

**NEWARK BOARD OF EDUCATION**

# **Attendance Improvement Plan (AIP)**

**Office of Labor/Employee Relations  
11-2022**

## Foreword

Unchecked employee absenteeism, lateness and/or early departures can have a detrimental effect on the quality of education provided to our students. This document represents the NBOE's Attendance Improvement Plan and is designed to help supervisors and administrators address such concerns with their staff in a non-disciplinary manner before a more significant problem develops and, this document also provides guidance for supervisors and/or administrators to invoke disciplinary action, consistent with the just cause provisions of union contracts and the good cause requirements established by the New Jersey Civil Service Commission, Merit System Board. Should you have any questions with respect to any provision of this document or the application of same, please contact the Office of Labor and Employee Relations- (973) 733-8957.

Scott W. Carbone, Esq.  
Director  
Office of Labor and Employee Relations

Dr. Yolanda Mendez  
Assistant Superintendent  
Human Resource Services

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Superintendent

## GENERAL INFORMATION AND INSTRUCTIONS

The purpose of the Attendance Improvement Plan is to encourage NBOE staff members to report to work and to arrive to work on time. One of the NBOE's most valuable resources is its staff. Every employee of the NBOE has an obligation to perform with regularity the functions for which he/she was hired. It is the intent of the NBOE to manage employee absenteeism and lateness in a fair and consistent manner. **The Attendance Improvement Plan applies to all employees including Instructional staff members.**

In the event an employee does not call in to report his/her absence and does not report to work, the employee should be issued a written AWOL letter of warning if he/she has no prior disciplinary record for AWOL violations. [A sample of this letter may be found on page sixteen (16).] If the employee has a prior disciplinary record for AWOL violations, disciplinary action should be requested. [A sample of this letter may be found on page seventeen (17).]

If questions are raised regarding missing documentation the employee claims were previously submitted, a follow-up communication indicating what the results of a search yielded is appropriate.

If an employee indicates that documentation is available but not currently in his/her possession, a final date for the submission should be set during the conference (not more than five (5) working days later). If the date passes without receipt of the document(s), a follow-up communication should be issued, to support the fact that an opportunity was granted to the employee for submission of appropriate documents.

Any and all copies of correspondence to an employee should be forwarded to the appropriate union.

## OPERATIONAL DEFINITIONS

### 1. **Absent Without Leave (AWOL)**

**Code: Q**

All employees are required to report their absence to their respective Supervisor **and** Aesop prior to their scheduled starting time. Any employee who does not provide the above notification of his/her absence shall be AWOL and recorded accordingly. [In the event of a conflict with procedures set forth in a collective bargaining agreement, the collective bargaining agreement shall control.]

" [A]n employee who is absent from duty for five (5) or more consecutive days without the approval of his or her superior shall be considered to have abandoned his/her position and shall be recorded as resignation not in good standing." *N.J.A.C. 4A:2-6.2 (b)*

### 2. **Administrative Day**

**Code: I**

An approved and scheduled school and/or central office closing. Does not include Christmas (winter) and/or Easter (spring) recess.

### 3. **Administrative Day (Weather)**

**Code: J = Whole Day**

**Code: Z = Half Day**

The NBOE schools and/or central offices have been **officially** closed due to actual or impending weather conditions.

### 4. **Administrative Excuse**

**Code: H**

An employee has received authorization for absence due to professional reasons; including but not limited to: workshops, conferences, conventions, in-service seminar and outside NBOE visitations. These days are not counted as occasional absences.

### 5. **Bereavement/Funeral**

**Code: C**

An employee has reported absence under the appropriate contractual bereavement provision, or administrative regulation **and** has complied with documentation requirements. These days are not counted as occasional absences.

### 6. **Deceased**

**Code: S**

An Employee has expired.

### 7. **Holiday**

**Code: G**

An approved and scheduled acknowledgement of federal, state and/or local non-business days.

**8. Military Duty**

**Code: M**

An employee has received formal notice of requirements to report for duty (national guard/reserves) and has submitted a formal request for a leave of absence to Human Resource Services, Administrative Support Unit, with a copy to his/her location administrator.

**9. Personal Day**

**Code: B = Whole Day**

**Code: U = Half Day**

An employee has complied with requirements for reported absence due to personal reasons. These days are not counted as occasional absences.

**10. Professional Day**

**Code: H = Whole Day**

**Code: Y = Half Day**

An employee has received authorization for absence due to professional reasons; including but not limited to: workshops, conferences, conventions, in-service seminar and outside NBOE visitations. These days are not counted as occasional absences.

