

**MEMORANDUM OF UNDERSTANDING**

The Memorandum of Understanding is made and entered into by and between the District U-46 Transportation ("DUTU") and the Board of Education of School District U-46 ("Board") and sometimes referred to collectively as the Parties:

WHEREAS, the Board and DUTU negotiated an Agreement effective July 1, 2016 through June 30, 2020 that was ratified by DUTU on May 20, 2017 and by the Board on June 5, 2017; and

WHEREAS, the Parties agreed to negotiate changes to Section 9.8 of the Agreement; and

WHEREAS, the Parties reached agreement as to changes to Section 9.8 of the Agreement;

NOW THEREFORE, IT IS HEREBY AGREED by DUTU and the Board as follows:

1. The newly negotiated language of Section 9.8, which is attached hereto and incorporated herein as Exhibit A, will completely replace the language contained in Section 9.8 of the Agreement for the remainder of the term of the Agreement;
2. The new language and process will be jointly presented to bargaining unit employees by DUTU and the administration on behalf of the Board.
3. The new language will be incorporated and/or reviewed and revised in negotiations for a successor agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

SCHOOL DISTRICT U-46

DISTRICT U-46 TRANSPORTATION UNION

By: \_\_\_\_\_

Dr. Jeff King  
Chief Operations Officer

By: \_\_\_\_\_

Heather Weiss  
President

Date: \_\_\_\_\_

10/2/2019

Date: \_\_\_\_\_

10/2/2019

## Exhibit "A"

### 9.8 Absenteeism

The principles of progressive discipline shall apply to disciplinary action for abuse of sick leave, or other leave for illness or incapacity. Employees that exhaust their available sick leave or abuse sick leave, or other leave for illness or incapacity, may be subject to progressive discipline. Generally, progressive discipline will be a (1) verbal warning, (2) written warning, (3) one-day suspension without pay, (4) a longer suspension without pay of up to 3 days, and (5) termination. However, for a single flagrant incident, or a pattern of abuse of sick leave, or other leave for illness or incapacity, discipline may start with a suspension without pay and may move to termination for a second flagrant or pattern offense.

Employees are entitled to use available sick leave for the following reasons: personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption.

Each employee is responsible for the appropriate use of sick leave. Inappropriate use may occur when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for the absence. Examples of incidents that may be considered an abuse of sick leave include, but are not limited to, the following:

- Use of a sick day after employee requests a day off and is denied by Transportation Administration;
- Use of a sick day after a Holiday;
- Use of a sick day on in-service days.

Inappropriate use may also occur when an employee establishes a pattern of sick leave without approved documentation. A pattern may be established if there are three (3) or more incidents per semester in which sick leave is taken on the same day of the week or the first or last day of the week. Pursuant to progressive discipline, an employee will receive a verbal warning at the time a pattern has been established, unless appropriate use can be shown. Further, the employee will be put on notice that an absence following the same pattern may result in progressive discipline and may require written documentation by a licensed health care provider, as defined by Illinois School Code Section 5/24-6. The written documentation must provide the date the member was treated or other written documentation the District deems acceptable.

Progressive Discipline does not apply when the employee claims and qualifies the absence under FMLA, Workers' Compensation, maternity leave and/or a leave for health reasons under Section 12.4 of this Agreement.

The District may, at its expense, have an employee examined by a physician of the District's choice at any time to verify the certification from the employee's physician and/or in connection with any other absence of an employee related to illness or disability.

Absences from summer work are not included in the progressive discipline process set forth above for abuse of sick leave.