

**BETSY COMBIER**

**Advocatz - UFT**

1 [START Amy Arundell--Unauthorized  
2 Absence.mp3]

3 FEMALE VOICE 1: Hi. [crosstalk].

4 FEMALE VOICE 2: I just told I'm not. Why  
5 are you so worried? I'm just writing down my  
6 notes.

7 FEMALE VOICE 1: I'm not worried. I'm not  
8 worried.

9 FEMALE VOICE 2: I just talked to my  
10 husband. Okay.

11 FEMALE VOICE 1: No, no, I'm not worried.  
12 I'm just asking. [crosstalk]

13 FEMALE VOICE 2: Yeah. So, the answer is  
14 no.

15 FEMALE VOICE 1: Okay. Thanks. So,  
16 unauthorized absence simply means that it's an  
17 absence without pay, and, so, what happened is  
18 that people to be vaccinated by a date, and on  
19 that date, if they did not, if they were not  
20 vaccinated, they were not eligible to be paid.  
21 And, essentially, the department of education  
22 didn't take people off payroll completely on the  
23 very first day, because they knew that some  
24 people were still in the process of getting  
25

**Ubiquis**

1 vaccinated, and it's a lot of bureaucracy to put  
2 people on and off payroll. So, what they did  
3 instead was dock the people days' pay. So, some  
4 people, okay, got vaccinated on Monday, and then  
5 they came back on Tuesday. You know? And, so,  
6 it's not an unauthorized absence if you are  
7 considering it some sort of like disciplinary  
8 thing or some sort of like we don't know why you  
9 are absent. It simply means that you were  
10 docked pay for those days, and that's before  
11 they took you off payroll completely.

12  
13 FEMALE VOICE 2: That's before they took-

14 FEMALE VOICE 1: But, you are not entitled  
15 to-

16 FEMALE VOICE 2: You said that's-

17 FEMALE VOICE 1: You are not entitled to be  
18 paid those days, because the vaccine, unless you  
19 were vaccinated.

20 FEMALE VOICE 2: Okay. So, let me ask about  
21 my specific situation. Okay? So, when I was  
22 checking my payroll portal, October 11<sup>th</sup>, my  
23 payroll, my pay stub, didn't have that label  
24 unauthorized absence when I was checking on  
25 October 11<sup>th</sup>. But, when I was checking on

**Ubiquis**

1  
2 October 27<sup>th</sup>, all of a sudden, it showed up.  
3 And, it says I have eight days unauthorized  
4 absence.

5 FEMALE VOICE 1: Those days are days that  
6 you are not entitled to pay if you are not  
7 vaccinated.

8 FEMALE VOICE 2: So, that means I'm not  
9 vaccinated—

10 FEMALE VOICE 1: [crosstalk] pay—

11 FEMALE VOICE 2: I'm not vaccinated, because  
12 I'm not entitled to get paid.

13 FEMALE VOICE 1: Nonvaccinated people had a  
14 deadline to get vaccinated.

15 FEMALE VOICE 2: True.

16 FEMALE VOICE 1: Right?

17 FEMALE VOICE 2: Yeah.

18 FEMALE VOICE 1: You were not vaccinated by  
19 that deadline, you were being taken off payroll.  
20 They didn't take people off payroll on the first  
21 few days of the mandate.

22 FEMALE VOICE 2: Yeah. I understand.

23 FEMALE VOICE 1: Because, they gave people a  
24 chance to get vaccinated and come right back to  
25 work, without the added bureaucracy of being

**Ubiquis**

1  
2 taken off payroll and put back on. But, you are  
3 not entitled to be paid for those days.

4 FEMALE VOICE 2: Okay. Can you tell me-

5 FEMALE VOICE 1: I don't know if what is  
6 causing you stress is the word unauthorized  
7 absence.

8 FEMALE VOICE 2: Of course. Another  
9 question is-

10 FEMALE VOICE 1: What I'm telling you--wait,  
11 let me finish.

12 FEMALE VOICE 2: Okay.

13 FEMALE VOICE 1: What I'm telling you is all  
14 that means is that you were docked the days. It  
15 doesn't mean that you did something wrong. They  
16 know why were you docked on those days, because  
17 they know who's vaccinated and who's  
18 unvaccinated.

