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General Personnel

5.10 Equal Employment Opportunity and Minority Recruitment ¹

The School District shall provide equal employment opportunities² to all persons regardless of their race, color, creed, religion,³ national origin, sex,⁴ sexual orientation,⁵ age,⁶ ancestry, marital status,⁷ arrest record,⁸ military status or unfavorable military discharge,⁹ citizenship status provided the individual is authorized to work in the United States,¹⁰ use of lawful products while not at work,¹¹ being a victim of domestic or sexual violence,¹² physical or mental handicap or disability,¹³ if otherwise able to perform the essential functions of the job with reasonable accommodation, and other legally protected categories. **14 15 16**

¹ Federal and State law (see the policy's legal references) require that all districts have a policy on equal employment opportunities and control this policy's content.

² "Equal employment opportunities" applies to virtually all terms and conditions of employment, e.g., discharge, hire, promotion, pay, demotion, and benefits (see legal references). The Illinois Constitution protects the following categories from discrimination in employment: race, color, creed, national ancestry, and handicap (Art. I, §§17, 18, and 19). The Illinois Human Rights Act protects the following categories from discrimination in employment: race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, sexual orientation, and unfavorable discharge from military service (775 ILCS 5/1-102). The Equal Employment Opportunities Act (Title VII) prohibits discrimination because of an individual's race, color, religion, sex, or national origin (42 U.S.C. §2000e). While not exhaustive, other laws protecting these and additional classifications are named in subsequent footnotes.

³ In addition to the Ill. Human Rights Act and the federal Equal Employment Opportunities Act (discussed in footnote 2); see the Religious Freedom Restoration Act (775 ILCS 35/1 et seq.).

⁴ In addition to the Ill. Human Rights Act and the federal Equal Employment Opportunities Act (discussed in footnote 2), see Title IX of the Education Amendments, 20 U.S.C. §1681 et seq. The federal Equal Pay Act prohibits an employer from paying persons of one gender less than the wage paid to persons of the opposite gender for equal work (29 U.S.C. §206(d). The State Equal Pay Act of 2003 offers greater protection by prohibiting the payment of wages to one gender less than another gender "for the same or substantially similar work," (820 ILCS 112/1 et seq.). The Pregnancy Discrimination Act amended the Equal Employment Opportunities Act to prohibit discrimination on the basis of pregnancy, childbirth, or related medical conditions (42 U.S.C. §2000e(k).

⁵ Illinois Human Rights Act, 775 ILCS 5/1 et seq. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity; it does not include a physical or sexual attraction to a minor by an adult (775 ILCS 5/1-103(O-1).

⁶ Age Discrimination in Employment Act (ADEA), 29 U.S.C. §621 et seq.; 29 C.F.R. Part 1625, eff. 7/6/7, amends the EEOC regulations under ADEA to reflect the U.S. Supreme Court's decision in General Dynamic Systems, Inc. v. Cline, 540 U.S. 581(2004), holding the ADEA to permit employers to favor older workers because of age. Thus favoring an older person over a younger person is not unlawful discrimination, even when the younger person is at least 40 years old.

⁷ 105 ILCS 5/10-22.4 and 775 ILCS 5/1-103(Q). The term "marital status" means an individual's legal status of being married, single, separated, divorced, or widowed (775 ILCS 5/1-103(J). This statutory definition does not encompass the identity of one's spouse. Thus, school districts may adopt no-spouse policies. Boaden v. Dept. of Law Enforcement, 664 N.E.2d 61 (1996). See policy 5:30, *Hiring Process and Criteria*, for a sample no-spouse rule.

⁸ Districts may not make employment decisions on the basis of arrest history, but may use conviction information (775 ILCS 5/2-103).

⁹ "Military status" means a person's status on active duty in the U.S. Armed Forces (775 ILCS 5/1-103). "Unfavorable military discharge" does not include those characterized as RE-4 or "dishonorable," (Id.). The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§4301 et seq., prohibits employers from discriminating or retaliating against any person for reasons related to past, present, or future service in a "uniformed service." See footnote 9 in policy 5:30, *Hiring Process and Criteria*.

¹⁰ 775 ILCS 5/1-102(C). According to the Immigration Reform and Control Act of 1986, 8 U.S.C. §§1324(a) et seq., all employers must verify that employees are either U.S. citizens or authorized to work in the U. S.

¹¹ 820 ILCS 55/5 prohibits discrimination based on use of lawful products, e.g., alcohol and tobacco, off premises during non-working hours.

¹² Victims' Economic Security and Safety Act, 820 ILCS 180/30.

¹³ Americans with Disabilities Act, 42 U.S.C. §§12111 et seq.; Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.

¹⁴ Optional sentence (775 ILCS 5/1-103 and 29 U.S.C. §631):

"Age," as used in this policy, means the age of a person who is at least 40 years old.

¹⁵ Optional provision (29 U.S.C. §705(10)(A) and (B), and 42 U.S.C. §12114):

"Handicap" and "disability," as used in this policy, excludes persons:

1. Currently using illegal drugs;
2. Having a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, are unable to perform the duties of the job; or

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated or retaliated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

17

Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. 18

Nondiscrimination Coordinator:

Name

Mr. Gary May

Address

444 South Locust

Flora IL 62839

Telephone 618-662-2412 ext 30

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3. Whose current alcohol or drug use prevents them from performing the job's duties or constitutes a direct threat to the property or safety of others.

Persons who have successfully completed or are participating in a drug rehabilitation program are considered "handicapped."

16 Districts may not make residency in the school district a condition of employment for teachers or educational support personnel (105 ILCS 5/24-4.1 and 10-23.5). The statutory ban on residency requirements for teachers applies only to instructional personnel, and not, for example, to assistant principals. Owen v. Kankakee School Dist. No. 111, 632 N.E.2d 1073 (Ill.App.3, 1994). Districts also may not ask an applicant, or the applicant's previous employer, whether the applicant ever received, or filed a claim for, benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act (820 ILCS 55/10).

17 Most discrimination laws prohibit retaliation against employees who oppose practices made unlawful by those laws, including, for example, the Equal Employment Opportunities Act, Title IX, Americans with Disabilities Act, Age Discrimination in Employment Act, Victims' Economic Security and Safety Act, and Ill. Equal Pay Act. The Illinois Whistleblower Act, 740 ILCS 174 et seq., as amended by P.A. 95-128, includes school districts in the definition of employer. It protects employees from employer retaliation for disclosing information to a government or law enforcement agency. Section 15 of the Whistleblower Act also contains language prohibiting employers from retaliating against employees who disclose information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding where the employee has reasonable cause to believe that the information reveals a violation of a State or federal law, rule or regulation. The Public Act also amends the Illinois Whistleblower Reward and Protection Act (740 ILCS 175/1 et seq.). Its definition of "State" includes school districts. A strict interpretation of this language appears to allow school boards to collect civil penalties and civil action costs for violation of Section 3. School boards should thoroughly investigate the ramifications of this Public Act in consultation with their attorney and liability insurance carriers.

18 Title IX regulations require districts to identify the name, address, and telephone number of the person who is responsible for coordinating the district's compliance efforts. A policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended as necessary. Thus the policy should be adopted with blanks for the superintendent to later fill in.

Complaint Managers:

Name	Mr. Darrell Gummert	Name	Mrs. Leslie Carder
Address	600 South Locust	Address	7215 Old Hwy 50
Flora IL 62839		Flora IL 62839	
Telephone 618-662-8316		Telephone 618-662-2226	

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as, by posting required notices and including this policy in the appropriate handbooks. **19**

Minority Recruitment 20

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

19 In addition to notifying employees of the Uniform Grievance Procedure, a district must notify them of the person(s) designated to coordinate the district’s compliance with Title IX and the Rehabilitation Act of 1973 (34 C.F.R. §§106.8(a) and 104.8(a)). The Nondiscrimination Coordinator may be the same individual for both this policy and policy 7:10, *Equal Educational Opportunities*, as well as a Complaint Manager for policy 2:260, *Uniform Grievance Procedure*. A comprehensive faculty handbook can provide required notices, along with other important information, to recipients. The handbook can be developed by the building principal, but should be reviewed and approved by the superintendent and school board. Any “working conditions” contained in the handbook may be subject to mandatory collective bargaining.

20 All districts must have a policy on minority recruitment (105 ILCS 5/10-20.7a). Unlike minority recruitment efforts, affirmative action plans are subject to significant scrutiny because of the potential for reverse discrimination. The U.S. Constitution’s guarantee of equal protection prohibits school districts from using racial hiring quotas without evidence of past discrimination. See 29 C.F.R. §1608.1 *et seq.* (Equal Employment Opportunity Commission’s guidelines for affirmative action plans); *Wygant v. Jackson Board of Education*, 106 S.Ct. 1842 (1986) (The goal of remedying societal discrimination does not justify race-based layoffs.); *City of Richmond v. J.A. Croson Co.*, 109 S.Ct. 760 (1989) (Minority contractor quota struck; quotas must be narrowly tailored to remedy past discrimination and the city failed to identify the need for remedial action and whether race-neutral alternatives existed.).

