



LITTLE ROCK

SCHOOL DISTRICT

OFFICE OF THE SUPERINTENDENT

November 13, 2019

Dear LRSD School Community:

On Monday, November 11, 2019, Little Rock Education Association (LREA) president Teresa Knapp Gordon shared with the Little Rock community that employees would go on strike on November 14, 2019. We know that many of you may be grappling with whether or not you will come to work this Thursday or will participate in the strike. I am positive that this decision is difficult, especially when many members did not realize a strike vote had occurred. As a result of this job action being thrust upon us, we must rely on District policy, the staff handbook (approved by the Little Rock School District Board on August 22, 2013), and common decency.

As your superintendent, I ask that you give serious consideration to your commitment to your students, your school, and the District. I'm struck by the fact that any job action would occur when the State Board of Education is still working on a **"draft"** MOU and all employees have an opportunity to provide input, Teacher Fair Dismissal rights have been restored, and there will be a locally-elected board in 2020. Furthermore, it is clear that the Little Rock School District (LRSD), the mayor's office, and the Arkansas Department of Education are committed to developing a community public school model that will provide an individualized support plan that will be jointly developed by each school's staff and its community.

The Little Rock School District values you as a staff member in our shared commitment to ensure that all students have the best educational outcomes. As we have stated previously, we have taken steps to ensure that our schools remain open. We are committed to doing everything we can to avoid disruption to the learning environment.

One thing that I hope we can all agree on is that we have all worked hard to create a caring, inclusive learning and work environment. Actions to intimidate should not be tolerated by any of us. We know everyone has the right to make individual choices on this matter. Shaming any individual for the choice he or she makes is offensive and does not align with our school district culture. It takes all of us working together to maintain the excellence we want for our students and our staff. Thank you for your care and professionalism.

Sincerely,

Michael Alan Poore
Superintendent of Schools

Below is a FAQ to assist you in your decision making, so you can better understand how the strike will impact you as an employee.

1. Q. If a teacher chooses to strike, are they paid by the district?

- A. No, if an individual chooses to strike, he/she will not be paid by the district for any day(s) he/she strikes. A strike is a work stoppage and strikers are not paid. Retirement contributions to ATRS are reduced for each day of the teacher strike (i.e. for every day an employee is not paid he/she does not receive benefits associated with said pay). In addition, an employee will be subject to discipline outlined in policies listed below.

2. Q. For days lost by a strike, won't we just make them up at the end of the school year?

- A. No. Little Rock School District will remain open, safe and functional in the event of a work stoppage so there is no reason to extend the school year or make up lost days.

3. Q. If an employee strikes, will he/she and his/her family still receive health care benefits?

- A. Yes. While strikers will not receive pay for each day they choose to strike, they and their family will not have a gap in medical insurance coverage.

4. Q. Can employees use personal or professional leave or take vacation during a strike and be paid to cover missed salary during a strike?

- A. No. The District suspends all vacations, as well as personal and professional leave. The Superintendent or his designee may make exceptions.

5. Q. If employees do not participate in a strike, can they be reassigned to another school site or classroom to support students in the absence of teachers or a substitute teacher?

- A. If an employee chooses not to strike and remains on campus to support students, it is unlikely but possible he/she may be asked to take on additional students or tasks. He/she will be compensated according to District policy in the event this occurs.

6. Q. What measures have been taken to ensure the safety of students and staff during the strike?

- A. Security is part of the District Work Stoppage Plan and is accessible by all district and building leadership. The District is working in cooperation with the Little Rock Police Department to have our usual complement of School Resource Officers (SROs), as well as a commitment of other officers available to support a safe campus environment. (SROs are Little Rock Police Officers assigned to our schools).

7. Q. Have all substitutes had background checks?

- A. Yes, only substitute teachers who have completed state-mandated background checks will replace teachers who do not report to work.

8. Q. Can employees use sick leave during a strike?

- A. This question is answered in referenced policies and Code of Ethics below:
- i. See Licensed Policy (3.7) and Classified Policy (8.5).
 - ii. See Standard 3 of the Code of Ethics for Arkansas Educators.
 - iii. Abuse of sick leave may result in disciplinary action up to, and including termination.

