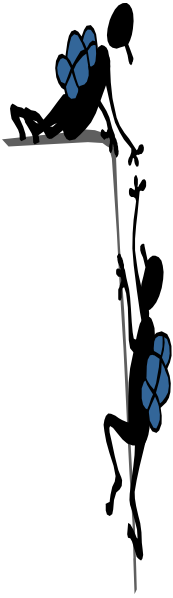


The LEA Insider



From August 1, to August 31, 2011, the LEA Member Rights UniServ Director Dan Studer provided the following services to members (in no priority order):

- ✓ Worked with a number of members re: schedule issues at their sites
- ✓ Answered a number of members' questions regarding plan time, parent conferences, and requesting leave (**please see below regarding leave issues**)
- ✓ Advised a number of members re: PLC issues and responsibilities
- ✓ Answered a number of members' questions re: tenure
- ✓ Answered a number of members' questions re: part-time employment and required staff development
- ✓ Represented a member in a meeting with their administration
- ✓ Dealt with a number of members with concerns over being charged repair costs for lap top computers
- ✓ Consulted with the District to resolve an issue re: key access to buildings for some members (which did get resolved)
- ✓ Answered a number of members' questions re: the new appraisal process (**please see Issue 3 of the LEA's electronic newsletter *What's Up with Appraisal?* for a number of Q & A on this topic**).

Some A, B, C's of Using Leave

Members continue to have numerous questions about taking leave. Here are some guidelines to help members when faced with the need to be gone.

Leave on PLC or Mandatory Staff Development Days

PLC's are considered by LPS to be the same as mandatory staff development.

Approval to be absent from a PLC does not have to be "approved." The exception to this would be if a person is pre-arranging leave to ensure they have a substitute for a day(s) when a PLC is being held. More about pre-arranging below.

According to the contract (5-4 b), one can miss a PLC session (or other required staff development) without being docked pay for any of the following reasons: "sick leave as described in Section 81 A.1.; emergency leave described in Section 81 A.2.; adoption leave; civic leave; jury duty leave; bereavement leave; assault and/or battery leave; or professional leave." There is no approval necessary, but members need to be sure to cite ahead of time the reason why they are missing the PLC, regardless of whether they are on Option B or not.

A person on Option B leave may state and document that they are being gone for the day "with no questions asked," but if there is a PLC session held that day, then they do need to, at a minimum, state the reason for their absence during the PLC time to avoid dock of pay. The reason for being gone for the PLC/staff development needs to fit the guidelines in the paragraph above. If the certificated member is going to be gone for the day due to an illness, for example, and do not declare that is the reason ahead of time and there is a PLC session that day, even though their absence is excusable, because they did not specifically state they are using sick leave, they face being docked for pay for the PLC/staff development time they missed.

Whenever someone misses mandatory staff development, it is always best if they find out what they missed, get handouts, etc., because certificated employees can be held responsible for the information that was delivered. This does not mean they have to make up the time AND have a dock of leave, too. They can find out what they missed by seeking out a colleague who attended, an administrator, or the person in charge of the session(s). Attending alternative, makeup sessions for the PLC/staff development is also an acceptable

practice if required by the site's management as the way to get the information.

It should be noted that LPS does NOT consider routine doctor/dentist appointments to fall under the category of sick leave and therefore an excusable reason to miss a PLC. Because staff development and PLC dates are announced ahead of time, LPS expects employees to schedule around those dates for routine appointments just as certificated employees are expected to do in regards to parent conferences. Obviously, emergency appointments or appointments with an otherwise hard-to-schedule specialist is different and not considered routine and these kinds of appointments have been accepted as sick leave by LPS.

Being Gone Before or After a Break (Even if the Break Is Only 1-Day Long)

The important detail to remember about being gone the day before or the day after a break is that it applies to "pre-arranged" leave. If a person wants to pre-arrange their leave on one of these days to ensure a substitute (or particular substitute is available), then permission has to be granted. One can still use their Option A or B leave the day before or after a break without receiving permission and without pre-arranging because a person doesn't always know they need to be gone. No reason needs to be cited for such an absence if using Option B leave. The same holds true if the individual does not need a substitute and, therefore, has no reason to pre-arrange their leave. When LEA has discussed this with the District, the example that makes most sense is this: if a person knows they are traveling out of state for Christmas and they have booked airline tickets, they know they are going to be gone and if that involves being gone a day before or after winter break, then the certificated staff member needs to pre-arrange their leave and get permission. Because of the 5% cap on pre-arranged leave, it is in the member's benefit to make the pre-arrangements as soon as possible. Pre-arranging before/after a break is in the contract in 8-1 B (3).