19 FEMALE VOICE 2: Oh, okay. Thank you. So,  
20 that doesn't mean I'm doing something wrong.

21 FEMALE VOICE 1: Correct.

22 FEMALE VOICE 2: That unauthorized absence  
23 label doesn't mean I have any misconduct,  
24 correct?

25 FEMALE VOICE 1: Correct.

**Ubiquis**

1  
2 FEMALE VOICE 2: Okay. Can you clarify with  
3 me regarding how they counted those eight days?  
4 If I found that on the 27<sup>th</sup>? So, they started to  
5 dock me from eight days before the 27<sup>th</sup>.

6 FEMALE VOICE 1: The system is a very rigid  
7 system. Things show up in payroll portal not  
8 necessarily in real time. The bottom line is  
9 you were not entitled to be paid those days.  
10 That's the bottom line. Once the vaccine  
11 mandate when in to effect, if you were not  
12 vaccinated, you were not entitled to be paid  
13 anymore. So, people were docked pay for a  
14 period of time, because they wanted to give  
15 people an opportunity-

16 FEMALE VOICE 2: I understand.

17 FEMALE VOICE 1: To get vaccinated and  
18 easily come back to work. Once it was clear,  
19 once they gave that time, then they took people  
20 off payroll and put them on the forced leave.

21 FEMALE VOICE 2: Okay. Since my last pay-

22 FEMALE VOICE 1: Nothing additional is  
23 happening to you there, because you aren't  
24 entitled to pay on those days.

25 FEMALE VOICE 2: Okay. So, because my last

**Ubiquis**

1  
2 paycheck was on October 15<sup>th</sup>, UE sent us emails  
3 saying that that's an extra paycheck we  
4 shouldn't receive.

5 FEMALE VOICE 1: That's correct.

6 FEMALE VOICE 2: Yes.

7 FEMALE VOICE 1: The vaccine mandate went in  
8 to effect.

9 FEMALE VOICE 2: So, I guess they started to  
10 count my-dock me from after October 15<sup>th</sup>, the  
11 next work day would be 18. So, if we count from  
12 October 18<sup>th</sup> to October 27<sup>th</sup>, that's eight days.  
13 Is that-do you think that's how they counted my  
14 eight days?

15 FEMALE VOICE 1: The vaccine mandate, no.  
16 The vaccine mandate-I'm just having a brain  
17 freeze for five seconds. The first day off  
18 payroll if you were unvaccinated-hold on one  
19 sec. Just give me one second.

20 FEMALE VOICE 2: Okay.

21 FEMALE VOICE 1: I'm just making sure I'm  
22 giving you the correct information. Hang on one  
23 second. Thank you for your patience.

24 FEMALE VOICE 2: No problem. Take your  
25 time.

**Ubiquis**

1  
2 FEMALE VOICE 1: Okay. So, October 4<sup>th</sup>,  
3 okay? October 4<sup>th</sup> was the first day that people  
4 who were unvaccinated could not report to work  
5 and were not going to get paid. October 4<sup>th</sup>.  
6 And, what the department of ed did is gave  
7 everybody two weeks, so they kept people on  
8 payroll, but they docked their pay. So, they  
9 didn't take you off payroll and put you on the  
10 leave until October 15<sup>th</sup>. Okay?

11 FEMALE VOICE 2: Yes.

12 FEMALE VOICE 1: Between October 4<sup>th</sup> and  
13 October 15<sup>th</sup>, they docked you the days, the work  
14 days. So, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>,  
15 14<sup>th</sup>, 15<sup>th</sup>. That would be ten days where you  
16 were docked.

17 FEMALE VOICE 2: Oh, okay.

18 FEMALE VOICE 1: Our payroll system is  
19 ahead. It's a forward-looking payroll system.  
20 So, if you don't take action by certain close  
21 dates, then it isn't reflected. So, that's why  
22 you got paid October 1 to October 15<sup>th</sup>, because  
23 the docking of the days happened after payroll  
24 closed. So, it was retroactive, but nothing's  
25 happening to you. And, in fact, you got a few

**Ubiquis**



1  
2 extra days of pay, because you got paid for the  
3 weekends. You got paid for the 2<sup>nd</sup> and the 3<sup>rd</sup>  
4 and the 9<sup>th</sup> and the 10<sup>th</sup>. So, you got four days  
5 of pay while they took the whole check back,  
6 they took the whole October 15<sup>th</sup> check back.

7 FEMALE VOICE 2: Um-hmm.

8 FEMALE VOICE 1: You are entitled to be paid  
9 October 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>. So, of the October 15<sup>th</sup>  
10 check, you were entitled to be paid October 1<sup>st</sup>,  
11 2<sup>nd</sup>, and 3<sup>rd</sup>, because you technically weren't  
12 ineligible for pay until the 4<sup>th</sup>.