9. Q. If I am an LREA member, am I required to strike?

- A. No. Although we are not tied to that governing body, we would assume that choice is always a right for any professional.

10. Q. Will I be charged additional dues or fees if I do not strike?

- A. We have heard this is being stated. You should contact LREA leadership to determine if this is the case. This would seem to run counter to members having the ability to make individual choices on matters that relate to their dues.

3.7—LICENSED PERSONNEL SICK LEAVE

An employee shall be entitled to sick leave only for reasons of personal illness, bereavement, scheduled medical appointments, or illness in his or her immediate family.

Predictable Absence:

In the case of any use of regular sick leave or extended sick leave which may be predictable (e.g., elective surgery and pregnancy) and which will probably last five (5) consecutive days or longer, the certified employee shall notify the building administrator and the Director of Human Resources in writing at least thirty (30) days prior to the expected commencement of such leave and an anticipated date of return. In the case of sick leave use for appointments, employee shall notify the building administrator and the LRSD Sub System as soon as the appointment is made.

Except in cases of emergency when employees are physically or mentally incapable of meeting these criteria, the following conditions must be met in order to use sick leave:

1. The LRSD Designated Sub System must be notified of the use of sick leave at least two (2) hours before the start of the employee's workday.
2. The Building Administrator must be notified of the use of sick leave at least two (2) hours before the start of the employee's workday. Exceptions may be warranted in extraordinary circumstance and will be handled by the Building Administrator on a case by case basis.

On the first day of their contract period, all employees who are employed by LRSD on or before October 31, 2015 will be credited with the number of sick leave days without loss in pay as indicated by the table below, with an accumulation from year to year to a maximum of one hundred seventy-eight (178) days:

| Length of Contract | Number of Sick Leave Days |
|--------------------|---------------------------|
| 190-200 | 10 |
| 201-220 | 11 |
| 221 or over | 12 |

Teachers hired by LRSD beginning November 1, 2015 will receive leave in accordance with "The Teachers' Minimum Sick Leave Law," A.C.A. §6-17-1201 et. seq. Other employees hired by LRSD beginning November 1, 2015 will receive leave in accordance with "The School Employees Minimum Sick Leave Law," A.C.A. § 6-17-130 et. seq. All employees hired beginning November 1, 2015 will accumulate sick leave from year to year to a maximum of ninety (90) days.

3.9—LICENSED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE

Personal Leave

For the district to function efficiently and have the necessary personnel present to effect a high achieving learning environment, employee absences need to be kept to a minimum. The district acknowledges that there are times during the school year when employees have personal business that needs to be addressed during the school day. Each full-time employee shall receive two (2) days of personal leave per contract year.

Employees shall take personal leave or leave without pay for those absences which are not due to attendance at school functions which are related to their job duties and do not qualify for other types of leave (for sick leave see Policy 3.8, for professional leave see below).

School functions, for the purposes of this policy, means:

1. Athletic or academic events related to the school district; and
2. Meetings and conferences related to education.

For employees other than the superintendent, the determination of what activities meet the definition of a school function shall be made by the employee's immediate supervisor or designee. For the superintendent, the school board of directors shall determine what activities meet the definition of a school function. In no instance shall paid leave in excess of allotted vacation days and/or personal days be granted to an employee who is absent from work while receiving remuneration from another source as compensation for the reason for their absence. Any employee desiring to take personal leave may do so by making a written request to his or her supervisor at least twenty-four (24) hours prior to the time of the requested leave. The twenty-four hour requirement may be waived by the supervisor when the supervisor deems it appropriate.

Employees who fail to report to work when their request for a personal day has been denied or who have exhausted their allotted personal days, shall lose their daily rate of pay for the day(s) missed (leave without pay). While there are instances where personal circumstances necessitate an employee's absence beyond the allotted days of sick and/or personal leave, any employee who requires leave without pay must receive advance permission (except in medical emergencies and/or as permitted by policy 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE) from their immediate supervisor. Failure to report to work without having received permission to be absent is grounds for discipline, up to and including termination. Personal leave does not accumulate from one contract year to the next. Personal leave may not be taken the day before or the day after a holiday.