The Illinois Human Rights Act, 775 ILCS 5/1-101.1, states that it shall not be construed as requiring any employer to give preferential treatment or special rights based on sexual orientation or to implement affirmative action policies or programs based on sexual orientation.

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, Title I, 42 U.S.C. §12111 et seq.
Civil Rights Act of 1991, 29 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601.
Equal Pay Act, 29 U.S.C. §206(d).
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106.
Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq.
Ill. Constitution, Art. I, §§17, 18, and 19.
105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.
Ill. Whistleblower Act 740 ILCS 174 et seq.
775 ILCS 5/1-103 and 5/2-102.
Religious Freedom Restoration Act, 775 ILCS 35/5.
Ill. Equal Pay Act of 2003, 820 ILCS 112/1 et seq.
Victims' Economic Security and Safety Act, 820 ILCS 180/30.
23 Ill.Admin.Code §1.230.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 5:30 (Hiring Process and Criteria, 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

5.20 Sexual Harassment

The School District shall provide employees an employment environment free of sexual advances, request for sexual favors and other verbal or physical conduct, or communications constituting sexual harassment as defined and otherwise prohibited by State and federal law.

District employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

A violation of this policy will result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees should report claims of sexual harassment to the Nondiscrimination Coordinator and/or use the Uniform Grievance Procedure, Board Policy 2:2260. Employees may choose to report to a person of the employee's same sex. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments.

There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, which facts are known and potential witnesses are available.

Whom to Contact with a Report or Complaint

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

Nondiscrimination Coordinator:

Name: Gary May, Superintendent
Address: 444 South Locust
Telephone: (618) 662-2412

Complaint Managers:

Name: Leslie Carder
Address: Xenia School
Telephone: (618) 678-2205

Name: Darrell Gummert
Address: Flora High School
Telephone: (618) 662-8316

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in appropriate handbooks.

- LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. §2000e et seq., 29 C.F.R. §1604.11.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.; 34 C.F.R. §1604.11.
775 ILCS 5/2-101(E) and 5/2-102(D).
56 Ill. Admin.Code Parts 2500, 2510, 5210, and 5220.
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
Jackson v. Birmingham Board of Education, 125 S.Ct. 1497 (2005).
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 7:20 (Harassment of Students Prohibited)

5.21 Sexual Misconduct

Flora School District will not tolerate and will seek to eradicate any behavior by its employees, volunteers or students, which constitutes Sexual Misconduct toward another employee, volunteer, or student. "Sexual Misconduct" means any actual attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual Misconduct" does not include "sexual harassment."

Reporting Procedures and Designated Child Abuse Counselor

It is the express policy of the District to encourage victims of Sexual Misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The District has designated a Designated Child Abuse Counselor who shall remain accountable for implementation and monitoring of this policy. The identity of the Designated Child Abuse Counselor shall remain on file with the District. In order to conduct an immediate investigation, any incident of Sexual Misconduct must be reported as quickly as possible in confidence, as follows:

1. **Employees and Volunteers:** Employees and volunteers are required to report any known or suspected incidents of sexual misconduct according to the Illinois mandatory reporting guidelines. They must also report to their direct supervisor, the building principal or the Designated Child Abuse Counselor. If the report is made to the supervisor or building principal, that individual shall immediately notify the Designated Child Abuse Counselor. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.
2. **Students:** Each year, parents or legal guardians of students shall be advised of the contents of this Sexual Misconduct Policy and be instructed to report any incident of known or suspected sexual misconduct to a guidance counselor, the building principal or the Designated Child Abuse Counselor, unless that individual is the offending person. If the complaint is made to the guidance counselor or the building principal, that individual shall follow Illinois mandatory reporting policy and immediately notify the Designated Child Abuse Counselor.

Investigation & Confidentiality

All formal complaints will be given a full, impartial and timely investigation. During such investigation, while every effort will be made to protect the privacy rights of all parties' confidentiality cannot be guaranteed.

Discipline

Any District employee or volunteer who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy will be subject to disciplinary action, including suspension and expulsion.

False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action up to and including discharge, with regard to employees or volunteer, or suspension and expulsion, with regard to students.

The District will discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding, or a hearing relating to sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

5.22 Child Abuse

Sexual abuse of a minor is a crime.

Child Abuse Incident Reporting and Follow-up:

Any case of known or suspected child abuse of a minor must be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Designated Child Abuse Counselor, a police office or the State's Attorney's Office.

In the event that Designated Child Abuse Counselor is first notified of an incident of known or suspected child abuse, the Designated Child Abuse Counselor shall immediately notify the child's parent or legal guardian as the case be, and the appropriate legal authorities as required by state or local law. The Designated Child Abuse Counselor shall prepare a Suspected Child Abuse Standard Report and immediately follow-up to investigate the incident and to ascertain the condition of the child. The Designated Child Abuse Counselor is encouraged to communicate any questions or concerns about any incident with legal counsel for the District.

Any employee or volunteer involved in a reported incident of Sexual Misconduct or child abuse shall be immediately relieved of responsibilities that involve interaction with minors or shall be suspended, as determined by the District Board. Reinstatement of employees or volunteers involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been cleared by the District.

5.23 Maintenance of Records and Documents

The Designated Child Abuse Coordinator shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the District including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.

Child Abuse Counselor:

Name Gary May, Superintendent

Address 444 South Locust

Telephone No. 618-662-2412

Adopted: April 2007

5.30 Hiring Process and Criteria

Applications

It is Flora CUSD #35 policy that applications for certified staff will remain active for a period of two years after the application has been filed with the district. Flora CUSD #35 will keep non-certified staff applications active for a period of one year after the application has been filed. While your application is in an active status, you may request to be considered for additional positions by submitting a request via mail, fax, or e-mail and stating the position(s) for which you wish to apply. A new application must be completed after one year for non-certified staff and after two years for certified staff positions.

1. Applications are required for all positions. Although an applicant may submit a resume along with his/her application, incomplete applications will not be considered and will be sent back to applicant to be completed before being reconsidered.
2. Applications will be accepted throughout the year for certified staff positions. Non-certified applications will only be accepting applications for periods of time when the school district has a position opening.
3. Flora CUSD #35 conducts criminal background and reference checks on all qualified candidates before extending a job offer. Academic/degree and license verification may also be conducted at this time based on the position requirements.
4. All employment offers are contingent upon the results of a criminal background investigation.

Adopted: April 2007

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunities and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the School Board. No individual will be employed who has been convicted of a criminal offense listed in Section 5/10-21.9(c) of The School Code. All applicants must complete a District application in order to be considered for employment. ApplicationsIt is Flora CUSD #35 policy that applications for certified staff will remain active for a period of two years after the applications has been filed with the district. Flora CUSD #35 will keep non-certified staff application is in an active status, you may request to be considered for additional positions by submitting a request via mail, fax, or e-mail and stating the position (s) for which you wish to apply. A new application must be completed after one year for non-certified staff and after two years for certified staff positions.Applications are required for all positions. Although an applicant may submit a resume along with his/her application, incomplete applications will not be considered and will be sent back to applicant to be completed before being reconsidered. Applications will be accepted throughout the year for certified staff positions. Non-certified applications will only be accepting applications for periods of time when the school district has a position opening.Floras CUSD #35 conducts criminal background and reference checks on all qualified candidates before extending a job offer. Academic/degree and license verification may also be conducted at this time based on the position requirements.All employment offers are contingent upon the results of a criminal background investigation.

Adopted: April 2007

Job Descriptions

The Superintendent shall develop and maintain a current comprehensive job description for each position or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

Investigations

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database (when available) is performed on each applicant as required by State law. The Superintendent or designee shall notify an applicant if the applicant is identified in either database. The Board President will keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Teacher Certification Board, or any other person necessary to the hiring decision.

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in Section 10-21.9 of The School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

Physical Examinations

New employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis. All physical fitness examinations and tests for tuberculosis must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination and tuberculin test performed no more than 90 days before submitting evidence of it to the School Board.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The School Board will pay the expenses of any such examination.

Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12112, 29 C.F.R. Part 1630. immigration Reform and Control Act, 8 U.S.C. §1324a et seq.

105 ILCS 5/10-16.7, 5/10-5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.

Duldulao v. St. Mary of Nazareth Hospital, 483 N.E.2d 956 (Ill.App.1, 1985), *aff'd in part and remanded* 505 N.E.2d 314 (Ill., 1987).

Kaiser v. Dixon, 468 N.E.2d 822 (Ill.App.2, 1984).

Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (Ill.App.1, 1945).

