

CAUSE * COUNTER PROPOSAL

CERTIFICATED - ARTICLE 13: LEAVE Provisions

** Bargaining Cycle 2023-24 **

Re-Submitted - June 3, 2024

- A. The following proposal stands independent of and from other proposals that have been provided or will be provided in the future. This proposal is not intended to serve as a comprehensive Article 6: Compensation & Benefits proposal for the 2023-24 bargaining cycle.

- B. The Union will use the routine process of STRIKETHROUGHS (ex. ~~abcd~~ - for language we do not support) and **bolded & underlined** text for proposed new language we do support.

- C. A summary of the Union's interests (per provision) have been provided and are highlighted in yellow.

**CARPINTERIA UNIFIED SCHOOL DISTRICT /
CARPINTERIA ASSOCIATION OF
UNITED SCHOOL EMPLOYEES LOCAL 2216
Leave Provisions**

District Proposal
June 3, 2024
2:30 P.M.

Article 13, Leave Provisions

Article 13, Leave Provisions, proposal:

(NEW)13.19 - Registering Employee Absence/Leave: Unit members will register their contractual absences, leave notifications, and/or leave requests, using the District's designated absence reporting process.

13.19.1 - At the outset of each instructional year and upon hiring, the District will provide unit members a District-wide notification, clarifying the most current reporting process. The notification will clarify how unit members will use the absence reporting system to register leave and leave requests to District Administration.

13.19.2 – Unit members will be notified of any changes to the District absence reporting process, prior to said changes being enforced.

807-22/6960716.1

[NOTE: CAUSE Accepts the above language]

Interest...

Union Leadership recognizes that the District incurs costs when a CERTIFICATED employee is absent. Similarly, employees recognize that the District is often required to hire substitutes to cover said absences. It is only reasonable that the CUSD deducts the costs of these substitutes from the salary of absent CERTIFICATED employees, when all other available LEAVE options have been exhausted.

Employees have an interest in ensuring that the District deduction does not exceed the costs associated with an employee absence. Routinely, the District's costs associated with an employee absence are far less than the employee's per-diem rate. Similarly, absent employees often remain engaged; supporting both administrators and substitutes to resolve matters pertaining to the delivery of instruction. Therefore, employees have an interest in ensuring that the salary deduction reflects the true costs of the District, without unnecessarily punishing the employee for taking excused and justifiable leave of absence.

13.1.4 - Per Ed Code 44977 (a) During each school year, when a person employed in a position requiring certification qualifications has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of illness or accident for an additional period of five school months, whether or not the absence arises out of or in the course of the employment of the employee, the amount deducted from the salary due him or her for any of the additional five months in which the absence occurs shall not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence ~~or, if no substitute employee was employed, the amount that would have been paid to the substitute had he or she been employed.~~ The school district shall make every reasonable effort to secure the services of a substitute employee. (b) For purposes of subdivision (a): (1) The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (2) An employee shall not be provided more than one five-month period per illness or accident. However, if a school year terminates before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year.

13.1.4.1: For purposes of section 13.1.4, the amount deducted from the salary due unit member (i.e., "differential pay leave") will be the daily rate at Step 1/Column 1 of the Certificate Salary Schedule or the daily substitute rate (*currently \$200.00 / Long-term \$250*), whichever is less."

13.1.5 **When a secondary level CERTIFICATED employee returns from an extended leave of absence and has utilized or exhausted all available sick leave, accrued leave, and extended leave; the District's salary deduction will not exceed $\frac{5}{8}$ of the absent employee's per-diem rate. This ensures the District will not deduct compensation associated with the duties addressed during the employee's prep-period (i.e. $\frac{1}{8}$ of per-diem pay).**

13.1.6 When an elementary level CERTIFICATED employee returns from an extended leave of absence and has utilized or exhausted all available sick leave, accrued leave, and extended leave; the District 's salary deduction will not exceed $\frac{5}{6}$ of the absent employee's per-diem rate. This ensures that the District will not deduct compensation associated with the duties addressed during non-instructional hours; recognizing that absent faculty members routinely coordinate with administration and substitutes to resolve duties associated with instruction.

