences relating to this same issue provided that sufficient documentation (doctor's note, etc.) is provided to the Personnel Specialist upon return. Subsequent absences relating to this issue will require additional documentation for each absence or each group of consecutive absences.

Example: Employee E utilizes six unpaid days during a school year due to a medical situation, receives a verbal warning, and the School Board approves a waiver. If a seventh day is utilized, and a doctor's note provided to the Personnel Specialist upon return, a written warning would not be issued. However, progressive discipline would continue if the seventh day did not relate to the reason for the Board's waiver.

7. Due to the ability for an employee to request a Board waiver, an employee does not have to have received the discipline from preceding levels if the offending days are taken consecutively. If the sixth, seventh, and or/ eighth days of unpaid leave are taken consecutively, a meeting will be scheduled upon the employee's return and the appropriate level of progressive discipline (based on the number of unpaid leave days charged to the employee upon his/her return) will be applied.

8. To maintain efficiency throughout the process, requests for Board Waivers for future absences will not be received. Applications for future general unpaid leaves under Article XIX, Section A and Family Medical Leave Act leaves under Article XIX, Section J will still be received. Documentation of the relation of an absence to the reason approved by the Board may be requested.

10. Under no situations should any personally identifying medical information be relayed to anyone except the Personnel Specialist.

9. For the 2018-2019 school year, unpaid leave will be tracked, but no progressive discipline will be administered in order to provide for a year of transition. Tracking for disciplinary purposes will begin with the 2019-2020 school year that begins for 260 day employees on July 1, 2019.