CROSS REF.: 3:50 (Administrative Personnel Other Than the Superintendent), 5:10 (Equal

Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:280 (Educational Support Personnel - Duties and Qualifications)

5.30-AP2 General Personnel- Investigations

Immigration Investigation:

All newly hired employees must complete an Immigration and Naturalization Service Form I-9 no later than 3 business days following their first working day. If an individual is unable to provide the required documents to complete the Form I-9 within the 3-day period, the individual must present a receipt for the application of the documents within 3 days of the hire and present the required documents within 21 days of the hire.

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of 3 years after the date of hire or one year after individual employment is terminated, whichever is later.

Criminal Background Investigation

Each applicant for any position must provide a written authorization for a criminal background investigation. Upon receipt of this authorization, the Superintendent or designee shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department. The State Police shall conduct a search of the Illinois criminal history records database to ascertain if the applicant has been convicted of any offense that would prohibit his or her employment under State law or District policy. If the State Police's search indicates that an applicant has been convicted of any offense that would prohibit District employment, the State Police and the Federal Bureau of Investigation will furnish, pursuant to a fingerprint based background check, records of convictions, until expunged, to the President of the School Board. The Board President will keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent of Schools, State Teacher Certification Board, or any other person necessary to the hiring decision. A copy of the conviction record obtained from the Department of State Police will be provided to the applicant.

Whenever an applicant is seeking employment in concurrent positions in more than one district as either a substitute or part-time teacher or educational support personnel employee, the District may require that the applicants authorize the Regional Office of Education Superintendent who services those school districts to conduct the investigation.

5.30-AP2 General Personnel- Investigations

Each contract with the School District that may involve an employee or agent of the contractor having any contact, direct or indirect, with a student shall require the contractor to provide the District with the name and address of each employee who will perform work on school property and require that the employee submit to a criminal history background investigation. No persons may work on school grounds who have been convicted of committing or attempting to commit any one or more of the offenses cited in 1-4 below.

The School District will not knowingly employ a person who:

1. Has been convicted of committing or attempting to commit any one or more of the following offenses:
 - a. Attempted first-degree murder or first-degree murder or any Class X felony.
 - b. The Criminal Code of 1961, 720 ILCS 5/11-6, 5/11-9, 5/11-14, 5/11-15 to 5/21, 5/12-13 to 5/12-16.
 - c. Cannabis Control Act, 720 ILCS 550/1 et. seq. except 720 ILCS 550/4(b), and 550/5(a).
 - d. Illinois Controlled Substances Act, 720 ILCS 570/100 et. seq.
 - e. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this state, would have been punishable as one or more of the foregoing offenses.
2. Has been convicted, within 7 years of the application for District employment, of any other felony under Illinois law or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in Illinois, would be punishable as a felony under Illinois law.

Reporting New Hires

The Superintendent or designee shall timely file an IRS form W-4 or IDES New Hire Reporting Form for each newly hired employee with the Department of Employment Security.

5.35 Compensation Policies

Job Classifications

The Superintendent will ensure that all positions are identified as either “exempt” or “non-exempt” according to State Law and the Fair Labor Standards Act (FLSA) based on the position or duties they perform. Employees will be informed whether they are “exempt” or “non-exempt”, and may include certificated and non-certificated job positions. All non-exempt employees are paid on an hourly basis and are covered by minimum wage and overtime provisions. All “exempt” positions are paid on a salary basis and are not eligible for minimum wage or overtime.

Exempt Employee

The following positions are defined as “Exempt” from minimum wage and overtime regulations. All “Exempt” positions are paid on a salary basis.

Superintendent	Assistant Superintendent
Principal	Assistant Principal
Maintenance Director	Technology Coordinator
Transportation Director	Certified Staff

Non-Exempt Employee (May include 12-month, school year or part-time.)

The following positions are described as “Non-Exempt” and are therefore eligible for minimum wage and overtime when applicable.

<u>12-Month</u>	<u>School Year or Part-Time</u>
Bookkeeper	Teacher Assistants
Custodian	Building Secretary
Administrative Office Staff	Bus Driver
	Crossing Guard
	Bus Mechanic

Full-Time Employee

All support staff “actively employed” in the following positions are considered full-time employees. Positions include custodian, and administrative office staff.

School Year/Part-Time Employee

All support staff “actively employed” in the following positions are considered part-time employees. Positions include bus driver, building secretary, aide, and crossing guard.

Work Week and Compensation

The workweek for District employees will be Monday through Sunday. Non-Exempt employees will be compensated for all hours worked in a workweek including overtime.

We provide direct deposit for employees to simplify payroll processing. Employee’s payroll earnings may be deposited directly into their checking or savings account as designated on the payroll deduction authorization form and acknowledged on the payroll record. Please note that the district deposits payroll earnings to our main bank, which is subsequently deposited to employees individual banks based on the schedule for posting at each local banking facility.

Accurately recording time worked is the responsibility of every non-exempt employee. Time worked is all the time actually spent on the job performing assigned duties. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action up to and including termination of employment. Both the administrator/supervisor and the employee can be held responsible for any of these dishonest actions and may result in criminal prosecution. All non-exempt employees shall ensure accurate reporting of hours worked and shall sign completed time record.

The building administrator/supervisor will review and then sign the time record before submitting it to payroll for processing. In addition, if the employee makes corrections or modifications to the time record, the administrator/supervisor must verify the accuracy of the changes by signing the time record. Time is calculated by using a fifteen-minute interval for determining "hours worked" and recording of time worked by all non-exempt employees.

Minimum Wage

The District shall comply with all Federal and State minimum wage regulations.

Overtime

Overtime compensation is paid to all non-exempt employees that work in excess of 40 hours in any workweek. Overtime is calculated at one and one half times the regular hourly rate. The district uses a "blended rate" to determine overtime when an employee works in more than one job classification. A non-exempt employee shall not work overtime without his or her supervisor's express approval. The Board of Education discourages overtime work by non-exempt employees. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the district office, (2) seek the Superintendent or designee's written pre-approval for any use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any hours worked.

Overtime pay is based only on actual hours worked. Time off with pay, vacation, personal time, sick days, and holidays will not be considered hours worked for purposes of determining overtime calculations.

Meal and Break Periods

Administrative office staff shall receive a one hour, unpaid lunch period. Building Secretaries shall receive a 30 minute unpaid lunch period. Certified staff and other personnel covered under a collective bargaining agreements should refer to their agreements.

Adopted: April 2007

5.40 Communicable and Chronic Infectious Disease

The Superintendent shall develop and implement procedures for dealing with known or suspected cases of a communicable and chronic infectious disease involving a District employee consistent with State and federal law, rules of the Illinois Department of Public Health, and School Board policies.

An employee with a communicable or chronic infectious disease shall be evaluated by the District's communicable and Chronic Infectious Disease Review Team. Team members shall be appointed by the School Board and shall include the District's medical advisor, the employee's physician, the District's nurse or a public health official, and the Superintendent. The employee's medical records shall be held in strictest confidence by the Team, with only the employee's direct supervisors being informed of the employee's medical condition and anyone with a need to know in the event of an emergency.

Employees with a communicable or chronic infectious disease will be permitted to retain their positions whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. Employees who cannot retain their positions shall remain subject to the Board's employment policies including sick leave, physical examinations, temporary and permanent disability, and termination. Determining whether an employee with a communicable or chronic infectious disease may retain his or her position will be made in accordance with established procedures.

The recommendation of whether the employee's placement is appropriate shall be made on a case-by-case basis by the District's Communicable and Chronic Infectious Disease Review.

Cross Ref.: 2.150, 5.30, 5.180

5.50 Drug and Alcohol-Free Workplace

All District workplaces are drug and alcohol-free workplaces. All employees shall be prohibited from:

1. unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District.
2. distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy a controlled substance is one which is:

1. not legally obtainable;
2. being used in a manner different than prescribed;
3. legally obtainable, but has not been legally obtained; or
4. referenced in federal or state controlled substance acts.

As a condition of employment, each employee shall:

1. abide by the terms of the District policy respecting a drug and alcohol-free workplace; and
2. notify his or her supervisor of his or her conviction of any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 days after such a conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will:

1. provide each employee with a copy of the District Drug and Alcohol-Free Workplace policy;
2. post notice of the District Drug-and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. make available materials from local, state, and national anti-drug and alcohol-abuse organizations;
4. enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
 - a. the dangers of drug abuse in the workplace,
 - b. available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. the penalties that the District may impose upon employees for violations of this policy.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug or alcohol abuse employee assistance rehabilitation program.

The School Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should the District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate state or federal agency from which the District receives contract or grant monies of the employee conviction within 10 days after receiving notice of the conviction.

5.60 Expenses

The School Board shall reimburse employees for expenses necessary for the performance of their duties which have been approved by the Superintendent.

Employees must submit to the Superintendent an itemized, signed voucher showing the actual amount of expenses, attaching receipts to the voucher if possible. Expense vouchers shall be presented to the School Board in its regular bill process.

5.70 Religious Holidays

Supervisors shall grant an employee's request for time off to observe a religious holiday if the employee gives at least 5 days prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time, holiday time, or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee.

