



West Ada

SCHOOL DISTRICT

October 23, 2020

RE: Sick Leave

TO: All West Ada Staff Members

Due to recent events, the District felt it was appropriate to provide employees with information regarding Sick Leave. This letter is not meant to be a determination or judgement regarding the propriety of claimed Sick Leave nor should this be construed as a threat of any kind. This letter is intended to inform of the potential consequences to employees if the district allows or permits employees to engage in the misuse of Sick Leave.

- Sick Leave is identified in Article IV of the Negotiated Agreement between the WASD and the WAEA.
 - Article IV.C states that “Sick leave is to be used for absences caused by illness or physical disability” and further states that such illness or physical disability could also be for a member of the employee’s immediate family.
 - Article IV.D states the following: “Written notice shall be given to the Building Administrator when it is known in advance that the Employee will be unable to perform their duties satisfactorily due to an event defined as sick leave. The notice shall indicate the approximate dates of expected absence.
- If an employee takes Sick Leave for a purpose other than that identified in the Negotiated Agreement, such action may:
 - be a violation of the Negotiated Agreement by the Employee.
 - the Negotiated Agreement is also adopted and incorporated into the Standard Teacher’s Contract, paragraph 8 and accordingly; a violation of the Negotiated Agreement relating to Sick Leave may also be a breach of an individual teacher’s Teaching Contract with the District.
- If an employee takes or claims Sick Leave for a purpose other than Sick Leave, as defined, this action may also be a violation of Board Policy 403.13 – Misuse of Leave. Again, Board Policy is adopted and incorporated into the Standard Teacher’s Contract, paragraph 4 and accordingly, a violation of Board Policy may also be a breach of an individual teacher’s Teaching Contract with the District.
- If an employee falsifies, deliberately misrepresents or deliberately omits reasons for leave, such action is a violation of the Code of Ethics for Idaho Professional Educators, Principle IV – Professional Integrity.
 - It also bears noting that in accordance with Principle IX of the Code of Ethics for Idaho Professional Educators, it is a violation of the Code of Ethics for an Idaho

Professional Educator to have knowledge of a violation of the Code of Ethics and fail to report the violation to appropriate education officials.

There is also great risk to all WASD employees if Sick Leave is permitted to be used for purposes other than Sick Leave. WASD pays for a sick leave benefit for all PERSI eligible employees that funds a trust to provide a cash benefit to PERSI retirees for any unused sick leave. Administrative Rules govern this sick leave benefit. Specifically IDAPA 59.01.01.556 – Prohibition of a Cash Option prohibits WASD from offering or permitting any employee to convert unused sick leave to cash, other forms of leave, or any other benefit....Failure to comply with this prohibition will result in WASD's inability to participate in PERSI administered unused sick leave pools. IDAPA 59.01.01.576.03 states that no employee may be given any option to receive benefits from unused sick leave other than through this plan. For example, no employee, ..., may be given the option of exchanging sick leave for cash or other forms of payment of leave. IDAPA 59.01.01.579 states: "Any state agency, political subdivision or government entity failing to meet the requirements of participation provided by Section 576 shall be terminated from participation in the Subdivision Pool..." If WASD permits the misuse of sick leave this may put the entire sick leave benefit for all WASD employees in jeopardy.

We are currently in the process of examining the potential options to address recent events at the District with Sick Leave. These discussions include counsel from both PERSI as well as the Professional Standards Commission personnel at the State Department of Education. It is our hope that we will be able to come to some resolution in the near future that provides for an outcome that does not cause undue hardships.

If, at any time, you feel you have made a mistake on the type of leave that you have entered into Absence Management, please do not hesitate to contact the Human Resources Department or the SubPlacement Department. My staff can assist you in making sure that the correct leave is entered for you.

If you have any questions about this information, please do not hesitate to contact me.

Sincerely,



David L. Roberts
Chief Human Resources Officer