13.8 Maternity Leave

13.8.4 The major purpose of these regulations is to enable the District to make sound educational plans concerning personnel and the program of education. The assignment upon return shall be determined solely by the District, **-with the continued expectation that the faculty member returns to their previous classroom and assignment.**

13.15 - CUSD Employees will be provided up to an additional 5 paid leave days, in the event they unable to work or telework, due to any of the following reasons:

13.15.1 - The employee is subject to a quarantine or isolation period due to an order or guidance of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer who has jurisdiction over the workplace.

13.15.2 - If the employee is subject to more than one quarantine or isolation period, the employee shall be permitted to use any available state supplemental paid sick leave for the minimum quarantine or isolation period under the order or guidance that provides for the longest such minimum period.

13.15.3 - The employee is attending an appointment for themselves or a specified family member to receive a vaccine or a vaccine booster for protection against COVID-19 or other communicable disease.

13.15.5 - The employee is caring for a specified family member who is subject to an order or guidance described in subparagraph (1) above or who has been advised to isolate or quarantine, as described in subparagraph (2) above.

13.15.7 - The employee is caring for a family member whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

13.15.7.1 -- For purposes of this article, “family member” and “child” have the same definitions as apply for existing “kin care” leave pursuant to Labor Code 233, and includes: child (including biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, regardless of age or dependency status); parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child); spouse; registered domestic partner; grandparent; grandchild; sibling.

13.18 - Natural Disaster Leave (New contract provision/s) :

13.18.1. - Employers are responsible to protect employees from unreasonable danger in the workplace, which includes an imminent "natural phenomenon" that will threaten employee safety and health.

13.18.1.1 - In the event that public authorities declare an emergency condition of any kind, be it EVACUATION WARNING, EVACUATION ORDER, SHELTER IN PLACE, etc. , the District will act immediately to implement the public authorities declaration.

13.18.1.2 - Schools and Facilities will not be kept in a status that is in conflict with the public authorities declaration. Acknowledgment will be given to the condition that many District employees reside in surrounding communities

just beyond Carpinteria, and are directly impacted by the status of those communities, roadways, and access to public transportation and utilities. Therefore, public authority declarations that address any community in Santa Barbara County or Ventura County will trigger the release of those personnel who reside or must travel through the areas impacted and cited in the public declaration.

13.18.1.3 - In the event that employees are stranded in Carpinteria or Summerland, as a result of a natural disasters, emergency road/rail-line closures, or public safety event, said employees will be provided fully-funded vouchers for their sleeping accommodations. The District may work with local hotels to secure rooms at specified rates, and limit access to said hotels, so as to reduce the costs to the District.

13.18.2 - To the extent that the District has already budgeted for the costs of employees, the district shall offer paid leave to an employee if schools are shut due any of the following a natural disaster: earthquake, flood, fire, adverse weather, vehicle accidents, landslide, flying objects, electrical hazards from downed power lines. etc.

Interest...

Clearly define the process for registering employee absence/leave: Currently, District employees register their absences, leave notifications, and/or leave requests, using the District's absence reporting website (FRONTLINE; previously AESOP). However, there is a great deal of confusion surrounding this practice; for both employees & administrators. This confusion undermines employee access to contractual leave, especially when Principals, Supervisors, and/or Directors attempt (*often on an inconsistent and personalized basis*) to introduce informal, redundant, and non-contractual informal criteria for employees to utilize their entitled contractual leave.

Similarly, the Union is not aware of any annual training that clarifies how the absence reporting website (FRONTLINE; previously AESOP) is used. A variety of informal expectations further confuse more formal expectations that exist.

13.19 - Registering Employee Absence/Leave: District employees will register their contractual absences, leave notifications, and/or leave requests, using the District's designated absence reporting process/program. (Ex. currently 2023-24 - FRONTLINE website; previously AESOP website, but subject to change upon notification in years out).

13.19.1 - At the outset of each instructional year and upon hiring, the District will provide employees a District-wide notification, clarifying the most current reporting process/program. The notification will clarify how employees will use the absence reporting system to register LEAVE & LEAVE Requests to CUSD Administration.

13.19.2 - District employees will be notified of any changes to the District absence reporting process/program, prior to said changes being enforced.