5.80 Court Duty

The District will pay full salary during the time an employee is on jury duty or, pursuant to a subpoena, serves as a witness or has a deposition taken in any school-related matter pending in court.

The District will deduct the court duty remuneration, less mileage and meal expenses, from the employee's compensation.

An employee should give at least 5 days prior notice of pending jury duty to the District.

5.90 Abused and Neglected Child Reporting

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child shall immediately report such a case to the Illinois Department of Children and Family Services. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. All District employees shall sign the “Acknowledgement of Mandated Reporter Status” form provided by the Illinois Department of Child and Family Services and the Superintendent or designee shall ensure that the signed forms are retained.

The Superintendent or designee shall provide staff development opportunities for school personnel working with students in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect.

Each individual School Board member must, if an allegation is raised to the member during an open or closed School Board meeting that a student is an abused child as defined in the Act, direct or cause the School Board to direct the Superintendent or other equivalent school administrator to comply with the requirements of the Act concerning the reporting of child abuse.

LEGAL REF.: 325 ILCS 5/1 et seq.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:20 (Sexual Harassment), 5:100 (Staff Development Program), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

General Personnel**5.100 Staff Development Program** ¹

The Superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for certificated staff members shall be designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every 2 years, the in-service training of certificated school personnel and administrators shall include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children. **2 3**

¹ State law requires the subject matter in paragraph 2 to be covered by policy. State or federal law controls this policy's content. A school board may set and enforce professional growth requirements (105 ILCS 5/24-5). Failure to meet professional growth requirements is considered remediable. Morris v. ISBE, 555 N.E.2d 725 (Ill.App.3, 1990).

105 ILCS 5/2-3.60 directs ISBE to require that districts provide a continuing education program for teachers. This policy applies the rationale behind that requirement to all staff. Note that determining the program's goals is board work.

² This paraphrases 105 ILCS 5/10-20.35. The topic covered in this paragraph must be in a board policy (Id.). A school medical staff, an individualized educational program team, or a professional worker (as defined in Section 14-1.10) may recommend that a student be evaluated by an appropriate medical practitioner. School personnel may consult with the practitioner, with the student's parent/guardians' consent.

³ The following optional paragraphs paraphrase in-services that The School Code requires school districts to provide its staff but are not required to be in board policy.

Below are 2 optional ways of stating that an in-service training must occur for school personnel who work with students who are parents, expectant parents, or victims of domestic or sexual violence; these in-services are required at least every 2 years. 105 ILCS 10-22.39(d), as amended by P.A. 95-558.

Option 1: At least every 2 years, the Superintendent or designee must arrange an in-service for school personnel who work with students; the in-service shall be conducted by persons with expertise in domestic and sexual violence and the needs of expectant and parenting youth. The in-service shall include: (a) communicating with and listening to youth victims of domestic or sexual violence and expectant and parenting youth, (b) connecting youth victims of domestic or sexual violence and expectant and parenting youth to appropriate in-school services and other agencies, programs and services as needed, and (c) implementing the School District's policies, procedures, and protocols with regard to such youth, including confidentiality.

Option 2: At least every 2 years, the superintendent or designee shall arrange an in-service to train school personnel, at a minimum, to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence.

The next optional paragraph restates 105 ILCS 5/3-11, as amended by P.A. 94-197; 105 ILCS 110/3; and 77 Ill.Admin.Code §527.800:

An opportunity shall be provided for all staff members to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver, cardiopulmonary resuscitation, and the use of an automatic external defibrillator, in accordance with a nationally recognized certifying organization. Physical fitness facilities' staff must be trained in cardiopulmonary resuscitation and use of an automatic external defibrillator.

Persons performing CPR are generally exempt from civil liability if they are certified in CPR (745 ILCS 49/10); persons performing automatic external defibrillation are generally exempt from civil liability if they were trained and acted according to the standards of the American Heart Association (745 ILCS 49/12).

- LEGAL REF.: 105 ILCS 5/2-3.60, 5/10-22.39, 5/10-23.12, 5/24-5, and 110/3.
745 ILCS 49/1 et seq. (Good Samaritan Act).
- CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other Than the Superintendent), 4:160 (Hazardous and Infectious Materials), 5:90 (General Personnel - Abused and Neglected Child Reporting), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day)
- ADMIN PROC.: 4:170-AP6 (Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility), 5:100-AP (Staff Development Program), 5:150-AP (Personnel Records), 7:250-AP1 (Measures to Control the Spread of Head Lice at School)

5.110 Recognition for Service and Attendance

Recognition for Years of Service

Recognition awards will be given to those employees who have worked in the district for each five-year interval of services.

5.120 Ethics

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional relationships with students, parents, staff members, and others.

The following employees must file a "Statement of Economic Interests" as required by the Illinois

Governmental Ethics Act:

1. Superintendent
2. Building Principal
3. Head of any department
4. Any employee responsible for negotiating contracts, including collective bargaining Agreement, in the amount of \$1,000 or greater
5. Hearing officer
6. Any employee having supervisory authority for 20 or more employees
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Political Activities

District employees shall not let their political activities interfere with their job responsibilities.(1) Students shall not be used in any manner for promoting a political candidate or issue.

Outside Employment and Conflict of Interest

No District employee shall be directly or indirectly interested in any contract, work, or business of the District, or in the sale of any article by or to the District, except when the employee is the author or developer of instructional materials listed with the State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. Employees shall not engage in any other employment

or in any private business during regular school hours and such other times as are necessary to fulfill appropriate assigned duties.

(1) District may not inhibit or prohibit employees from petitioning, making public speeches, campaigning for or against political candidates, speaking out on public policy questions, distributing political literature, making campaign contributions, and seeking public office. An employee may not use his/her position of employment to coerce or inhibit others in the free exercise of their political rights or engage in political activities at work.

General Personnel**5.130 Responsibilities Concerning Internal Information** ⁴

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed School Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Superintendent or designee shall manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

LEGAL REF.: 20 U.S.C. §1232g.
45 C.F.R. §164.502.
5 ILCS 140/1 et seq.
50 ILCS 205/1 et seq.
105 ILCS 10/1 et seq.
820 ILCS 40/1 et seq.

CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

⁴ State and federal law control the content of this policy to the extent that: (1) the unauthorized disclosure of student school records is prohibited by the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and the Illinois School Student Records Act, 105 ILCS 10/1 et seq., (2) 5 ILCS 140/7 protects school security and response plans and maps from disclosure, (3) if a district offers a self-insured group health plan or flexible spending account, it must establish clear procedures to protect the employees' health information (45 C.F.R. §164.502), (4) personnel file information is exempt from a request for disclosure under the Freedom of Information Act (5 ILCS 140/7), and (5) the Ill. Personnel Record Review Act governs the release of an employee's disciplinary action (820 ILCS 40/1 et seq.). These are just examples of the laws requiring the safekeeping of district and school records.

This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the current [insert name of CBA]."

This sample policy's intent is to safeguard district records accessed or created by employees. This includes protecting the district from unauthorized release of confidential records or the destruction of records. While the legal guidance is sparse, districts should take steps to avoid security breaches. Some districts may have more legal obligations than others. School districts that are considered "covered entities" under the Health Insurance Portability and Accountability Act (HIPAA) are required to comply with the HIPAA Security Rule. Furthermore, districts that allow foreign exchange students to attend their schools may need to put safeguards in place in order to protect data that is transferred to the Student and Exchange Visitor Information System (SEVIS).

To help maintain the integrity of records, districts should prevent their over-accumulation. Not all internal information must be preserved even if it is a "public record" for purposes of the Freedom of Information Act, 5 ILCS 140/1 et seq. According to the Local Records Act, 50 ILCS 205/1 et seq., a record must be retained only when it contains: (1) evidence of the district's organization, function, policies, procedures, or activities, or (2) informational data appropriate for preservation. While this is a slippery slope without definitive parameters, recorded information may generally be deleted that are conversational or personal, meeting notices, spam, email of a transient nature, duplicate material sent from other staff members, and draft material. However, no district record, no matter its form, may be destroyed if it is subject to a litigation hold. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

General Personnel**5.130-AP Administrative Procedure - Email Retention** 25

Email, including attachments, that are sent or received by the District or District employees may be, depending on their content, subject to disclosure under the Freedom of Information Act and/or discovery in litigation as evidence in support of a claim. Employees must use the same standards of judgment, propriety, and ethics with email as they do with other forms of school business-related communications.

