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## Board discovers district has violated its own policy for years

By RACHEL COLEMAN

• Leader & Times

A seemingly routine request by superintendent of schools Paul Larkin turned into nearly an hour of debate about the purpose and importance of policy at the USD 480 Board of Education meeting Monday. In the end, the board voted narrowly to amend a long-neglected policy that addresses paid holidays for year-round employees.

Though policy lists 11 paid holidays for 12-month employees, for many years, the district has given such employees four additional days off work with pay, said Larkin.



“I want to bring your attention to paid holidays and board policy regarding this,” Larkin said. Though the district is in the process of reviewing and updating all its policies, the job has taken much longer than anticipated, he said, and the paid-holiday policy is part of the unrevised material.

Over the last few years, the holiday schedule has permitted 15 paid holidays, diverging from

board policy. With Thanksgiving just around the corner, Larkin wanted to find out the board's wishes: should the district go ahead with paid holidays that have already been built into the budget but do not adhere to policy? Or should the district stick to the letter of the law, largely ignored for the past 15 years, and require employees to use vacation days over the upcoming holiday season?

In a 4-3 vote, the board opted to adjust policy so that it reflects reality — for this year. Board members Nick Hatcher, Chris Jewel, Delvin Kinser and Matt Friederich voted to allow 15 paid holidays; Crystal Clemens, Tammy Sutherland-Abbott and Steve Helm voted to stick with the policy as written, which permits 11 paid holidays.

"I want to thank Mr. Larkin for bringing this to our attention, because that's part of his responsibility as superintendent," said board member Nick Hatcher. "He's supposed to help us follow policies, and he did bring it to our attention, this policy that's been violated. I want to make it right."

"So, we violated the policy for a number of years, and instead of following it (now), we change the rules — and it's OK?" asked board member Steve Helm.

"We budgeted for it," Hatcher said.

As a new board member, Friederich said, "I want to say 'thank you, Mr. Larkin for bringing this up.' We don't want to break this policy and move forward just because we've done it in the past. I appreciate that you've been candid about this. I think it's garbage that we've allowed this to happen in the past. We've got to get this fixed."

"We have started in that direction," Hatcher said.

Sutherland-Abbott expressed discomfort with the 15-day paid holiday schedule because other district employees like classroom paras do not enjoy the same benefit.

“We’ve got women who work as paras, and when the holidays come, because they aren’t 12-month employees and they work on the same schedule as the teachers, they have a two-week period where they get paid for four days,” she said. “I struggle with that. In the grand scheme of the hierarchy, on a personal income level, they work very, very hard and they don’t get paid over the Christmas holiday. I don’t like that.”

In the eyes of the general public, Sutherland-Abbott worried, “people are going to think this is just an extra benefit for the administrators at the Central Office.”

Not so, said Larkin.

“The vast majority of the people who benefit from the paid holidays are hourly-wage employees,” he said. In fact, because of the scheduling challenges as he transitioned from deputy superintendent to his current position, he actually gave up some of his paid vacation during the past 12 months.

“I gave eight vacation days back to the district last year,” he said. “I just didn’t use them.”

Jewell asked what, if anything, janitors and secretaries and administrators might do if they reported for work during the Christmas-New Year’s week.

“During Christmas week, nobody walks through the doors at Central Office,” Clay said. “The phone never rings. It’s a great time to get projects done, for certain people, but other people whose work deals with teachers, there’s nothing you can do.”

Clay also noted that the district will incur costs, whether through holiday pay or vacation pay, regardless of whether the employees work the additional four days or not. The 2013-14 budget — approved by the current board — was based on the assumption that 15 paid holidays would occur, as they have in the past.

Hatcher said that every public board in the county struggles with similar issues. Most do not adhere to their own printed rules about which paid holidays are observed.

“Not following policy — that’s something everyone struggles with,” he said. “There’s stuff that’s so outdated, we’ve been trying to update it for a long time.” For years, Hatcher said, the school board has set up committees, consulted specialists and lawyers, looked at recommendations from the state association of school boards, “and we finally said we’re not changing policy without asking our board attorney to look it over.”

Even so, the board opted to change a number in policy GCRI from 11 to 15 days.

Where do the extra four days occur?

For Thanksgiving, USD 480’s old policy listed Thursday and Friday as the paid holiday; according to the longstanding policy, Wednesday would have been a regular work day for such employees, unless they opted to use a vacation day to have that time off.

Christmas Eve and Day, and New Year’s Eve and Day were also listed as two-day paid holidays, but for years, the 12-month employees have also been given additional paid time off for Dec. 26, 27 and 30, which allows them to have an uninterrupted stretch of holiday time.

“It’s been all over the board for the last 15 years,” Clay said, and the boards in place never changed the policy to reflect the various approaches.

“So we’ve been breaking it all these years,” Friederich said.

All the board members agreed that when the district’s policy review is complete, they want to take a long, hard look at how many paid holidays are appropriate.

## Holiday pay pain

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