Policy from Teacher Handbook

Abandonment of Job:

Any employee who has been absent from work for more than five consecutive days and who has not obtained an approved leave of absence or otherwise accounted for the absences, will

be considered to have abandoned his/her job. The employee may be recommended for termination.

Terminations and Demotions

Terminations

All employees are expected to conform to reasonable standards of conduct and performance. Any action taken against an employee will be appropriate for the behavior which precipitated the action. Non-renewal, or termination of employees, will be handled in accordance with the “Arkansas Teacher Fair Dismissal Act” or the “Public School Employee Fair Hearing Act.” Notice of intention not to renew a probationary or continuing employee’s contract for the next school year will be served to the employee as required by law. The notification will state the reasons for not renewing the contract.

There are occasions when persons, because of the nature of their misconduct, must be suspended and recommended for immediate termination.

Examples of offenses for which an employee may be recommended for immediate termination are listed below. These offenses may include, but are not limited to:

- Conviction at a trial court level of any felony or misdemeanor that is manifestly inconsistent with the safe and efficient operation of the school or department.
- Fighting, threatening, or attempting to do bodily injury causing physical pain, illness, or any impairment of physical condition.
- Carrying weapons. A weapon is any object that could cause injury to another person and is not required to be in possession of that employee in the normal course of their job.
- Stealing or misappropriation of property of employees or of the Little Rock School District.
- Malicious mischief: the abuse, misuses, or deliberate destruction or damaging of property, tools, or equipment of other employees or of the Little Rock School District.
- Altering or tampering with time keeping records, “sign in/out roster,” or other reporting documents relative to attendance, promptness, or departures.
- Drinking alcoholic beverages on the job or during working hours, or the possession of, or introduction of any alcoholic beverage on Little Rock School District property at any time. This also includes reporting to work while under the influence of alcohol.
- Use of narcotics, and/or the use, possession, or transmitting on school premises, drugs or substances capable of modifying mood and/or behavior.
- Insubordination, including refusal or failure to perform work assigned and/or refusal to obey orders of supervisors.
- Disorderly, disruptive, or immoral conduct on school premises.
- The making of or publishing of false, vicious, or malicious statements concerning any employee or supervisor of the Little Rock School District.

- Falsification of personnel or other official school or insurance records, or making false statements when applying for employment.
- Falsifying or refusing to give testimony concerning accidents involving school vehicles or other accidents and/or incidents which are being investigated.
- Failure to observe or purposefully disregard District policy and procedures.
- The possession, display, or use of pornographic, vulgar, inappropriate, obscene, or suggestive material on District property or in District vehicles while on duty.
- Persistently and consistently leaving work early or leaving a work site without authorization.
- Excessive absences or tardiness.
- "No show/no call" for five consecutive days.
- Unsatisfactory performance of assigned duties.
- For just cause as determined by the Superintendent or designee.

Absenteeism

Employees must notify their immediate supervisor of an impending absence. Notice of absence due to illness is expected at least one hour prior to the time an employee is to report for duty. Notice of absence for personal business or annual leave should be submitted at least 24 hours in advance for approval. While absences may occur for legitimate reasons such as sickness or important personal problems, false or unrealistic excuses are not acceptable.

Attendance - Absence From Work

Regular and reliable attendance is an essential job function.

1. All employees are expected to report to work on time on a regular basis. Employees who will be absent or late arriving to work are required to contact the administrator of their department prior to the beginning work time.

If a contract/school staff member is unable to report to work, he or she must notify the principal or designated administrator at least one hour prior to the scheduled reporting time. It is appropriate to call the evening before if an employee knows that he or she is going to be out.

Non-contract employees who will be absent or late arriving to work are required to contact their designated department prior to the beginning work time. If an employee is ill or unable to report to work, the employee should contact the department the evening prior to being out and/or by the time established by each specific department.

2. Absence without communication by the employee for more than five consecutive workdays can lead to disciplinary action up to, and including, termination. Excessive absences and undocumented absences may also lead to termination.

3. A doctor's release will be required and must be presented to the department office or supervisor before returning to work for any absence due to personal illness or family illness of more than five consecutive workdays. The District may contact the employee's health care provider for the purposes of clarifying and authenticating the release.