Seeking Approval for Pre-Arranged Leave

When seeking approval for pre-arranged leave in regards to breaks, PLC/staff development, or the first 10 or last 15 student days in the year, individuals need to contact Dr. Nancy Biggs in Human Resources. Because approval is required in these circumstances, even if the certificated employee is on Option B "no questions asked" Leave, individuals should expect to be asked to provide specifics regarding the reason for their use of leave and can expedite approval of their request by providing this information with their initial request.

Borrowing Leave from Next Year

Although rare, there are times when an individual has no annual or accumulated leave and they face the need to borrow leave from the coming year. Up to 11 days of leave may be borrowed for the upcoming year for sick leave purposes, only. Because this borrowed leave has to be approved, Human Resources has the ability to determine how much leave will be extended to the employee. Members should not automatically expect to borrow leave in hourly increments even though they can use their usual annual and/or accumulated leave in hourly increments. If the member has need for borrowed leave, they are urged to first consider requesting donated leave under the provision of 8-14 of the Professional Agreement, "Voluntary Leave Transfer for Catastrophic Illness," if appropriate, to avoid beginning the next year with a deficit of leave.

Annual vs. Accumulated Leave

Annual leave must be used before an individual can dip into their accumulated leave. Accumulated leave may be used for sick leave or emergency leave purposes, only. If a person has pre-arranged annual leave but hasn't actually utilized it, they cannot dip into their accumulated leave until the annual leave has actually been used. Use of accumulated leave has to be approved by Dr. Nancy Biggs. Example of and definitions of sick leave and emergency leave are described in 8-1 A (1 & 2) of the *Professional Agreement*.

Unpaid Leave

Some employees are under the assumption that if they have used up both their annual and accumulated leave, they can just automatically go on unpaid leave. Such is not the case and unpaid

has to be approved by Human Resources. Further, members are cautioned that although various leave provisions are provided to members due to the contract negotiated by LEA and LPS, that LPS has to weigh the use of leave by individuals with the need for continuity in the classroom. Most certificated employees use leave only when they need to or for occasional, special occasions. Routine, repeated annual use of frequent personal leave can lead to questions about an individual's judgment and their commitment to the classroom by LPS.

All leave options are spelled out in detail in the *LEA-LPS Professional Agreement* in Article VIII, "Leaves from Duty." The *LEA-LPS Professional Agreement* is available to all members on the LEA web at lincolneducationassociation.org or the LPS web.

Members with questions regarding the use of leave can and should always feel welcome to contact LEA for advice and assistance.

Important Dates Coming Up:

- Sept 5** Contact the LEA Office if you have had a change in status in your employment for purposes of payroll dues deduction. (.50 FTE and below part time/.51 FTE and above full time) to get proper dues withdrawn for the new pay period starting the end of September.
- Sept 7** Deadline for **new** employees to enroll in group health insurance programs which guarantees **coverage on Oct 1**.
- 20th Student Day (Sept 13)** Last day teachers can be notified of an extra-standard assignment.
- Sept 30** Deadline for previously employed certificated employees to change from Option A to Option B leave.
- Sept 30** Deadline for new hires to select their annual leave option.
- October 1** Deadline for certificated staff to have been notified who their appraiser will be and to have reviewed the appraisal process.
- October 14** Deadline for certificated staff to submit appraisal goals to their appraiser for the year. **Goals may be requested earlier, but cannot be mandated until the end of first quarter.**
- Oct 20; 4:00 p.m.** Deadline for Secondary Teachers to submit 1st quarter student grades.
- Oct 24; 4:00 p.m.** Deadline for Elementary Teachers to submit 1st quarter student grades.

Bumper Sticker of the Month: "National Spelling Bee Runer-Up"

