



Oak Park Elementary School District 97

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MEMORANDUM

To: Dr. Al Roberts, Superintendent
From: Joanne W. Schochat, J.D., *JWS*
Asst. Supt. H.R./General Counsel
Re: Veteran's Day Holiday
Date: Nov. 7, 2012

Action is being taken to officially recognize the commemoration of the Veteran's Day on Wednesday, November 21, 2012.

As you know, the Veteran's Day is typically celebrated on Nov. 11. This year, November 11 falls on a Sunday. Our various non-certified labor agreements expressly identify Veteran's Day as a paid holiday and have a variety of approaches (or silence) on what to do when a holiday falls on a weekend. (This is not an issue for the teachers' bargaining unit.)

105 ILCS 5/24-2 provides that teachers and most noncertificated school employees (some exceptions exist) are not to work on "legal school holidays". Some of these holidays are specified by exact date: November 11 is expressly identified as the legal holiday, Veterans' Day. Since November 11 is on a Sunday, no Veteran's Day holiday was required to be officially designated by the Board for the 2012-13 school calendar. However, due to the language appearing in the noncertified labor contracts, Veteran's Day is a "paid holiday" regardless of when November 11 falls during the week.

We want to be pro-active and crystal clear as to when the contractual holiday is "occurring" in 2012, to prevent claims for holiday pay (double-time) for reporting to work on November 12 (the Monday following the typical holiday) or November 9 (the Friday before the holiday).

The SEIU contract requires only that the Board designate when the holiday will occur.

The OPTAA contract is silent regarding this particular course of events.

The OPESPA contract provides that a holiday will be designated during Winter Break as a result of a holiday otherwise falling on a weekend.

The notice to the SEIU has gone out that 11/21 is "Veterans' Day" as per the contract for 2012. This notice should be supported by Board action (i.e., that the Board designate Nov. 21, 2012 as the Veteran's Day holiday only for this school year, and if preferred, only for the purpose of complying with our responsibilities under various labor contracts).

I have had conversations with union leadership of the remaining non-certified bargaining units, that went very well and sent out draft Memoranda of Agreement to the OPTAA and the OPESPA for their official signature. Everyone wants the Wednesday before Thanksgiving off, so I am optimistic about obtaining signature.