Accordingly, employees have the same responsibilities for email messages as they do for any other communication and must distinguish between record and non-record messages. This allows for the proper storage or disposal of email. However, no District record, no matter its form, may be destroyed if it is subject to a litigation hold. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

Non-Record Messages

Email messages are “non-record messages” if they do not evidence the District’s organization, function, policies, procedures, or activities; or contain informational data appropriate for preservation. These are generally informal or preliminary drafts, notes, recommendations, or memoranda that do not contain official action. Examples include:

1. Personal correspondence not received or created in the course of District or school business, such as, “What’s for dinner?” or “I’ll be glad to drive to the meeting.”
2. Notices concerning meetings or workshops, dates, discussion topics, and material to prepare for or to be discussed during a meeting.
3. Publications or promotional material from vendors and similar materials that are available to anyone.
4. Correspondence containing recommendations or opinions that are preliminary to a decision.
5. Informal correspondence to parents/guardians concerning school activities or an individual student’s progress or assignments provided the messages do not contain notice of final or official action.
6. Draft material.

If the email is a “non-record message,” the employee should delete it as soon as its purpose is fulfilled unless the email is subject to a litigation hold. The goal is to control excessive accumulation of material.

Official Record Messages

Email messages are “official record messages” if they are evidence of the District’s organization, function, policies, procedures, or activities or contain informational data appropriate for preservation. Examples include:

1. Policy documents or contract related documents.
2. Correspondence, e.g., letters, memos, emails from individuals, companies, or organizations requesting information about the District or school policies or practices and the responses to these requests.
3. Project reports.

²⁵ The process for managing email storage and disposition is generally a local matter subject to the Local Records Act (50 ILCS 205/1 et seq.; governs which documents must be kept until destroyed pursuant to an approved record retention schedule); the Freedom of Information Act (5 ILCS 140/1 et seq.; governs the disclosure of public records; and Federal Rules of Civil Procedure, Rules 16 and 26, prohibits the destruction of material during a discovery hold). See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

4. Correspondence dealing with significant aspects of District administration or a school executive office, including messages containing information concerning policies, programs, fiscal and personnel matters, and contracts.

Official record messages should routinely be transferred to the records maintenance location identified by the Records Custodian or Head of Information Technology (IT). Before transferring the message, the employee should identify it as belonging in one of the categories of records established by the Record Custodian or Head of IT. Once transferred it becomes the official copy and the original electronic version may be deleted according to the District's approved record preservation and retention schedule. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*.

5.140 Solicitations By or From Staff

District employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Superintendent/Building Principal.

Adopted: April 2007

5.150 Personnel Records, Maintenance, and Access

The District maintains a complete personnel record for every current employee and former employee. The employees' personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision. An employee will be given access to his or her personnel records according to guidelines developed by the Superintendent.

Ref.: 2.250 (district records), 7.340 (student records)

5.160 Release of Credit Information

The School District will only confirm employment when requested for credit information about a District employee.

An employee wanting employment and salary or wage information released must request so in writing and an administrator must sign the released materials.

5.170 Copyright For Publication or Sale of Instructional Materials and Computer Programs Developed By Employees

Instructional Materials

All instructional materials developed by an employee within the scope of employment with the District shall be classified "works for hire" and are the District's property. The District is entitled to all proceeds from the sale of "works for hire" other than computer programs.

The employee must provide the District with prior written notification of his or her intention to publish any instructional materials developed within the scope of employment. In no case shall notification be made any later than 20 business days prior to entering into a contract for publication with a publishing firm or with a manufacturer. The District has the exclusive right to register the copyrights for such instructional materials. Unless the employee specifically states in writing to the contrary, the employee warrants that any instructional materials developed and submitted to the District for publication are original.

Computer Programs

The employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the District. Neither the employee nor the District may receive more than 90% of the proceeds. The negotiation may be conducted by an employee's representative.

"Proceeds" are the profits after deducting expenses and shall be computed by the District. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program's development, and the District.

Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the District's copyright compliance procedures and to obey the copyright laws. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. The District is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Superintendent, or the person designated as the copyright compliance officer, whenever the staff member is uncertain about whether using or copying material complies with the District's authorization. At no time shall it be necessary for a District staff member to violate copyright laws in order to properly perform his or her duties.

General Personnel**5.180 Temporary Illness or Temporary Incapacity** ²⁶

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. ²⁷ However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The School Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of their gross salary.

Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

If illness, incapacity, or any other condition causes an employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, such absence may be considered a permanent disability and the Board may consider beginning dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. ²⁸ The Superintendent may recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application.

Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervisor to perform health examinations if the examination is job-related and consistent with business necessity. ²⁹

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12102.
105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.

²⁶ State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the board policy can state, "Please refer to the current [insert name of CBA]."

²⁷ Temporary mental or physical incapacity as determined by a medical examination is not cause for dismissing a teacher (105 ILCS 5/10-22.4 and 5/24-13).

²⁸ **Important:** a board should consult its attorney before determining that an employee's temporary incapacity became permanent by application of this paragraph.

An Illinois appellate court upheld a board policy designating when a temporary incapacity becomes permanent for the purpose of being a cause of dismissal. (*School Dist 151 v. ISBE*, 507 N.E.2d 134 (Ill.App.1, 1987)). The court approved using 90 days of absence due to illness, after the exhaustion of sick days, as the point at which the district considers termination. The court held, however, that The School Code would not permit the board's policy to be over a two-year period. Thus, the IASB sample policy limits the relevant period to a school year. In order to avoid abuse, the sample policy allows the superintendent to recommend this paragraph's use when circumstances strongly suggest that the employee returned to work intermittently in order to avoid this paragraph's application.

The Americans with Disabilities Act prohibits employers from discriminating against individuals with a disability who can perform the essential function of a job with or without reasonable accommodation (42 U.S.C. §12102).

Certificated and noncertificated employees are treated alike in the sample policy because the laws prohibiting discrimination based on disability apply to both classifications. A board wanting to treat noncertificated and certificated employees differently should consult its attorney.

²⁹ The State law (105 ILCS 5/24-5, as amended by P.A. 94-350), allowing boards to require physicals of current employees "from time to time," has been superseded by federal law (ADA, 42 U.S.C. §12112(d)(4)). The ADA allows medical inquiries of current employees only when they are job-related and consistent with business necessity or part of a voluntary employee wellness program (*Id.*). Districts may deny jobs to individuals with disabilities who pose a direct threat to the health or safety of others in the workplace, provided that a reasonable accommodation would neither eliminate the risk nor reduce it to an acceptable level (42 U.S.C. §12113; 29 C.F.R. Part 1630.2(r)).

Note that while examination by a spiritual leader/practitioner is sufficient for leaves, the statute does not authorize an examination by a spiritual leader/practitioner for district-ordered physicals of an employee. The difference may present a constitutional issue; contact the board attorney for an opinion if the employee wants to use an examination by a spiritual leader/practitioner.

Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).
School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

5.185 Family and Medical Leave

Leave Description

Eligible Employees may use unpaid family and medical leave, guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks based on a “rolling” 12 -month period. (Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the preceding 12 months).

An Employee may substitute available paid vacation, personal, or sick leave during a family and medical leave. Any substitution required by this policy will count against the employee’s family and medical leave entitlement. The District will pay family or sick leave only under circumstances permitted by the applicable leave plan.

Family and medical leave is available in one or more of the following instances:

1. the birth and first-year care of a son or daughter;
2. the adoption or foster placement of a child;
3. the serious health condition of an employee's spouse, parent, or child;
4. the employee's own serious health condition.

Within 15 calendar days after the superintendent makes a request, an employee must support a request for a family and medical leave when the reason for the leave is 3 or 4 above, with a certificate completed by the employee's or family member's health care provider. Failure to provide the certification may result in a denial of the leave request.

If both spouses are employed by the District, they may together take only 12 weeks for family and medical leaves when the reason for the leave is 1 or 2 above, or to care for a sick parent.

Eligibility

To be eligible for family and medical leave, an employee must have been employed by the District for at least 12 months and have been employed for at least 1,250 hours of service during the 12 month period immediately before the beginning of the leave.

Notice

If possible, employees must provide at least 30 days' notice to the District of the date when a leave is to begin. If 30 days' notice is not practicable, the notice must be given within 2 business days of when the need becomes known to the employee. Employees shall provide at least verbal notice sufficient to make the District aware that he or she needs a family and medical leave, and the anticipated timing and duration of the leave. Failure to give the required notice may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Continuation of Health Benefits

During a family and medical leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Arrangements shall be made for payment of the premiums by employees for their share, which shall be paid at the same time as a payroll deduction or if substituting paid time, then thru payroll deduction.

Return to Work

An employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to the District's reassignment policies and practices.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by law.

Victims' Economic Security and Safety Act (Vessa)

In accordance with the Victims' Economic Security and Safety Act, the district will provide to their employees, unpaid leave up to 12 weeks per rolling year for an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it related to the domestic or sexual violence. Unpaid leave from work may be taken to address domestic or sexual violence by:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member.
2. Obtaining services from a victim services organization for the employee or the employee's family household member.
3. Obtaining psychological or other counseling for the employee or the employee's family household member.
4. Participating in safety planning, temporarily or permanently relocating or taking other actions to increase the safety of the

- employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
 - "Family or household member" is defined as a spouse, parent, son, daughter, and person jointly residing in the same household.