**11. Sick**

N.J.A.C. 4A:6-1.3 Sick Leave

(g) Sick leave may be used by employees who are unable to work because of:

1. Personal illness or injury (Federal Family and Medical leave);
2. Exposure to contagious disease (Federal Family and Medical Leave);

(h) Sick leave may be used by an employee with a disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the appointing authority.

**Occasional Absence**

All staff absences exclusive of personal, bereavement, administrative excuse, jury duty, approved vacation and approved leave.

**Sick with Documentation**

**Code: E = Whole Day**

**Code: W = Half Day**

An employee has reported absence due to personal illness and has submitted doctor's certification for the date (s). These days are included in counting occasional absences.

**Sick without Documentation**

**Code: D = Whole Day**

**Code: V = Half Day**

An employee has reported absence due to personal illness and has not submitted doctor's certification for the date(s). These days **are** included and counted as occasional absences.

**12. Subpoena/Jury Duty**

**Code: N**

An employee has been lawfully served with a subpoena to appear in court on behalf of the NBOE or served with a jury duty notice. These days **are not** included and counted as occasional absences.

**13. Suspension**

**Code: O = With Pay**

**Code: P = Without Pay**

An Employee has received formal notice of suspension with or without pay from assigned duties and responsibilities.

**14. Termination**

**Code: R**

An Employment relationship with the school NBOE has ended, includes resignation and retirement.

**15. Union Business**

**Code: L**

An employee has received approval from the Office of Labor Relations for absence due to union business in accordance with contractual provisions.

**16. Vacation**

**Code: A = Whole Day**

**Code: T = Half Day**

Vacation days are not counted as occasional absences for the AIP. Inclusion is for notation purposes only.

**17. Worker's Compensation**

**Code: F = Whole Day**

**Code: X = Half Day**

An employee has sustained an injury arising out of and in the course of employment, has an accepted claim and has complied with all administrative regulations.

**I. ADMINISTRATOR'S/SUPERVISOR'S RESPONSIBILITIES WHEN AN EMPLOYEE HAS NOT RECEIVED ANY PRIOR DISCIPLINE.**

**A. CHRONIC/EXCESSIVE ABSENTEEISM**

**PHASE I -- SCHEDULE CONFERENCE AND CONFIRM CONFERENCE IN WRITING.**

1. **Five (5) occasional absences** for ten (10) month employees or **six (6) occasional absences** for twelve (12) month employees within a fiscal year (July 1 – June 30), the location administrator shall schedule an informal conference with the employee to discuss his/her attendance, related issues and advise the employee that the he/she has been verbally warned.
2. A sample of the letter scheduling the conference can be found on page eleven (11).
3. All NBOE collective bargaining agreements allow the employee to request and to have a union representative present for conferences. It is the employee's responsibility to both request, and arrange for, union representation.
4. A letter must go out confirming the conference and informing the employee that he/she has been verbally warned regarding attendance. A sample of the confirmation of conference letter can be found on page twelve (12).

**PHASE II – ISSUE WRITTEN WARNING.**

1. **Nine (9) occasional absences** for ten (10) month employees and **eleven (11) occasional absences** for 12 month employees within a fiscal year, the location administrator shall issue a written warning to the employee.
2. The letter should include specifics, such as dates of absences and confirmation of the Phase I AIP counseling/verbal warning. A sample of the letter to the employee may be found on page thirteen (13).

### **PHASE III -- REQUEST DISCIPLINARY ACTION.**

1. **At eighteen (18) occasional absences** for both ten (10) and twelve (12) month employees, the location administrator may request disciplinary action.
2. A sample of the letter to be issued to the employee may be found on page fourteen (14).
3. Requests for disciplinary action must be forwarded to the Office of Labor/Employee Relations. Form(s) may be requested from the Office of Labor/Employee Relations (973-733-8957).

## **B. CHRONIC/EXCESSIVE LATENESS/ EARLY DEPARTURES**

### **PHASE I -- SCHEDULE CONFERENCE AND CONFIRM CONFERENCE IN WRITING.**

1. **Three (3) late arrivals and/or early departures** within a fiscal year, the location administrator shall schedule an informal conference with the employee to discuss his/her punctuality, related issues and advise the employee that he/she has been verbally warned. A sample of the letter scheduling the conference can be found on page eleven (11).
2. All NBOE collective bargaining agreements allow the employee to request and have present union representative for conferences. It is the employee's responsibility to both request, and arrange for, union representation.
3. A letter must go out confirming the conference and informing the employee that he/she has been verbally warned regarding punctuality and early departures. A sample of the confirmation of conference letter can be found on page twelve (12).

