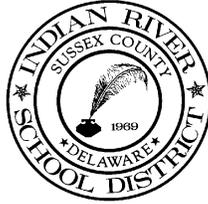


INDIAN RIVER SCHOOL DISTRICT

“A Model of Excellence”

Jay F. Owens, Jr. Ed.D.
Superintendent



Karen T. Blannard
Assistant Superintendent

MEMORANDUM

To: IRSD Employees
From: Celeste Bunting, Director of Personnel
Date: September 14, 2023
Re: 23-24 Dock Day Policy/Procedures FAQ

	Question	Answer
1.	What does Policy GCBE.1-Employee Dock Pay say?	<p>The Indian River School District passed the following policy: Effective September 1, 2022, Indian River School District employees shall work as scheduled. Any employee who is in “deduct” status (Leave Without Pay (LWOP) defined as not at work and not having available leave time) shall be considered in neglect of duty and shall be subject to progressive discipline, up to and including termination.</p> <p>This policy shall not apply to any employee who has a Board-approved unpaid leave of absence or job-protected leave (e.g., under FMLA or the ADA).</p> <p>Any employee with available leave is not permitted to save that leave and take an unpaid leave of absence in the interim.</p>
2.	How many sick days do I receive per contract year?	<p>10-month employees receive 10 sick leave days per year. 11-month employees receive 11 sick leave days per year.</p>

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		<p>12-month employees receive 12 sick leave days per year.</p> <p>Five (5) personal days are inclusive of these amounts. Employees must request personal days at least three (3) work days in advance. The building administrator may deny the personal day request if the administrator is unable to find a substitute or find coverage within the building for the employee. If the building administrator denies the request, the employee can appeal to the Director of Personnel.</p>
3.	Are my sick days front-loaded at the beginning of my contract year?	<p>In accordance with Delaware law, IRSD frontloads all sick leave days in Aesop at the start of the contract year.</p> <p>However, administrators reserve the right to require doctor's notes for sick leave when the employee has a history of dock days due to a pattern of sick leave requests over the past two or more contract years.</p>
4.	What happens if I separate from IRSD prior to the end of my contract year?	<p>If an employee who has used more than the equivalent of 1 sick leave day per month terminates service prior to the end of the school year, the employee's final paycheck will be adjusted to repay the district for the excess time taken.</p> <p>The employee may also owe money back to the district if the final paycheck does not cover the full amount of the adjustment.</p>
5.	How will my administrator(s) be notified that I am in a dock status?	<p>Payroll will review all employee leaves and create a weekly dock report for all employees and compare the dock report to the report of employees on approved leaves.</p> <p>Payroll will communicate with principals, supervisors and directors regarding employees who are in dock and not on an approved leave.</p>

		<p>As a state of Delaware employee, it is your professional responsibility to know how many sick and vacation days you have. Time sheets are provided to you each year.</p>
6.	<p>What leaves are considered approved leaves?</p>	<ol style="list-style-type: none"> 1. Educational leave; 2. Americans with Disability Act (ADA); <ol style="list-style-type: none"> 1. Family Medical Leave (FMLA) for the employee's documented medical condition; 2. Family Medical Leave (FMLA) for the employee as a caregiver; 3. Paid Parental Leave (PPL); 4. Unpaid leave extending Paid Parental Leave (PPL); 5. Short Term Disability (STD); 6. Documented employee or family member illness that does not rise to the level of FMLA and/or short-term disability; <ol style="list-style-type: none"> a. Examples include, but are not limited to: COVID, influenza, virus, bronchitis, strep throat, fever, etc. b. In order for the dock day to be deemed medically necessary, the employee must provide a doctor's note or other approved documentation, such as a positive COVID test. <ol style="list-style-type: none"> a. If the employee fails to provide documentation, the dock day will be deemed unapproved, and the employee will

		<p>be subject to progressive discipline.</p> <p>The employee is required to provide documentation by the end of the <u>second work day</u> upon his or her return. Failure to do so may result in unexcused dock days.</p> <p>7. Required court appearances (documentation must be provided)</p> <p>8. Bereavement Days (documentation must be provided)</p>
	What will happen to me if I have one (1) or more dock days?	Employees are subject to progressive discipline.
8.	What is an “incident”?	An incident is defined as one or more consecutive dock days.
9.	What is the progressive discipline for the 1 st incident?	<p>First incident-Employee Counseling</p> <p>Building administrator or IREC administrator will counsel employee on the dock day policy, procedures and progressive discipline.</p> <p>Building administrator or IREC administrator will recommend that the employee contact the benefits secretary to determine if the employee is eligible for FMLA, short-term disability, paid parental leave, etc.</p>
10.	What is the progressive discipline for the 2 nd incident?	<p>Second incident-Written Letter of Warning</p> <p>Building administrator or IREC administrator will send employee a written 48-hour meeting notice to address dock day(s).</p> <p>The employee is entitled to have an IREA/DSEA representative present at the meeting.</p>