13 FEMALE VOICE 2: Okay.

14 FEMALE VOICE 1: So, what you saw is you saw  
15 those—that has nothing to do with your CAR. It  
16 didn't come out of your CAR. You got docked  
17 those dates that you weren't entitled to be  
18 paid, and you weren't entitled to use your CAR.  
19 So, it had nothing to do with your CAR.

20 FEMALE VOICE 2: Okay. Okay, great. So,  
21 that's the second question, unauthorized  
22 absence. Yes. So, thank you for clarifying  
23 with me regarding this kind of absence, this  
24 label, from my payroll portal will not be  
25 considered as misconduct.

**Ubiquis**

1  
2 FEMALE VOICE 1: No. It's not considered  
3 misconduct. They know that the reason you're  
4 being docked is because of your non-vaccination  
5 status.

6 FEMALE VOICE 2: Okay. Third question,  
7 about 30-20A charge.

8 FEMALE VOICE 1: Okay. You're only going to  
9 be—the only potential for being brought up on  
10 30-20A is if you refused to—if you elect not to  
11 select the leave option by November 30<sup>th</sup>. So,  
12 you have until November 30<sup>th</sup> to agree to stay on  
13 the leave, okay, and in exchange for agreeing to  
14 stay on the leave, you get health benefits for  
15 the rest of the year or until you get vaccinated  
16 and you agree to return in September,  
17 vaccinated, if the vaccine mandate is still in  
18 place. And, you agree not to take legal action.  
19 So, that is what you agree to when you say, yes,  
20 I want to stay on the leave. If you don't want  
21 to agree to any of that, then what happens is on  
22 December 1<sup>st</sup>, you go on an unauthorized leave,  
23 and unauthorized leave is a leave without pay  
24 and without benefits, and potentially, now this  
25 isn't something that the DOE said they were

**Ubiquis**

1  
2 going to do, but potentially, they could then  
3 bring you up on charges. And, what that means  
4 is they prefer charges against you. That's in  
5 writing. You get a letter. It says we're  
6 bringing you up on charges. Here's what the  
7 charges are. You contact the UFT. You say I  
8 got these charges. We arrange for an attorney,  
9 and an attorney takes over your case, and then  
10 there is a hearing before an arbitrator that an  
11 attorney represents you during.

12 FEMALE VOICE 2: So, these attorneys are  
13 from UFT, correct?

14 FEMALE VOICE 1: Not UFT. Our attorneys  
15 come from our state union called NYCUT.

16 FEMALE VOICE 2: Okay. Can we bring our own  
17 attorney?

18 FEMALE VOICE 1: Yes. You would then waive,  
19 you would waive the UFT attorney, and you would  
20 say you want to provide your own counsel.  
21 There's a process, if you want to do that, but  
22 you can't have both.

23 FEMALE VOICE 2: Okay.

24 FEMALE VOICE 1: You can't have an NYCUT  
25 attorney and have your attorney attend as well.

**Ubiquis**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

It's one or the other.

FEMALE VOICE 2: Okay. Alright. So,  
that's-

FEMALE VOICE 1: So, the unauthorized  
absences don't mean anything in terms of 30-20A.  
The only thing, the only reason why you would  
have a 30-20A charge is if you choose not to  
agree to the leave.

FEMALE VOICE 2: Okay. Then, I'm going-

FEMALE VOICE 1: Unauthorized absences are  
not going to result in you being brought up on  
30-20A charges.

FEMALE VOICE 2: Okay. So, that's referring  
to the time after December 1<sup>st</sup>, after I refused  
to take any options. Right?

FEMALE VOICE 1: December 1<sup>st</sup>.

FEMALE VOICE 2: Yeah, after December 1<sup>st</sup>-

FEMALE VOICE 1: November 30<sup>th</sup>.

FEMALE VOICE 2: Yeah. It's-

FEMALE VOICE 1: No, it's after November  
30<sup>th</sup>. You have till November 30<sup>th</sup>, and then  
December 1<sup>st</sup> is the day you go on the  
unauthorized leave, if you refuse the leave  
option.