### **PHASE II. -- WRITTEN WARNING.**

1. **Five (5) late arrivals and/or early departures** within a fiscal year, the location administrator shall issue a written warning to the employee.

2. The letter should include specifics, such as dates and confirmation of the Phase I AIP counseling/verbal warning. A sample of the letter to the employee may be found on page thirteen (13).

### **PHASE III -- REQUEST DISCIPLINARY ACTION.**

1. **Seven (7) late arrivals and/or early departures** within a fiscal year, the location administrator may request disciplinary action.
2. A sample of the letter to the employee may be found on page fifteen (15).

## **II. ADMINISTRATOR'S/SUPERVISOR'S RESPONSIBILITIES WHEN AN EMPLOYEE HAS RECEIVED PRIOR DISCIPLINE.**

When an Employee has received prior discipline, it is not necessary to start from the beginning of the discipline process. There are only two (2) phases to this process: 1.) Issue a Letter of Warning 2.) Request Disciplinary Action.

### **A. CHRONIC/EXCESSIVE ABSENTEEISM**

#### **PHASE I -- ISSUE WRITTEN WARNING.**

1. If the employee's attendance pattern does not improve (meaning he/she continues to be absent) issue a warning letter. Refer to page eighteen (18) for a sample letter. At this point, it is recommended that you meet with the employee to advise him/her that if improvement is not made, more harsh disciplinary action will be taken.

#### **PHASE II -- REQUEST DISCIPLINARY ACTION.**

1. If the employee's sub-standard attendance pattern continues, the location administrator may request disciplinary action.
2. A sample of the letter to be issued to the employee may be found on page fourteen (14).
3. Requests for disciplinary action must be forwarded to the Office of Labor/Employee Relations. Form(s) may be requested from the Office of Labor/Employee Relations (973-733-8957).

**B. CHRONIC/EXCESSIVE LATENESS (TARDY)/EARLY DEPARTURES**

**PHASE I -- ISSUE WRITTEN WARNING.**

1. If the employee's punctuality does not improve (meaning he/she continues to arrive to work late and/or leaves early) issue a warning letter. Refer to page eighteen (18) for a sample letter. At this point, it is recommended that you meet with the employee to advise him/her that if improvement is not made, more harsh disciplinary action will be taken.

**PHASE II -- REQUEST DISCIPLINARY ACTION.**

1. If the employee's sub-standard attendance pattern continues, the location administrator may request disciplinary action.
2. A sample of the letter to be issued to the employee may be found on page eighteen (18).
3. Requests for disciplinary action must be forwarded to the Office of Labor/Employee Relations. Form(s) may be requested from the Office of Labor/Employee Relations (973-733-8957).

**Sample Letter**  
Five (5) or Six (6) Absences  
Or  
Three (3) Tardies/Early Departures

Date

Employee Name  
Address

ID #  
Title

**Re: AIP Conference**

Dear:

It has come to my attention that your number of occasional absences or number of tardies/early departures now stands at \_\_\_\_\_ days.

You are requested to appear in my office on \_\_\_\_\_ at \_\_\_\_\_ for a conference to discuss your absences and the state standard.

Sincerely,

c: Labor/Employee Relations  
Union (insert appropriate union)

**Sample Letter  
Letter Confirming Conference/Verbal Warning**

Date

Employee Name  
Address

ID #  
Title

**Re: Confirmation of AIP Conference/Verbal Warning**

Dear:

This letter serves to confirm a meeting I held with you at [Place and time] to discuss [state what the meeting was for, i.e., to discuss your attendance, tardiness/ early departure, performance etc]. Present at this meeting was/were [names and titles of persons present at this meeting].

[Optional - Add any issues or questions raised by employee and responses during this meeting].]

Please be advised that failure to improve your pattern of attendance will result in more harsh disciplinary action being taken.

Sincerely,

c: Labor/Employee Relations  
Union (insert appropriate union)

**Sample Letter – Written Warning**  
Nine (9) or more / Eleven (11) or more Absences  
Or  
Five (5) or more Tardies/Early Departures

Date

Employee Name  
Address

ID #  
Title

**Re: Warning Letter --Absenteeism**

Dear:

I have notified you by a previous letter dated \_\_\_\_\_ of the number of days [times] you have been absent [tardy/deparrted early] from your work assignment.

Please be advised that as of this date your occasional absences [tardiness/early departures] now total \_\_\_\_\_ or more days. You are presently at or have exceeded the state standard.

During a conference held on \_\_\_\_\_ you were provided with information regarding your absences [tardiness/early departures]and advised that the Newark Board of Education considers any substantial number of occasional absences [tardies/early departures] a serious matter. This conference was confirmed via letter dated \_\_\_\_\_.

