

**SOUTHERN WESTCHESTER  
BOCES  
TEACHERS' ASSOCIATION**

Eileen McGarvey, President  
PO Box 566  
White Plains, NY 10603  
www.bocesta.net



August 31, 2023

Dear BTA Member,

New language regarding absences on the first day of school was introduced to the *certified staff* contract effective 9/1/22. This is a result of the MOA presented to members on June 23, 2022, which was approved by a vote of 128 to 23.

Below please find an overview of the new language regarding absences on the first day of school and revised examples applying the new language. The revised examples are intended to offer a little more detail. The original summary of the entire MOA and the original examples highlighting if and when the new language would apply was posted to the website on June 16, 2022 and was then presented and discussed in two different Zoom meetings open to all members. The original summary and examples can still be found by scrolling down on the landing page of the BTAs website, bocesta.net.

Please keep in mind that the new language addresses the award of new Sick time for the new academic year. Pre-existing language regarding the potential requirement to provide a sick note to support Sick days in certain circumstances remains in effect. It does not go away. By contract, HR or a supervisor may ask members "...who are absent four or more consecutive days to submit a physician's note to the Director of Human Resources *upon return to work* explaining the nature of the illness and the individual's fitness to work." (Article XVII. 1. C. 1., p. 19 of the printed version of the contract).

**What is the new contractual language that impacts award of new S time for each new academic year?** The award of **NEW sick day** accruals for a new academic year does not occur **if you do not show up on the first day of work**, remain out for five or seven consecutive days at the beginning of the year, AND do not provide a note from a medical provider for the absence by a specified deadline. The 5/7 consecutive days depends on sick leave accruals you are due based on years of service. **Through** ten years of service = 10 Sick days; eleven or more years of service = 15 Sick days. **If you are a member with an annual allotment of 10 sick days, the note must be provided by the 5th school day of consecutive absence** in order to receive your Sick time for the new academic year. **If you are a member with an annual allotment of 15 school days, the note must be provided by the 7th day of consecutive absence.** The exception to the rule is members who are out on an approved leave, including a FMLA leave, or

out on bereavement leave. This language does not take away previously accrued leave time (carried over time), **and it does not affect Personal Days awarded for the new school year.** It affects the award of new sick day accruals for the new academic year if you don't show up on the first day of work, remain absent for 5/7 consecutive days and do not provide a note from a medical provider within 5/7 days, depending on your length of service.

Examples:

- A. I showed up on the first day of work, but I was sick on the second day. Does this new language apply to me? No, because you were present on the first day of school. The length of your absence was one day, not five or seven days. You will be provided with your new S days for the new academic year, regardless of how many years of service you have. You do not have to substantiate your absence with a note from a medical provider because one day's absence does not require a note from a medical provider, under the pre-existing language of the contract.
- B. I am a member with seven years of service. I was ill on the first day of work. I was absent for a total of three consecutive days– the first, second, and third day of work. Does this new language apply to me? No, because the length of your absence was not five or more consecutive days. Therefore, you will be afforded your new 10 days of S time for the new academic year. Three consecutive days of absence does not meet the threshold of 5/7 days of consecutive absence. Additionally, three days absence does not require a note from a medical provider upon return to work, under the pre-existing language of the contract.
- C. I am a member with 20 years service. I was ill on the first day of work. I was absent for a total of three consecutive days– the first, second, and third day of work. Does this new language apply to me? No, because the length of your absence was three days long. It was not seven or more consecutive days. You will be provided with your 15 new S days for the new academic year. Three consecutive days absence does not require a note from a medical provider, under the pre-existing language of the contract.
- D. I am a member with ten years of service. I was out for the first six days of the school year because I was ill. Does this language apply to me? Yes. In order to be awarded your ten days of Sick time for the new academic year, you must provide a note from a medical provider *by the 5th consecutive day of the absence* in order to be provided your Sick time for the new academic year. If you do not provide the medical note by the 5th day of the consecutive absence, you will not be awarded your Sick time for the new academic year. Nothing happens to the three personal days for the new academic year, and nothing happens to time carried over from the previous years. Since you were out for more than four consecutive days of absence, your supervisor or HR may require a note from a medical provider *upon your return to work*, under the pre-existing language of the contract. Please note that in this scenario, the expectation is you will provide a note by the 5th day of consecutive absence in order to accrue your new S time for the new academic year. Please note that since you remained out for another S day (the 6th day), your supervisor or HR may require another note from a medical provider upon your return to work, under the pre-existing language of the contract.
- E. I am a member with twenty years of service. I was out consecutively for the first eight days of the school year because I was ill. Does this language apply to me? Yes. In order to be awarded your fifteen days of Sick time in the new academic year, you must provide a note from a medical provider *by the 7th consecutive day of the absence*. If you

do not provide the medical note by the 7th day of the consecutive absence, you will not be awarded your S time for the new academic year. Nothing happens to the three personal days for the new academic year, and nothing happens to time carried over from the previous years. Since you were out for more than four consecutive days of S time, your supervisor or HR may require a note from a medical provider *upon your return to work*, under the pre-existing language of the contract. Please note that in this scenario, the expectation is you will provide a note by the 7th day of consecutive absence in order to accrue your new S time for the new academic year. Please note that since you remained out for another S day (the 8th day), your supervisor or HR may require another note from a medical provider upon your return to work, under the pre-existing language of the contract.

- F. I am a member with twenty years of service. I was out for the first eight days of the school year. I don't have a medical reason for the absence, and I might not be able to get a note from a medical provider. Does this language apply to me? Yes. In order to be awarded your fifteen days of S time for the new year, you must provide a note from a medical provider. If you do not provide the medical note *by the 7th consecutive day of the absence*, you will not be awarded your S time for the new academic year. Nothing happens to the three personal days for the new academic year, and nothing happens to time carried over from the previous years. Additionally, since you were out for more than four consecutive days of S time, your supervisor or HR may require a note from a medical provider *upon your return to work*, under the pre-existing language of the contract.
- G. I am a member with three years of service. There was a death in my family on August 30, and I was out on bereavement for the first five days of school. Does this language apply to me? No, because the language of the contract recognizes days taken as bereavement leave as an exception to the rule. If you will be out on bereavement leave on the first day of school, you **MUST** input your absence into AESOP using the code for bereavement. For certified staff, the deadline to notify AESOP regarding an absence is 6:30 a.m. on the day of an absence. AESOP does allow for input of multi-day absences, and it does allow for input of known, anticipated absences up to a month in advance of the absence date. Additionally, someone from HR will contact you to ask you about your relationship to the deceased. The death of only specific family members is covered by bereavement leave in the contract.
- H. I submitted the appropriate paperwork for an FMLA and my supervisor and HR know that I will be out for the first month of the new school year. Does this language apply to me? No, because the other exception to the contractual language is if a member is out on leave (FMLA is *one form* of approved leave), and because you have submitted the FMLA paperwork to HR in a timely manner.

Sincerely,

Eileen