

Regulation Info

SUPERINTENDENT'S REGULATIONS PURSUANT TO Board Of Education policy #4151

Regulation # 4151R

Regulations for the Monitoring of Employee Use of Sick and Personal Leave

Sick and personal leaves are restrictive purpose leaves and the Board of Education has the inherent right and responsibility to monitor employee use of such leave. Accordingly, the Board of Education has directed the Superintendent of Schools to implement regulations pursuant to Board of Education Policy #4151.

I. Certified Professional Staff (State Education Department Certificated) and Classified Staff

Note: The following Superintendent's regulations pertain to all certified and classified staff, full or part-time who are eligible for paid sick and personal leave in accordance with the negotiated agreements between the Lakeland District and the Lakeland Federation of Teachers, Lakeland Federation of Nurses, Association of Lakeland Administrators, Confidential Management Association, and the Civil Service Employees Association. These regulations shall also pertain to employees who are not eligible for paid sick and personal leave and other contractual non-unit employees. Any absence is a costly inconvenience to the school district and sometimes an inconsiderate imposition on those who work in direct association with the absentee.

1a. In those instances where the employee's use of sick leave aggregates eight sick days during any school year, their immediate supervisor will be notified by Human Resources. They will schedule a conference to discuss the absences and the supervisor shall report back to Assistant Superintendent as to the findings. If the supervisor determines there are concerns about the use of sick leave, they will issue this concern in a letter to the employee. If an employee who has received a letter accumulates twelve days of sick leave, they shall receive a letter from the Office of Human Resources to document his/her usage and a copy of the Board Policy regarding sick leave usage (Appendix A). Copies of this letter will be forwarded to the Building Principal/Supervisor and placed in the individual's medical personnel file.

b. In those instances where the employee uses one or more sick or personal day(s) immediately before or after a scheduled school recess or holiday, their immediate supervisor will be notified by Human Resources. They will schedule a conference to discuss the absence(s) and the supervisor shall report back to Assistant Superintendent as to the findings. If the supervisor determines there are concerns about the use of sick or personal leave, they will issue this concern in a letter to the employee. If an employee who has received a letter repeats the action, they shall receive a letter from the Office of Human Resources to document his/her usage and a copy of the Board Policy regarding sick leave usage (Appendix A). Copies of this letter will be forwarded to the Building Principal/Supervisor and placed in the individual's medical personnel file.

In each of the above situations (a & b), the staff member will be informed that such a use of sick or personal leave is subject to review by the Superintendent in accordance with these regulations, unless medical substantiation or some other acceptable form of evidence is presented to the Building Principal/Supervisor which explains the absence. Medical absences which are satisfactorily substantiated by proper medical documentation shall not count toward the eight days, nor will they be examined further. If no such substantiation or evidence is produced by the employee, the occurrence shall be reported to the

Superintendent. The principal/supervisor will document his/her meeting with the employee.

c. The principal/supervisor will meet with any certified or classified staff member **ANYTIME** there is a suspicion or presumption of fraudulent use of sick or personal leave. The staff member will be informed that such use of sick or personal leave is subject to review by the Superintendent in accordance with these regulations, unless medical substantiation or some other acceptable form of evidence is presented to explain the absence. If no such substantiation or evidence is produced by the employee, the occurrence shall be reported to the Superintendent. The principal/supervisor will also document his/her meeting with the employee (Appendix D). At that time, the Superintendent, in consultation with the principal/supervisor, will determine if any further disciplinary action will be initiated.

2. In those instances where the employee's use of sick or personal leave continues without satisfactory substantiation either: (a) beyond eight or more days or; or (b) immediately before or after a scheduled school recess or a holiday; or (c) there is suspected/presumed fraudulent use, the principal/supervisor will meet with the employee (Appendix C) and request medical substantiation. The principal/supervisor shall document the results of this meeting (D); the results will be forwarded to Human Resources for inclusion in the employee's medical personnel file. In the event no adequate/satisfactory substantiation is received, the principal/supervisor will indicate this to the employee and state that the situation will be referred to the Superintendent's level (Appendix E).

3. In those instances where the employee's use of sick or personal leave without satisfactory substantiation has been referred to the Superintendent's level, a meeting with the Superintendent and/or his designee will be scheduled. If the Superintendent determines that the employee has not provided satisfactory substantiation for his/her absences, the Superintendent may pursue disciplinary action as follows:

i) Certified Probationary Employees: Education Law §913 with potential Education Law §3031 dismissal proceedings

ii) Certified Tenured Employees: Education Law §913 with potential Education Law §3020-a dismissal proceedings

iii) Classified Employees: pursuant to section 75 of the Civil Service Law dismissal proceedings or contractual proceedings, if applicable. Otherwise, the matter may be subject to Education Law Sec. 913 Procedures.

APPENDIX A

Policy Information

Series 4000 - Personnel

Attendance Policy for Staff

Policy # 4151

General

It shall be the joint responsibility of the individual employee, and the building principal or the department administrator, as appropriate, to track employee attendance. The employee will be held accountable for accurately reporting his/her absences and the employee's direct supervisor will be held

responsible for ensuring the accuracy of such reporting and reconciling the employee attendance records. Failure to accurately report absences or to monitor and ensure the accuracy of attendance records, as set forth herein, may lead to disciplinary consequences in accordance with law and applicable collectively negotiated agreement.

Employee Leave Days

Eligible certified and classified staff are granted a limited number of paid sick leave and personal leave days by the Board of Education so that they may receive regular pay while absent from their assignments due to personal illness or personal business that cannot be conducted other than during the regular school day.