This act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by the federal Family and Medical Leave Act of 1993.

Application for leave/notice by an employee

Any employee who desires a leave of absence pursuant to this policy must complete, sign, and submit an application for leave of absence to the Superintendent. The employee shall provide the district with at least 48 hours notice in advance of the employee's intention to take the leave unless providing such notice is not practicable.

Certification Procedure

Every application for Leave of Absence pursuant to this policy must include certification that: (1) the employee or the employee's family or household member is a victim of domestic or sexual violence; and (2) the leave is for one of the purposes in the above paragraph. An Employee may satisfy the certification requirement by providing: (1) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member as sought assistance in addressing domestic or sexual violence; (2) a police or court record; or (3) other corroborating evidence. The documentation must be submitted in a timely manner. It is the responsibility of the employee to submit the written documentation and it shall be attached to the application for leave of absence.

Conditions of Victims' Economic Security and Safety Act

The following conditions apply to a leave of absence pursuant to this policy:

In its discretion, the district may require an employee taking approved leave of absence to periodically report on his or her status and intention to return to work.

An employee taking leave of absence may not engage on other work or employment during the leave of absence. If an employee engages in other work or employment during the leave of absence, the employee will be considered to have violated the terms of the leave of absence, and to have voluntarily terminated his or her employment with the district.

If an employee is granted a leave of absence on an intermittent basis or on a reduced schedule basis, the district may require the employee to temporarily transfer to an alternative position that accommodates the employee's recurring absences or part-time schedule.

If at the time of applying for a leave of absence or during the leave of absence the employee intends not to return to work or decides not to return to work after the completion of the leave of absence, the employee will be liable and required to reimburse the district for the cost of payments made to maintain the employee's benefits during the leave of absence.

Compensation and Benefits during Vessa

An employee may apply earned vacation, sick and personal time toward the 12-week period allowed for any approved leave of absence pursuant to this policy. There is no other compensation paid by the district other than the payment for earned vacation, sick, and personal time noted above during a leave of absence.

Adopted: April 2007

Professional Personnel

5.190 Teacher Qualifications

A teachers, as the term is used in this policy, refers to District employees who are required to be certified under State law relating to teacher certification. The following qualifications apply:

1. Each teacher must:
 - a. Have a valid Illinois certificate that legally qualifies the teacher for the duties for which the teacher is employed.
 - b. Provide the District office with proof of certification by the end of the first week of school, each school year.
 - c. Provide the District office with a complete transcript of credits earned in institutions of higher education and, annually by July 1, provide the central office with a transcript of any credits earned since the date the last transcript was filed.
 - d. Notify the Superintendent of any change in the teacher's transcript.
2. The following teachers must be "highly qualified" as defined by State and federal law: (a) newly hired teachers who will work in a program supported with Title I funds, and (b) by the end of the 2005-2006 school year, all teachers of core academic subjects. Teachers are generally considered to be highly qualified if they: (a) have a bachelor's degree; (b) have full State certification according to criteria adopted by ISBE; and (c) have demonstrated subject-matter competence in the area(s) taught according to criteria adopted by ISBE. "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

The Superintendent or designee shall:

1. Develop and implement a plan to ensure that all teachers who teach core academic subjects are highly qualified", as defined in this policy, not later than the end of the 2005-2006 school year;
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out of field, or inexperienced teachers; and
3. Ensure parents/guardians of students in schools receiving Title I money are notified: (a) of their right to request their students' classroom teachers' professional qualifications, and (b) whenever their student is assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.

5.200 Terms and Conditions of Employment and Dismissal

The School Board delegates authority and responsibility to the Superintendent to manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable collective bargaining agreement in effect. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff.

Duty-Free Lunch

Teachers employed for at least 4 hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.

Holidays

Teachers shall not be required to work on legal school holidays.

School Year and Day

Teachers shall work according to the school calendar adopted by the School Board which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days.

Teachers are required to work the school day adopted by the School Board. The District accommodates employees who are nursing mothers according in the Nursing Mothers in the Workplace.

Salary

Teachers shall be paid according to the salary schedule adopted by the School Board, but in no case less than the minimum salary provided by The School Code. Teachers shall be paid at least monthly on a 10-or 12-month basis.

Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

Dismissal

The District will follow State law when dismissing a teacher.

Evaluation

The District's teacher evaluation system will be conducted under the plan filed with the Illinois State Board of Education. On an annual basis, the Superintendent will provide the School Board with a written report, which outlines the results of the District's teacher evaluation system.

Cross Ref.: 4.100-R (staff insurance program) 5.290

5.210 Resignations and Retirement

Tenure teachers may resign at any time with consent of the School Board or by written notice sent to the School Board Secretary at least 30 days before the intended date of resignation; however, a tenure teacher may not resign during the school term in order to accept another teaching position without the consent of the School Board.

Probationary teachers may resign during their contract period only with the School Board's consent.

5.220 Substitute Teachers

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold a valid teaching or substitute certificate. Substitute teachers with a substitute certificate may teach only when an appropriate, fully-certified teacher is unavailable.

A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period no to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term.

The School Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitutes.

5.230 Maintaining Student Discipline

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students; a student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods, which may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment may not be used, but teachers may use reasonable force as needed to maintain safety for themselves or other students, staff members, or other persons.

Cross Ref.: 7.190

5.240 Suspension

Suspension Without Pay

The School Board may suspend teachers without pay (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 30 employment days for misconduct which is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the School District includes:

1. Insubordination, including any failure to follow an oral or written directive from a supervisor
2. Violation of Board policy or Administrative Procedure
3. Conduct that disrupts or may disrupt the educational program or process
4. Conduct that violates any State or federal law that relates to the employee's duties
5. Other sufficient causes

At the request of the professional employee within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the alleged charges and the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence.

Suspension With Pay

The School Board or Superintendent or designee may suspend a professional employee with pay (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the School District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the School District as defined above, or (3) pending a Board hearing to suspend a teacher without pay.

The Superintendent shall meet with the professional employee to present the allegations, and give the professional employee an opportunity to refute the charges. The professional employee will be told the dates and times the suspension will begin and end.

Professional Personnel**5.250 Leaves of Absence** 30

Each of the provisions in this policy applies to all professional personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual contract; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave 31

Each full-time professional staff member is granted 10 days sick leave each school year at full pay. Unused days are allowed to accumulate to 180 days. Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption.

The School Board may require a physician's certificate from a physician licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or if the treatment is by prayer or spiritual means, that of a spiritual adviser or practitioner of such person's faith, as a condition for paying sick leave after 3 days absence for personal illness, or as it deems necessary in other cases. If the Board requires a certificate during a leave of less than 3 days, it shall pay the expenses incurred by the employee.

Sabbatical Leave 32

Sabbatical leave may be granted in accordance with The School Code.

30 State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

This policy is consistent with the minimum requirements of State law. The local collective bargaining agreement may contain provisions that exceed these requirements. The introductory paragraph recognizes that an applicable collective bargaining agreement or individual employment contract will supersede a conflicting provision of the policy. It also provides policy coverage for those professional personnel who are not included in a bargaining unit or have employment contracts with conflicting provisions. Alternatively, if the policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the Professional Agreement between the Classroom Teachers' Association and the School Board."

Districts must coordinate leaves provided by State law and the local bargaining agreement with the leave granted by the Family and Medical Leave Act (FMLA), 29 U.S.C. §2612. The FMLA grants eligible employees 12 weeks unpaid leave each year for: (1) the birth and first-year care of a child, (2) the adoption or foster placement of a child, (3) the serious health condition of an employee's spouse, parent, or child, and (4) the employee's own serious health condition. Districts are permitted to count paid leave (granted by State law or board policy) taken for an FMLA purpose against an employee's FMLA entitlement (29 C.F.R. §825.207). See policy 5:185, *Family and Medical Leave*, for more information.

A plethora of State laws grant leaves to employees of the State and municipalities, but are not applicable to school districts, including the Employee Blood Donation Leave Act (820 ILCS 149/1), Local Government Disaster Service Volunteer Act (50 ILCS 122/1), and Organ Donor Leave Act (5 ILCS 327/1).

31 The provisions in this section are required by 105 ILCS 5/24-6, as amended by P.A. 95-151. Ten days and 180 accumulated days are the statutory minimum (105 ILCS 5/24-6).

32 State law provides guidelines for sabbatical leaves but does not require boards to offer them (105 ILCS 5/24-6.1).

Personal Leave 33

Professional staff members are granted one personal leave day per year. A personal leave day is defined as a day to allow professional personnel time to conduct personal business (but not vacation, travel, or work stoppage), which is impossible to schedule at a time other than during a school day. Any unused personal leave day in a school year will be credited to the cumulative sick leave.