		<p>Building administrator or IREC administrator will meet with the employee per the written notice.</p> <p>Building administrator or IREC administrator will issue a written warning to the employee.</p> <p>Building administrator or IREC administrator will recommend that the employee contact the benefits secretary to determine if the employee is eligible for FMLA, short-term disability, paid parental leave, etc.</p>
11.	<p>What is the progressive discipline for the 3rd incident?</p>	<p style="text-align: center;">Third incident-1st Written Letter of Reprimand</p> <p>Building administrator or IREC administrator will send employee a written 48-hour meeting notice to address dock day(s).</p> <p>The employee is entitled to have an IREA/DSEA representative present at the meeting.</p> <p>Building administrator or IREC administrator will meet with the employee per the written notice.</p> <p>Building administrator or IREC administrator will issue a written letter of reprimand to the employee.</p> <p>The employee will sign 3 copies of the letter of reprimand.</p> <p>One signed copy of the letter of reprimand will be sent to the Personnel department to be properly placed in the employee's personnel file.</p> <p>One signed copy of the letter of reprimand will be given to the employee.</p>

		<p>One signed copy of the letter of reprimand will be maintained by the building administrator or IREC administrator.</p> <p>Building administrator or IREC administrator will direct the employee to contact the benefits secretary to determine if the employee is eligible for FMLA, short short-term disability, paid parental leave.</p>
12.	<p>What is the progressive discipline for the 4th incident?</p>	<p>Fourth incident-2nd Letter of Reprimand at the Building/Department Level</p> <p>Building administrator or IREC administrator will send employee a written 48-hour meeting notice to address dock day(s).</p> <p>The employee is entitled to have an IREA/DSEA representative present at the meeting.</p> <p>Building administrator or IREC administrator will invite the Director of Personnel to the meeting.</p> <p>Building administrator or IREC administrator and Personnel Director will meet with the employee per the written notice.</p> <p>The Director of Personnel will inform the employee that further unapproved dock days will result in a recommendation of termination to the Board of Education.</p> <p>Building administrator or IREC administrator will issue the second and final letter of reprimand to the employee.</p> <p>The employee will sign 3 copies of the letter of reprimand.</p>

		<p>One signed copy of the letter of reprimand will be sent to the Personnel department to be properly placed in the employee's personnel file.</p> <p>One signed copy of the letter of reprimand will be given to the employee.</p> <p>One signed copy of the letter of reprimand will be maintained by the building administrator or IREC administrator.</p>
13.	<p>What is the progressive discipline for the 5th incident?</p>	<p>Fifth incident-3rd Letter of Reprimand and Notice of Separation from the Indian River School District</p> <p>The Director of Personnel will send the employee a written 48-hour meeting notice to discuss the employee's separation from IRSD.</p> <p>The employee is entitled to have an IREA/DSEA representative present at the meeting.</p> <p>The Director of Personnel and building administrator or IREC administrator will meet with the employee per the written notice.</p> <p>The Director of Personnel will review the dock day policy and the progressive discipline administered to date.</p> <p>The Director of Personnel will inform the employee that the district has exhausted progressive discipline options and will be making a recommendation of termination based on the employee's willful and persistent neglect of duty due to multiple violations of the dock day policy.</p> <p>The Director of Personnel will inform the employee of his or her alternative separation</p>

		options such as resignation or retirement, if eligible.
14.	What action will be taken after the District has exhausted all progressive disciplinary steps due to my willful and persistent neglect of duty?	<p style="text-align: center;">Indian River School District Board of Education Action</p> <p>The Director of Personnel will inform the Board of Education of the district's intent to terminate the employee.</p> <p>The employee has the right to appeal the recommendation of termination per the various collective bargaining agreements.</p> <p>The employee may choose to resign in lieu of termination. The employee may choose to retire, if eligible.</p>
15.	Does my dock status reset every school year?	<p>No, your dock status does NOT reset every school year.</p> <p>10-month employees receive 10 sick leave days per year each year. 11-month employees receive 11 sick leave days per year each year. 12-month employees receive 12 sick leave days per year each year.</p> <p>Five (5) personal days are inclusive of these amounts. Employees must request personal days at least three (3) work days in advance.</p> <p>For example, a 10-month employee has reached the 3rd incident of progressive discipline for dock days by the end of the 22-23 school year. This employee uses all of his/her 10 sick days for the 23-24 school year and is not on an approved leave status (see #6). This employee would then be at the 4th incident of progressive discipline for the next dock event.</p>
16.	I have a trip planned. What disciplinary action will I face if I use a	Your decision to take a trip is a personal one. Please refer to the progressive discipline listed

	<p>dock day for my trip? Do I need to cancel my vacation?</p>	<p>above to determine which level your dock day or days would be.</p> <p>For example, if this is your 1st incident, you would receive employee counseling. If this is your 5th incident, a recommendation for termination will be presented to the Board of Education.</p>
17.	<p>I need help. What is the contact information for the State of Delaware Employee Assistance Program? (EAP)</p>	<p>The ComPsych® GuidanceResources® program is a FREE program available exclusively for State of Delaware Group Health Plan non-Medicare members and their dependents.</p> <p>The program offers someone to talk to and resources to consult whenever and wherever you need them. Members can call the toll-free number at 877-527-4742 directly for 24/7 access to a GuidanceConsultantSM, who will answer your questions and, if needed, refer you to a counselor or other resources such as work-life, legal and financial support.</p> <p>You also have access to the website at www.guidanceresources.com (Web ID: State of Delaware), mobile app to consult articles, podcasts, videos, webinars, and other helpful tools.</p>
18.	<p>Who do I contact if I have additional questions?</p>	<p>Email your building/IREC administrator and the Director of Personnel at celeste.bunting@irsd.k12.de.us.</p>