



GOVERNING BOARD AGENDA ITEM AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: May 8, 2018

TITLE: Approval of One-Time Permission for Employees to Transfer Available Sick Leave to Personal Leave to Recoup Lost Compensation During the School Closures

BACKGROUND:

Due to the statewide walkout by Arizona Education Association and Arizona Educators United, all 21 schools in the Amphitheater Unified School District were closed from April 26, 2018 through May 3, 2018. Schools reopened on Friday, May 4, 2018.

With so few school days remaining in the school year, parents and students expressed concern that the school year would be extended to account for the six days of school closures. However, after careful review of the instructional minutes, the District concluded that it can meet the instructional minute requirements of the State of Arizona without adding additional days by adjusting schedules within the existing calendar, *i.e.*, cancellation of early outs, extension of shortened finals days to full days, and block schedule modifications. In other words, students and staff will be making up time within the current school calendar.

This leaves the matter of staff pay. Other districts, from the start, allowed their employees to use their personal leave and sick leave in order to “stay whole” in terms of compensation. Amphitheater initially allowed employees to use available “Personal Leave” and/or “Comp Time” for the first two days of the walkout because the District calendar includes a minimum of two additional instructional days for emergencies. The thought was that employees would then recapture any remaining lost days of pay through an extension of the school calendar. However, after the walkout ended and the District determined that it could absorb the remaining lost time within the existing calendar, it permitted employees to use available “Personal Leave” and/or “Comp Time” for the remaining days the schools were closed.

The District has not allowed any use of “Sick Leave” throughout the school closures. Our Governing Board Policies do not currently permit District employees to use “Sick Leave” for such a purpose.

The District’s certificated employees currently receive five (5) days of “Personal Leave” per year. Classified employees receive four (4) days of “Personal Leave” with the option under Policy GDCA to convert one (1) day of “Sick Leave” to “Personal Leave” once the employee has exhausted all “Personal Leave” balance for the year. Amphitheater also allows employees to donate “Sick Leave” to other employees who have exhausted their “Sick Leave” balances and still need to be on leave due to an illness. Thus, even with permitted use of all available “Personal Leave,” our employees simply cannot recoup all of the lost compensation due to the school closures.

The school closures were unprecedented. Employees now face substantially reduced paychecks due to the closures regardless of their actions in the walkout process. Also, some employees may even have to pay the District to subsidize their insurance benefits since their paychecks will not cover the balance.

Meanwhile, many of these employees maintain substantial “Sick Leave” balances with this District which, as presented in earlier budget presentations this year, the District’s external auditors caution against maintaining as they are a liability for the District. For this reason, it is recommended that the Governing Board permit employees, on a one-time basis, to transfer sufficient “Sick Leave” to their “Personal Leave” bank, as needed, to be able to take “Personal Leave” for any remaining unpaid days of closure.



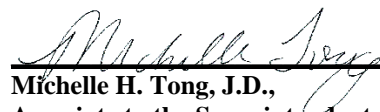
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The amount to be transferred would be the minimal amount needed to permit individual employees to recoup lost earnings during the school closures -- up to a maximum of six (6) days of "Sick Leave." This would also have the added benefit of reducing the District's sick leave liability. It would also create goodwill between employees by permitting the donation of "Sick Leave" between employees to help those without either "Personal Leave" or "Sick Leave" balances.


RECOMMENDATION:

It is the recommendation of Administration that the Governing Board approve a one-time transfer of available "Sick Leave" to "Personal Leave" for academic-year (less than 12 month) employees who do not have sufficient "Personal Leave" and/or "Comp Time" balances to recoup lost compensation during the school closures (April 26 – May 3, 2018). The maximum amount to be transferred would be the minimal amount needed to permit individual employees to recoup lost earnings during the school closures -- up to a maximum of six (6) days of "Sick Leave" -- without permitting any employees to exceed originally scheduled work hours (i.e., FTE) or duplicate that already paid through "Personal Leave" or "Comp Time."

INITIATED BY:


Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: May 7, 2018


Todd A. Jaeger, J.D., Superintendent