You are hereby warned that continued absenteeism [tardiness/early departures] will result in further disciplinary action being taken against you.

If you desire to discuss this matter, please contact me to arrange an appointment.

Sincerely,

c: Labor/ Employee Relations  
Union (insert appropriate union)

**Sample Letter – Request for Disciplinary Action**  
Eighteen (18) or more absences

Date

Employee Name  
Street  
Address

ID #  
Title

**Re: Absenteeism/Request for Disciplinary Action**

Dear:

It has come to my attention that your number of absences now totals \_\_\_\_\_ or more days.

You were advised previously in a conference held on \_\_\_\_\_ and by letter(s) dated \_\_\_\_\_ that the Newark Board of Education considers any substantial number of occasional absences a serious matter.

Please be advised that the Newark Board of Education reserves the right to take action against you as a result of your attendance. Action may include, but not limited to: tenure charges, disciplinary action, loss of increment and/or salary increase, or separation from employment.

Due to your failure to improve this behavior, this correspondence is being forwarded to the appropriate department for disciplinary action.

Sincerely,

c: Labor/Employee Relations  
Union (insert appropriate union)

**Sample Letter – Request for Disciplinary Action**  
Seven (7) or more Tardies /Early Departures

Date

Employee Name  
Street  
Address

ID #  
Title

**Re: Tardies/Early Departures - Request for Disciplinary Action**

Dear:

It has come to my attention that your number of tardies/early departures now totals \_\_\_\_\_ or more hours.

You were advised previously in a conference held on \_\_\_\_\_ and by letter (s) dated \_\_\_\_\_ that the Newark Board of Education considers any substantial number of tardies/early departures a serious matter.

Please be advised that the Newark Board of Education reserves the right to take action against you as a result of your attendance. Action may include, but not limited to: tenure charges, disciplinary action, loss of increment and/or salary increase, or separation from employment.

Due to your failure to improve this behavior, this correspondence is being forwarded to the appropriate department for disciplinary action.

Sincerely,

c: Labor/Employee Relations  
Union (insert appropriate union)

**Sample Letter  
AWOL**

Date

Employee Name  
Street  
Address

ID #  
Title

**Re: AWOL Violation(s)**

Dear:

On \_\_\_\_\_, you were absent from your assigned duties without calling this location and your immediate supervisor to report your absence. This letter constitutes a reprimand and shall serve to notify you that you will be docked one day's pay for this absence.

Repeated failure to report your absence according to contractual provisions and administrative rules will result in more severe disciplinary action up to and including loss of increment/reduction in salary and/or separation from employment with the Newark Public Schools.

If you desire to discuss this matter, please contact me to arrange an appointment.

Sincerely,

c: Labor/Employee Relations  
Union (insert appropriate union)

**Sample Letter  
AWOL – Request for Discipline**

Date

Employee Name  
Street  
Address

ID #  
Title

**Re: Disciplinary Action**

Dear:

On \_\_\_\_\_, you were absent from your assigned duties without calling this location or your immediate supervisor to report your absence. This infraction was confirmed via letter of reprimand on \_\_\_\_\_. At that time, you were warned that repetitive behavior would warrant discipline.

On \_\_\_\_\_, you were again absent for your assigned duties without authorization and notification.

Due to your failure to comply with the rules established in your contractual provisions and administrative regulations, this correspondence is being forwarded to the appropriate authority for disciplinary action.

If you desire to discuss this matter, please contact me to arrange an appointment.

Sincerely,

c: Labor/Employee Relations  
Union (insert appropriate union)

**Sample Letter**

**Memorandum To:**

**From:**

**Date:**

**Subject: Letter of Warning/Excessive Absenteeism/Excessive  
Tardiness and/or Excessive Early Departures**

**TO BE USED WHEN EMPLOYEE HAS ALREADY BEEN DISCIPLINED**

A review of your attendance record shows that you have been absent/late and/or left work early as follows:

[Provide specific dates] \_\_\_\_\_

\_\_\_\_\_ fo  
r

a total of \_\_\_\_\_ absences/late arrivals and/or early departures.

You were previously warned, counseled, and disciplined regarding your poor attendance pattern; however, you have not improved. Please be advised that continued absenteeism will result in a request for major disciplinary action.

If you desire to discuss this matter, please contact me at your earliest convenience.

c: Regional Office  
Department Head  
Labor/Employee Relations  
Union

## Labor/Employee Relations Contact Information

Email: [NPSlaborrelations@nps.k12.nj.us](mailto:NPSlaborrelations@nps.k12.nj.us)

Telephone: 973-733-8957

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