5:252 Employee Attendance and Dock Day Policy

1. Purpose and Scope

This policy sets clear attendance expectations for all South Eastern Special Education ("SESE") employees and explains how "dock days" are handled. It applies to all employees, including those covered by the collective bargaining agreement ("CBA"), and will be administered in a manner consistent with the CBA. Nothing in this policy diminishes any rights provided under the CBA or applicable law.

2. Definitions

- Dock Day: An unpaid day of absence taken after an employee has exhausted available paid sick leave and personal business leave, when the absence is not FMLA-qualifying and not otherwise legally protected.
- FMLA/Protected Leave: Leave that qualifies under the Family and Medical Leave Act or other applicable laws (e.g., workers' compensation, legally required jury/witness leave), or as otherwise designated as protected by law.
- Attendance Violation: Any failure to comply with required attendance, call-in/notice procedures, or documentation requirements, including use of non-FMLA/non-protected dock days. Any use of dock days is an attendance violation.

3. CBA Alignment and Governing Principles

- This policy shall be administered in accordance with the CBA's provisions on sick leave, personal leave, unpaid leave, FMLA, attendance, call-in procedures, and discipline. The CBA provides sick leave entitlements and administrative documentation provisions in Article 8.1; personal business leave in Article 8.3; unpaid leave parameters in Article 8.9; and Family and Medical Leave in Article 8.10. The CBA requires teachers and paraprofessionals who will be absent and need a substitute to submit an electronic absence request no later than 6:30 A.M. on the day of absence (Article 6.7). The CBA confirms management rights (Article 5.6), requires cause for non-probationary dismissals and remediable warnings (Article 5.7). Payroll adjustments for docked or extra days occur in the payroll period when the dock day or extra workday occurred (Article 11.10).
- In any conflict between this policy and the CBA, the CBA controls. This policy does not waive, reduce, or restrict any bargaining unit rights.

4. Attendance Expectations

- Employees are expected to report to work as scheduled, follow assigned calendars/ schedules, and comply with all call-in/notice and documentation requirements.
- Employees must accurately record absences and promptly submit any required forms and supporting documentation.

5. Dock Days: Prohibition and Limited Exception

- Dock days are not an acceptable form of routine time off and are prohibited except as described below.
- Exceptions:

    a. FMLA-qualifying leave or other legally protected leave, when the employee has exhausted available paid leave and all notice/documentation requirements are satisfied.
    b. An unpaid leave of absence expressly approved under the CBA and District procedures, when applicable.

- All other unpaid absences after exhaustion of paid sick and personal leave are considered non-FMLA/non-protected dock days and constitute attendance violations subject to discipline and payroll docking. The CBA provides that payroll will be adjusted for docked days in the pay period when the dock day occurred (Article 11.10).

6. Call-In/Notice Procedures

- Employees must comply with the CBA's call-in/notice requirements and any District procedures for reporting absences.
- For positions requiring substitutes (e.g., teachers and paraprofessionals), employees must submit the electronic absence request no later than 6:30 A.M. on the day of absence, or earlier if feasible. Article 6.7 requires submission of an electronic absence request by 6:30 A.M. for teachers and paraprofessionals who will be absent and need a substitute.
- Where the CBA or District procedures require earlier or additional notice, those requirements apply.

7. Documentation Requirements

- Sick Leave: The District may require physician certification consistent with the CBA and applicable law for payment of sick leave or to substantiate the need for leave. Article 8.1(D) states that "personal illness" is sufficient to claim sick leave in full- or half-day increments, while preserving the Board's right to require a physician's

certificate as a basis of pay for personal illness.

- Personal Business Leave: Follow CBA rules, including advance notice where required and restrictions around holidays unless approved or in emergencies. Article 8.3 provides three personal business days, permits use in full- or half-day increments, requires 24-hour notice absent emergency, and limits consecutive and pre/post-holiday use absent approval or emergency.
- FMLA/Protected Leave: Employees must provide timely notice and complete any required FMLA or other protected-leave forms and medical certifications to qualify for protection and to coordinate benefits. Article 8.10 provides that eligible employees shall be granted FMLA-consistent unpaid leave, with District maintenance of health benefits during unpaid FMLA so long as the employee pays the employee share, and offsets where other paid/unpaid CBA leave is FMLA-qualified. FMLA may run concurrently with available paid leave, where applicable.
- Other Approved Leaves Under Article VIII: In addition to sick leave, personal business leave, and Family and Medical Leave, employees may request and take any other leave provided for in Article VIII of the Collective Bargaining Agreement (e.g., bereavement, professional, legal proceedings, professional appointments, release for SESE Board meetings, sabbatical, unpaid leave, and any other leave described therein), and must comply with Article VIII's notice, approval, and documentation requirements for such leaves; SESE may require reasonable supporting documentation consistent with Article VIII and applicable law; and any leave properly approved/authorized under Article VIII will not be treated as an attendance violation.

