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Douglas County Federation on Settlement of Sick Leave Bank Lawsuit with Douglas County School District

DOUGLAS COUNTY, Colo.—

In 2013 the leadership of Douglas County School District (DCSD) stole 7,458 sick days from teachers who needed time to recover from a serious accident, severe illness, or for maternity leave. Teachers voluntarily donated some of their own sick leave so they could help their colleagues when they needed it the most, in order to fund the bank.

Over the years, the sick leave bank helped numerous teachers feed their families, keep their homes, and pay part of the medical bills that come after a long illness. Douglas County's sick leave bank was similar to those that are found in most other metro-area school districts today, many of which are part of the local bargaining agreements; this bank was a part of the agreement between DCSD and DCF.

After seeing the impact on themselves and their peers, a group of teachers and the Douglas County Federation filed a lawsuit against DCSD for this callous breach of contract. Throughout the process, the teachers and the DCF maintained that they wanted a reinstatement of the sick bank as restitution and did not desire a monetary settlement.

However, tonight the DCSD Board of Education approved a proposed financial settlement, which will result in payment to individual teachers and families who were harmed by loss of income due to the action by the school district leadership in

2013, totaling \$2.56 million. The settlement is awaiting approval by the Federal District Court.

From the beginning, the Douglas County Federation did not seek a financial reward and will not receive any part of the settlement.

"I am disappointed with the outcome," class representative Kathy Dorman said. "We never wanted a monetary settlement. We wanted the sick leave bank reinstated because it allowed education professionals to take care of each other. When I gave birth to my premature twin daughters the sick leave bank meant I had access to those generously donated days--giving me peace of mind and allowing me to focus on my babies and my recovery. Conversely, when I was diagnosed with Hodgkin's Lymphoma, I was forced to rely upon the short term disability plan, meaning I received only a portion of my pay and lost retirement service credits. I was making decisions based on the limits of this lesser plan, rather than my own wellness. The sick leave bank was one of the components of our Collective Bargaining Agreement that helped to attract and retain teachers, aligning with the Board's strategic plan."

Class representative Susie Forsyth, said "I am grateful that the estate of our deceased colleague, Sarah Stabell, will receive restitution so that her children will have help with college funds. It will be good to put the past behind us and move forward for the good of all." Forsyth was added as a class representative after Stabell passed away.

The DCF publicly made a settlement offer of a restoration of the bank for five years and a refund of the retirement service credits for the members who lost credits. "Sick Leave Banks are common practice for school districts across the nation, and across the metro area. This benefit helps the district meet the strategic goal of attracting and retaining quality employees. We still believe this is a missed opportunity," said Kallie Leyba, President of the DCF.

During her public comment at the Board of Education meeting in September 2019, Leyba implored the district to allow teachers to donate their days for their colleagues in need. "We want to resolve this dispute by letting seriously ill teachers use the sick days their colleagues (donate.)"