**Ubiquis**

1  
2 FEMALE VOICE 2: Yeah. And, because of that  
3 unauthorized leave starting from December 1<sup>st</sup>, I  
4 may-

5 FEMALE VOICE 1: They could bring you up on  
6 charges.

7 FEMALE VOICE 2: Okay. Potentially.

8 FEMALE VOICE 1: Yeah. Potentially, but we  
9 don't know that they're definitely going to do  
10 that.

11 FEMALE VOICE 2: Okay. Do you know if they  
12 bring me on charge, what exactly the charge is?  
13 It's just unauthorized leave?

14 FEMALE VOICE 1: I don't know. I don't know  
15 what the charge will be. It could be  
16 insubordination. It could be absence. It could  
17 be unprofessional. I don't know.

18 FEMALE VOICE 2: Okay. Okay.

19 FEMALE VOICE 1: There's a mandate. There's  
20 a mandate.

21 FEMALE VOICE 2: I understand.

22 FEMALE VOICE 1: So, you're refusing to  
23 comply with the mandate, so in all likelihood,  
24 it'll be something like insubordination.

25 FEMALE VOICE 2: Okay.

**Ubiquis**

1  
2 FEMALE VOICE 1: Which is a form of  
3 misconduct.

4 FEMALE VOICE 2: Okay.

5 FEMALE VOICE 1: Unprofessional behavior.

6 FEMALE VOICE 2: Do you know, ma'am,  
7 anything about the regulation from Chancellor in  
8 June regarding the change of the definition for  
9 unauthorized absence?

10 FEMALE VOICE 1: Say that again.

11 FEMALE VOICE 2: Okay. It's a regulation  
12 from Chancellor Lisa Porter on June 14<sup>th</sup>, I  
13 think, regarding changing the definition of  
14 unauthorized absence. Do you anything about  
15 this?

16 FEMALE VOICE 1: Again, I've—there isn't any  
17 changes to the definition of unauthorized  
18 absence. I don't know what regulation you're  
19 referring to, but I'm explaining to you, again,  
20 that what you saw in your payroll portal is  
21 related to the fact that they kept you on  
22 payroll between October 4<sup>th</sup> and October 15<sup>th</sup>, but  
23 you were not entitled to be paid, so you were  
24 docked. The only way to dock people's pay is  
25 called an absence without pay, unauthorized

**Ubiquis**

1 absence. And, it isn't authorized, because they  
2 didn't give you permission to be absent. You  
3 were forced. You were absent because you were  
4 not following the mandate. But, nothing's going  
5 to happen to you. That was actually something  
6 that the department of education did to try to  
7 help people come back more easily if they chose  
8 to be vaccinated in those first two weeks. If  
9 you are worried that you are going to be  
10 disciplined for those unauthorized absences, I  
11 am telling you unequivocally you are not.  
12 Discipline, if it is going to come with regard  
13 to the vaccine mandate, is going to come because  
14 of the decision that you make for November 30<sup>th</sup>'s  
15 deadline.  
16

17 FEMALE VOICE 2: Okay.

18 FEMALE VOICE 1: If you are on an  
19 unauthorized leave starting December 1, which  
20 would happen because you chose not to stay on  
21 the leave that was negotiated, that's when they  
22 might bring you up on charges, and it will only  
23 be because you did not agree to go on the leave.  
24 It won't be because you are coded as  
25 unauthorized absence mid-October. Nothing under

**Ubiquis**

1  
2 the table is happening to you. Everything  
3 that's happening is the way we agreed, the way  
4 it was worked out with the arbitrator to happen.

5 FEMALE VOICE 2: Okay. So, my last question  
6 to confirm on this, is according to what you  
7 said, nothing regarding unauthorized absence has  
8 been changed in the contract. Correct? The  
9 definition of unauthorized absence.

10 FEMALE VOICE 1: Correct.

11 FEMALE VOICE 2: Nothing has changed in the  
12 contract. The contract stayed as it was. Okay?  
13 Thank you, ma'am, so much for your call.

14 FEMALE VOICE 1: No problem.

15 FEMALE VOICE 2: Thank you. Okay.

16 FEMALE VOICE 1: Take care.

17 FEMALE VOICE 2: Bye.

18 FEMALE VOICE 1: Alright. Bye-bye.

19 [END Amy Arundell--Unauthorized Absence.mp3]



C E R T I F I C A T E

I, Colleen E. Daughenbaugh, certify that the foregoing transcript (Amy Arundell—Unauthorized Absence) was prepared using standard electronic transcription equipment and is a true and accurate record to the best of my ability. I further certify that I am not connected by blood, marriage, or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.



Signature:

Date: October 17, 2023