Excessive Absences

When an employee's absences become a concern or a pattern of absences becomes established, the principal/supervisor shall discuss with the employee the reason for such absences. Such absences may be subject to verification. If the absences are deemed excessive, the employee may be subject to disciplinary action, up to and including, termination of employment.

Policy from LRSD Board Policies for Classified Staff

8.5—CLASSIFIED EMPLOYEES SICK LEAVE

Definitions

1. "Employee" is an employee of the District working 20 or more hours per week who is not required to have a teaching license as a condition of his employment.
2. "Sick Leave" is absence from work due to illness, whether by the employee or a member of the employee's immediate family, or due to a death in the family. The principal shall determine whether sick leave will be approved on the basis of a death outside the immediate family of the employee.
3. "Current Sick Leave" means those days of sick leave for the current contract year, which leave is granted at the rate of one day of sick leave per month worked, or major part thereof.
4. "Accumulated Sick Leave" is the total of unused sick leave, up to a maximum of ninety (90) days accrued from previous contracts, but not used. Accumulated sick leave also includes the sick leave transferred from an employee's previous public school employment.
5. "Immediate family" means an employee's spouse, child, parent, or any other relative provided the other relative lives in the same household as the employee.

Sick Leave

The principal has the discretion to approve sick leave for an employee to attend the funeral of a person who is not related to the employee, under circumstances deemed appropriate by the principal.

Employees who are adopting or seeking to adopt a minor child or minor children may use up to fifteen (15) sick leave days in any school year for absences relating to the adoption, including time needed for travel, time needed for home visits, time needed for document translation,

submission or preparation, time spent with legal or adoption agency representatives, time spent in court, and bonding time. See also, 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE, which also applies. Except for bonding time, documentation shall be provided by the employee upon request.

Pay for sick leave shall be at the employee's daily rate of pay, which is that employee's hourly rate of pay times the number of hours normally worked per day. Absences for illness in excess of the employee's accumulated and current sick leave shall result in a deduction from the employee's pay at the daily rate as defined above.

At the discretion of the principal (or Superintendent), and, if FMLA is applicable, subject to the certification or recertification provisions contained in policy 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE the District may require a written statement from the employee's physician documenting the employee's illness. Failure to provide such documentation of illness may result in sick leave not being paid, or in discipline up to and including termination.

If the employee's absences are not subject to the FMLA or are in excess of what is protected under the FMLA, excessive absenteeism, to the extent that the employee is not carrying out his/her assigned duties to the degree that the education of students or the efficient operation of a school or the district is substantially adversely affected (at the determination of the principal or Superintendent) may result in termination.

8.7—CLASSIFIED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE

For the district to function efficiently and have the necessary personnel present to effect a high achieving learning environment, employee absences need to be kept to a minimum. The district acknowledges that there are times during the school year when employees have personal business that needs to be addressed during the school day. Each full-time employee shall receive two (2) days of personal leave per contract year.

Employees shall take personal leave or leave without pay for those absences which are not due to attendance at school functions which are related to their job duties and do not qualify for other types of leave (for sick leave see Policy 8.5, for professional leave see below).

"School functions", for the purposes of this policy, means:

1. Athletic or academic events related to a public school district; and
2. Meetings and conferences related to education.

The determination of what activities meet the definition of a school function shall be made by the employee's immediate supervisor or designee. In no instance shall paid leave in excess of allotted vacation days and/or personal days be granted to an employee who is absent from work while receiving remuneration from another source as compensation for the reason for their absence.

Any employee desiring to take personal leave may do so by making a written request to his/her supervisor at least twenty-four (24) hours prior to the time of the requested leave. The twenty-four hour requirement may be waived by the supervisor when the supervisor deems it appropriate.

Employees who fail to report to work when their request for a personal day has been denied or who have exhausted their allotted personal days, shall lose their daily rate of pay for the day(s) missed (leave without pay). While there are instances where personal circumstances necessitate an employee's absence beyond the allotted days of sick and/or personal leave, any employee who requires leave without pay must receive advance permission (except in medical emergencies and/or as permitted by policy 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE) from their immediate supervisor. Failure to report to work without having received permission to be absent is grounds for discipline, up to and including termination. Personal leave does not accumulate from one contract year to the next. Personal leave may not be taken the day before or the day after a holiday.