The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, personal leave requests should be submitted to the Building Principal 3 days in advance of the requested date,
2. No personal leave days may be used immediately before or immediately after a holiday unless the Superintendent grants prior approval,
3. Personal leave may not be used in increments of less than one-half day,
4. Personal leave days are subject to a substitute's availability,
5. Personal leave days may not be used during the first and/or last 5 days of the school year,
6. Personal leave days may not be used on in-service and/or institute training days, and
7. Personal leave may not be used by more than 10% of the teaching staff in each building at the same time.

Leave of Absence Without Pay 34

The Board may grant a leave of absence without pay to tenured professional staff members who have rendered satisfactory service and desire to return to employment in a similar capacity at a time determined by the Board.

Each leave of absence shall be of the shortest possible duration required to meet the leave's purpose consistent with a reasonable continuity of instruction for students.

Child-Rearing Leave 35

The Board shall grant a professional staff member's request for a non-paid, child-rearing leave, not to exceed the balance of the school year plus one additional school year (but in no event shall such leave exceed 3 semesters), provided the request complies with this policy. Nothing in this policy shall prohibit a professional staff member from utilizing sick days during a disability due to pregnancy. **36**

A teacher must request, if possible, a child-rearing leave by notifying the Superintendent in writing no later than 90 days before the requested leave's beginning date. **37** The request should include the proposed leave dates. The leave shall end before a new school year begins or before the first day of school after winter recess. **38**

Subject to the insurance carrier's approval, the teacher may maintain insurance benefits at his or her own expense during a child-rearing leave.

A professional staff member desiring to return before the leave's expiration will be assigned to an available vacancy for which the teacher is qualified, subject to scheduling efficiency and instruction continuity.

33 State law does not address personal leave.

34 State law does not address leaves of absence without pay other than stating that a mutually agreed leave will not affect a teacher's contractual continued service (105 ILCS 5/24-13).

35 The School Code does not address child-rearing or maternity leave. The Family and Medical Leave Act (FMLA), 29 U.S.C. §2612, 29 C.F.R. §825.200, grants eligible employees a combined total of 12 weeks each year, with exceptions for teachers at the end of the school year, for, among other things, a child's: (1) birth and first-year care, and (2) adoption or foster placement (see policy 5:185, *Family and Medical Leave*). Districts not covered by the FMLA must still treat a request for child-care leave to care for an adopted infant on terms comparable to those given biological mothers. McWright v. Alexander, 982 F.2d 222 (7th Cir., 1993).

36 Districts offering a child-rearing or maternity leave must be very careful not to violate anti-discrimination laws. Districts can prohibit pregnant teachers from combining paid disability leave with an unpaid maternity leave, provided that non-pregnant teachers are likewise prohibited from combining a paid disability leave with an unpaid general leave of absence. Maganuco v. Leyden Comm. High School Dist. 212, 939 F.2d 440 (7th Cir., 1991); U.S. v. Consolidated High School Dist. 230, 983 F.2d 790 (7th Cir., 1992); E.E.O.C. v. Elgin Teachers' Ass'n., 780 F.Supp. 1195 (N.D.Ill. 1991). A sick leave bank exclusion of maternity benefits violates Title VII. U.S. v. Consolidated High School Dist. 230, Supra.

37 The length of the notice - here 90 days - is *not* covered by State or federal law. If an employee fails to provide this notice, the employee still has the right to request a family and medical leave which has a much shorter notice requirement (see policy 5:185, *Family and Medical Leave*), and could be followed by a child-rearing leave.

38 For a high school, omit "the first day of school after winter recess" and insert "at the semester break." Alternatively, the board may want to be more flexible by stating:

Every effort shall be made to have the leave minimally interrupt instructional continuity by ending .

Leaves for Service in the Military **39**

Leaves for service in the U.S. Armed Services or any of its reserve components and the National Guard, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in military service does not acquire tenure.

General Assembly **40**

Leaves for service in the General Assembly, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in the General Assembly does not acquire tenure.

Leave for Employment in Department of Defense **41**

The Board may grant teachers a leave of absence to accept employment in a Department of Defense overseas school.

School Visitation Leave

An eligible professional staff member is entitled to 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the teacher's child, if the conference or activity cannot be scheduled during non-work hours. **42** Professional staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick, and disability leave. **43**

The Superintendent shall develop administrative procedures implementing this policy consistent with the School Visitation Rights Act. **44**

Leaves for Victims of Domestic or Sexual Violence **45**

Any professional staff member may take an unpaid leave from work who: (1) is a victim of domestic or sexual violence, or (2) has a family, or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance without suffering adverse employment action.

The Victims' Economic Security and Safety Act, governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, an employee is entitled to a total of 12 work weeks of leave during any 12-month period. Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.). **46**

Leaves to Serve as an Officer or Trustee of a Specific Organization

Upon request, the Board will grant: (1) an unpaid leave of absence to a teacher who is elected to serve as an officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, **47** (2) twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System to attend meetings and seminars as described in 105 ILCS 5/24-6.3, **48** and (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining

39 Required by: The School Code (105 ILCS 5/10-20.7b, 5/24-13, and 5/24-13.1); the Military Leave of Absence Act (5 ILCS 325/1); Service Member's Employment Tenure Act (330 ILCS 60/4); Public Employee Armed Services Rights Act (5 ILCS 330/4); National Guard Employment Rights (20 ILCS 1805/30.20); and Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §4301).

40 Required by 105 ILCS 5/24-13.

41 State law provides guidelines for Department of Defense leaves but does not require boards to offer them (105 ILCS 5/24-13.1).

42 820 ILCS 147/15.

43 *Id.* The school visitation leave entitlement applies to both professional and educational support personnel. Rather than duplicate its requirements in separate policies, board policy 5:330, Educational Support Personnel - *Sick Days, Vacation, Holidays, and Leaves*, grants the leave on the same terms applicable to professional staff.

44 820 ILCS 147/1.

45 Required by the Victims' Economic Security and Safety Act, 820 ILCS 180/1 et seq. and 56 Ill.Admin.Code §280. It applies to all school districts - regardless of the number of employees. The term "employee" includes part-time workers. The Ill. Dept. of Labor must furnish to all employers a notice summarizing this Act's requirements; all districts must post this notice in a conspicuous place where notices to employees are customarily posted.

46 820 ILCS 180/20(a)(2).

agent in the District, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2. **49**

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.
820 ILCS 147/1 et seq. and 180/1 et seq.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:330 (Educational Support Personnel - Sick Days, Vacation, Holidays, and Leaves)

47 Required by 105 ILCS 5/24-13.

48 Required by 105 ILCS 5/24-6.3.

49 Required by 105 ILCS 5/24-6.2.

5.260 Student Teachers

The Superintendent is authorized to accept students from university- approved teacher-training programs to do student teaching in the District. The Superintendent or a designee shall be responsible for screening potential student teachers and for their orientation, assignment and training program.

Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and students' respective the colleges or universities.

Cross Ref.: 105 ILCS 5/10-22/34.

5.270 Employment At-Will, Compensation, and Assignment

Employment At-Will

Unless otherwise specifically provided, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason or no reason other than a reason prohibited by law, or no reason at all. Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

Exceptions to employment at-will may include employees who are employed annually, have an employment contract, or are otherwise granted a legitimate interest in continued employment. The Superintendent is authorized to make exceptions to employing non-certified employees at-will but shall maintain a record of positions or employees who are not at -will and the reason for the exception.

Compensation and Assignment

The School Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime Provisions in State or federal law, shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are twice a month. The Superintendent is authorized to make assignments and transfers of educational support personnel.

Cross Ref: 5:10

5.280 Duties and Qualifications

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to Board policies as they may be changed from time-to-time at the Board's sole discretion.

Paraprofessionals and Teacher Aides

"Paraprofessionals" and "teacher aides" are noncertificated personnel with instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a "statement of approval" issued by the Illinois State Board of Education (ISBE). A paraprofessional or teacher aide first employed in a program for students with disabilities on or before June 30, 2005, shall be subject to this requirement as of July 1, 2007.

A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose.

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals or teacher aides and the requirements in this section do not apply. In addition, individuals who are completing their clinical experiences and/or student teaching do not need to comply with this section, provided they otherwise qualify for instructional duties under ISBE rules.

Noncertificated Personnel Working with Students Performing Non-Instructional Duties

Noncertificated personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media, e.g., computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.

Coaches and Athletic Trainers

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. Regardless of whether the athletic activity is regulated by an association, all coaches must have completed a course on coaching principles and sport's first aid. The Superintendent or designee shall ensure that all coaches have completed appropriate training programs. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic

trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

Bus Drivers

All school bus drivers must have a valid school bus driver permit. New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).
34 C.F.R. §§200.58 and 200.59.
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.
625 ILCS 5/6-104 and 5/6-106.1.
23 Ill.Admin.Code §§25.510, 25.520.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35 (Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and Volunteers)

5.285 Personnel - Educational Support Personnel - Drug and Alcohol Testing For School Bus and Commercial Vehicle Drivers

The School District shall adhere to federal law and regulations requiring a drug and alcohol-testing program for school bus drivers and commercial vehicles.