8. Progressive Discipline for Attendance Violations

Discipline will be applied for attendance violations, consistent with the CBA, and will account for the nature, frequency, and recency of violations.

8.1 Covered Infractions (non-exhaustive examples)

- Use of non-FMLA/non-protected dock days
- Failure to follow call-in/notice procedures (e.g., late or no call-in, late electronic absence request)
- Pattern of unscheduled absences, tardiness, or early departures without authorization
- Failure to submit required documentation for sick leave, FMLA, or other protected leave
- Misuse of leave categories or falsification related to attendance

8.2 Exclusions

- Approved FMLA/protected leave and properly authorized unpaid leaves under the CBA are not attendance violations.
- Approved professional or Association leave under the CBA is not an attendance violation. Professional/Association leave are addressed in Articles 8.4 and 4.6 and do not count as absences for the perfect attendance incentive in Article 11.8.

8.3 Lookback Periods and Escalation

- Standard Lookback Window: 12-month rolling period from the date of the most recent violation.
- Reset: If an employee completes 12 consecutive months without an attendance violation, the progression may reset to the first step.
- Aggregation: Multiple violations within the lookback window will escalate discipline according to the sequence below. Serious misconduct (e.g., job abandonment) may be accelerated to higher steps where warranted and consistent with CBA.

8.4 Progressive Steps

- Step 1: Verbal Warning (documented)
- Step 2: Written Warning
- Step 3: Final Warning and/or 1–3 day suspension without pay
- Step 4: Termination of employment

8.5 Typical Escalation Triggers within the 12-Month Lookback

- One to two violations: Step 1
- Three violations: Step 2
- Four violations: Step 3
- Five or more violations: Step 4
- Note: The District may consider mitigating or aggravating factors, including overall attendance record, prior counseling, and operational impact, consistent with the CBA.

8.6 Notice and Representation

Employees will receive notice of discipline and may request Association representation consistent with the CBA. The CBA provides disciplinary representation rights and advance written notice for disciplinary meetings (Article 5.2).

9. Payroll Treatment

- Non-FMLA/non-protected dock days will result in a pay deduction reflected in the payroll period when the dock day occurred. Article 11.10 states that any adjustment for docked or extra days worked will be made in the payroll period when the dock day or extra workday occurred.
- Benefit deductions and accruals during unpaid time will follow applicable plan documents, law, and the CBA, including FMLA maintenance of health benefits when applicable. Under Article 8.10, during unpaid FMLA the District maintains regularly provided health benefits and continues required contributions if the employee pays the employee's share; failure to return may require reimbursement of the District's contributions.

10. Management Rights

- The District retains the rights recognized in the CBA to direct the workforce, set and enforce reasonable work rules, and administer discipline for cause. Article 5.6 identifies management rights; Article 5.7 addresses dismissal procedures and remediable warnings for non-probationary staff.
- Nothing in this policy alters the CBA's requirements or employees' contractual or statutory rights.

11. Procedures Summary

- Before Absence:

    a. Determine eligibility for paid sick or personal business leave under the CBA.
    b. If FMLA/protected leave may apply, complete the Request for Leave of Absence form under the list of Employee Forms and provide the form to the Director to initiate required forms and certification.
    c. Submit required electronic absence request and any additional call-in per CBA/ District timelines. Teachers and paraprofessionals must submit electronic absence requests by 6:30 A.M. when a substitute is needed (Article 6.7).

- During Absence:

    a. Provide timely updates if the absence extends or circumstances change.
    b. Submit any required medical or legal documentation within stated deadlines. Article 8.1(D) preserves the Board's right to require a physician's certificate for sick leave pay; Article 8.10 governs FMLA documentation and benefit continuation.

- After Absence:

a. Confirm leave coding in the time/absence system is accurate.
b. For non-FMLA/non-protected unpaid absences after exhaustion of paid leave, expect payroll docking in the period incurred. Article 11.10 provides that dock adjustments occur in the payroll period when incurred.
c. Repeated violations will result in progressive discipline as outlined above, consistent with the CBA.

ADOPTED: June 24, 2026

South Eastern Special Education Coop