Sick leave and personal leave are restricted purpose leaves. The Board of Education has an inherent right and responsibility to monitor employee use of such leaves in order to ascertain that employees are using the respective leaves for the purposes for which they are granted. Accordingly, the Board of Education directs the Superintendent of Schools to develop and implement regulations regarding the use of sick and personal leave days by certified and classified staff of the School District, consistent with applicable provisions of collectively negotiated agreements.

Employees Returning from Extended Sick Leave

Upon return from an extended absence for medical reasons, the Superintendent of Schools shall, in his or her discretion, require any certified or classified employee of the School District, including employees ineligible for compensated sick leave, to submit to a physical examination by the School District's designated Medical Examiner(s) before such employee may be allowed to return to his/her position in the School District. Necessary records shall be produced to the School District's designated Medical Examiner(s) by the employee on or before the day of the examination. The purpose of the examination shall be to determine or medically verify whether the employee is capable of resuming his/her position.

The Superintendent of Schools shall establish regulations to implement this policy.

APPENDIX B

LAKELAND CENTRAL SCHOOL DISTRICT

SHRUB OAK, NEW YORK

MEMO TO: (Employee Name)

FROM: The Department of Human Resources

SUBJECT: Sick or Personal Leave Usage

DATE:

Our records indicate that as of this date, you have utilized one or more sick or personal leave dates immediately before or after a scheduled recess or holiday during the current school year. The specific date is _____, immediately (preceding, following) _____.

In accordance with the enclosed Board of Education Policy #4151, (sick, personal) leave is a **restrictive purpose leave** and the Board of Education has an inherent right and responsibility to monitor an employee's use of such leave in order to ascertain that he/she is using it for the purposes for which it is granted.

The Superintendent's Regulations pursuant to this policy state that a letter of notification will be sent to all employees whose use of sick or personal leave occurs immediately before or after a scheduled recess or holiday.

If you have medical substantiation for any or all of your utilized sick leave days you may want to submit such documentation to your building principal.

Be advised that, in accordance with these same Superintendent's Regulations, an employee's use of sick or personal leave immediately before or after a scheduled recess or holiday is subject to review by the Superintendent or his/her designee. This review may lead to disciplinary action.

Please contact your (building principal, supervisor) to discuss this matter.

c: Superintendent

Principal

Supervisor

Medical Personnel File

APPENDIX C

LAKELAND CENTRAL SCHOOL DISTRICT

SHRUB OAK, NEW YORK

MEMO TO: (Employee Name)

FROM: Principal or Supervisor

SUBJECT: Meeting Request/Sick or Personal Leave Usage

DATE:

In accordance with the Board of Education Policy #4151, (sick, personal) leave is a **restrictive purpose leave** and the Board of Education has an inherent right and responsibility to monitor an employee's use of such leave in order to ascertain that he/she is using it for the purposes for which it is granted.

This is a follow-up to a memorandum of (date) regarding your (sick, personal) leave usage. The Superintendent's Regulations pursuant to this policy require that a meeting be held with the employee with union representation, where applicable.

Please plan to meet with me on (date, time) at (location) to discuss your absence(s). Should you have medical or other substantiation for any or all of your absences, you may wish to bring it along with you.

Please advise me immediately should there be any reason that would preclude you attending this meeting.

c: Superintendent

Principal

Supervisor

Medical Personnel File

APPENDIX D**LAKELAND CENTRAL SCHOOL DISTRICT****SHRUB OAK, NEW YORK****MEMO TO: Assistant Superintendent for Human Resources****FROM: Principal or Supervisor****SUBJECT: Follow-up to Sick or Personal Leave Usage by: (Employee Name)****DATE:**

This is a follow-up to your memorandum of _____ regarding (Employee's) (sick, personal) leave usage of one or more sick leave days immediately before or after a scheduled recess or holiday.

On (date), (Employee Name) met with me to discuss his/her absences. For documentation purposes, please note the following (check all that apply):

1. At this meeting, he/she provided satisfactory medical substantiation for these absences which is attached and no further action is necessary at this time.
2. At this meeting, he/she did not provide satisfactory medical substantiation for these absences. I informed (Employee Name) that the information was not satisfactory and that I would be requesting further review/follow-up from the Superintendent
3. Other (please explain):

If you have any questions, please feel free to contact me.

c: Superintendent

Employee

Employee's Medical Personnel File

APPENDIX E**LAKELAND CENTRAL SCHOOL DISTRICT****SHRUB OAK, NEW YORK****MEMO TO: Superintendent of Schools****FROM: Principal or Supervisor****SUBJECT: Referral for Next Steps: (Employee Name)****DATE:**

This is a follow-up to my memorandum of (date) regarding (Employee's) unsatisfactory (sick, personal) leave usage of (excessive absences, one or more sick or personal leave days immediately before or after a scheduled recess or holiday).

On (date), (Employee Name) met with me to discuss his/her absences. For documentation purposes, please note that at this meeting, he/she did not provide satisfactory medical substantiation for these absences.

(Additional details may be provided here)

I informed (Employee Name) that the information was not satisfactory and that I would be requesting further review/follow-up from the Superintendent. If you have any questions or concerns, please feel free to contact me.

c: Assistant Superintendent for Human Resources

Employee

Employee's Medical Personnel File

Adoption Date: 11/21/2013, Revised: 7/8/2013; 08/08/1991