This program shall comply with the requirements of the Code of Federal Regulations. The Superintendent or designee shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

The Superintendent or designee shall implement this program beginning January 1, 1996.

Educational Support Personnel**5.290 Employment Termination and Suspensions** 50Resignation and Retirement

An employee is requested to provide 2 weeks' notice of a resignation. **51** A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

Non-RIF Dismissal 52

The District may terminate an at-will employee at any time for any reason, subject to State and federal law. Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Superintendent is responsible for making dismissal recommendations to the School Board consistent with the Board's goal of having a highly qualified, high performing staff.

50 State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right. School officials should consult with their attorneys before adopting this policy or taking any action under it.

The local collective bargaining agreement may contain provisions that exceed these requirements. When a policy's subject matter is superseded by a bargaining agreement, the board policy may state, "Please refer to the current Bargaining Agreement between the Educational Support Personnel and the School Board."

Administrative procedures implementing this policy should include guidelines for exit interviews. These guidelines should include a list of items to discuss with the employee, e.g., the reasons for the termination; how the district could improve its policies, procedures, and working conditions; how to reduce employee turnover; and information about the employee's benefits, including continued health insurance coverage.

51 Optional provision:

In most cases, resigning employees are permitted to work until their effective resignation date.

52 If employed at-will, the employee may be dismissed at any time for a non-discriminatory reason unless the dismissal is for a reduction in force. See policy 5:270, *Employment At-Will, Compensation, and Assignment*. However, whether a specific employee is actually employed at-will depends on the specific facts. This determination is important because the dismissal of an employee having a protected property right in continued employment requires a notice and hearing. Cleveland Board of Educ. v. Loudermill, 105 S.Ct. 1487 (1985). See also Baird v. Warren Community Unit School District No. 205, 389 F.3d 685 (7th Cir., 2004)(because board members denied a dismissed superintendent procedural due process rights, they were denied qualified immunity).

It is safest to presume that all non-certificated employees are employed for the school year. In other words, the exception out numbers the rule. This is a good assumption because districts routinely assure next-year employment so that the employee will not qualify for summer unemployment. In addition, annual employment may be created through a collective bargaining agreement, past practice, an employees' handbook, personnel policy manual, or an oral promise. Thus, the sample policy addresses those employees "with an annual or longer contract or who otherwise have a legitimate expectation of continued employment." A dismissal at the end of the school year or end of a contract generally requires only minimal due process. A mid-year or mid-contract dismissal will require significantly greater due process.

Even if an employee is at-will, a district should consider giving a dismissal reason. The failure to give a reason may provoke an employee into challenging the dismissal, e.g., by alleging illegal discrimination or retaliation for exercising a protected right or whistleblowing.

Consult the board attorney to determine: (1) which employees are at-will, have annual employment, or have a different expectation for their length of employment, and (2) the level of due process to provide specific employees in the event of a dismissal.

Reduction in Force and Recall 53

This section is applicable whenever the Board decides to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, an educational support employee is removed, dismissed, or his or her hours are reduced.

The Board shall use a seniority list to determine the order of dismissal or removal. The seniority list, categorized by positions, shows the length of continuing service of each full-time educational support employee. The employee with the shorter length of continuing service within the respective category of position shall be dismissed first. 54

Except as provided below, written notice will be given the employee by certified mail, return receipt requested, at least 30 days before the employee is removed or dismissed, or his or her hours are reduced, together with a statement of honorable dismissal and the reason therefore if applicable. 55 The prior written notice will be extended to at least 90 days if the lay-off is due to the District entering into a contract with a third party for non-instructional services. 56 The prior written notice will be shortened to at least 5 days before an employee's hours are reduced as a result of an unforeseen reduction in the student population. 57 Any vacancies for the following school term or within one calendar year from the beginning of the following school term, shall be offered to the employees so removed or dismissed from that category or any other category of position provided they are qualified to hold such positions. 58

Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. 59 Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the third business day following the last day of employment. 60

Suspension

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay: (1) when the employee is exempt from the overtime provisions, 61 or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees. 62

53 105 ILCS 5/10-23.5, as amended by P.A. 95-396, grants educational support personnel significant protection during a RIF. This policy's provisions do not include the rights of the employee's exclusive bargaining representative because, where employees are represented by an exclusive representative, the bargaining agreement's RIF provision typically includes those rights and supersedes a board policy.

54 Unlike dismissal due to RIF, State law does not require districts to use seniority to select the employees whose hours will be reduced.

"Category of position" is not statutorily defined. Unless otherwise defined by a collective bargaining agreement, the board can define the position categories. Cook v. Eldorado Community Unit School District, 820 N.E.2d 481 (Ill.App.5, 2004). While the statute gives boards the discretion to define categories of positions, boards may not define categories differently for lay-off and recall purposes than for other purposes.

55 Required by 105 ILCS 5/10-23.5, as amended by P.A. 95-396.

56 Required by 105 ILCS 5/10-22.34c, as amended by P.A. 95-241. This statute contains the conditions precedent to entering into a contract for third party non-instructional service. These requirements are in 4:60-AP2, *Third Party Non-Instructional Contracts*.

57 Required by 105 ILCS 5/10-23.5, as amended by P.A. 95-396.

58 Id. State law does not require employees whose hours were reduced to be on the recall list.

59 A district may also adjust an employee's final paycheck for advanced vacation leave, *provided* that the employee agreed to deduct a specified amount of pay equaling the advanced vacation (56 Ill.Admin.Code §300.760). If employees are required to execute such an agreement before taking unearned vacation leave, add the following phrase to this sentence: "or, if the employee agreed in writing, vacation time taken that was not earned."

60 Required by 105 ILCS 5/10-23.5, as amended by P.A. 95-396.

61 Employees who are exempt from overtime requirements become eligible for overtime if they are subject to disciplinary suspensions without pay. Auer v. Robbins, 117 S.Ct. 905 (1997). Although the U.S. Dept. of Labor modified this rule in 2004, the Illinois legislature rejected these rule changes (820 ILCS 105/4a). Illinois employers must use the federal rules as they existed on March 30, 2003.

62 A suspension of an employee having a protected property right in continued employment requires a notice and hearing. See footnote 3 for additional discussion.

LEGAL REF.: 105 ILCS 5/10-22.34c and 5/10-23.5.
820 ILCS 105/4a.

CROSS REF.: 5:240 (Professional Personnel - Suspension), 5:270 (Educational Support
Personnel - Employment At-Will, Compensation, and Assignment)

5.300 Educational Support Personnel - Schedules and Employment Year

Twelve-Month Employees

Twelve-month employees work daily. (Monday through Friday) except holidays and earned vacation time.

Custodians and maintenance personnel work a 40-hour week, with the individual time schedule developed by the supervisor and subject to individual building needs. Custodians assume the additional responsibility for building checks as outlined in their job description.

Administrative office personnel work a 35 hour week with the individual time schedule developed by the supervisor and subject to the District's needs.

School Year Employees

School year employees work the school calendar year unless otherwise specified. Classroom aides work a schedule subject to building needs as determined by the Building Principal and in compliance with current contract.

On days when school sessions are canceled due to emergency situations and certified personnel are not required to report for work, school year employees will not be required to work.

School secretaries work a 35 hour week, with the individual time schedule developed by the Building Principal. During the school calendar year, there may occur certain modifications of the school secretaries' work schedule, subject to building needs as determined by the Building Principal.

Hourly Employees

Work as needed and approved by immediate supervisor.

Supervisory Staff

The work day and work year for supervisory staff shall be similar to other personnel except that supervisory personnel are employed for specific tasks and such personnel are expected to work beyond the regular work day in order to accomplish such tasks when necessary. No additional remuneration shall be provided for such work.

Meal Break

Employees who work at least 7.5 continuous hours shall receive a 30-minute duty-free meal break.

The District accommodates employees who are nursing mothers according to provisions in the Nursing Mothers in the Workplace Act. P.A. 92-0068.

5.320 Educational Support Personnel - Evaluation

The supervision of every educational support personnel includes informal and formal evaluation.

Full-time Employees

Each full-time employee's supervisor will complete, at least annually, a performance report for the employee in his or her area of responsibility, using the form applicable to the job classification. A copy shall be given to the employee and discussed with him or her. The original should be signed by the employee and filed with the Superintendent.

Hourly Employees

Each part-time employee's supervisor will complete when appropriate, but at least annually, a performance report for the employee's record.

General Personnel

5.330 Sick Days, Vacation, Holidays, and Leaves

Sick Days

All employees who work at least 600 hours per year are eligible to receive paid sick leave days. School Year/Full-Time support staff receive 12 paid sick leave days per year; part-time support staff who meet eligibility requirements, receive pro-rated, paid sick leave days based on time worked. All employees receive sick time pay equivalent to their regular workday. Unused sick days may accumulate to a maximum of 299 days, including the leave of the current year. Any days exceeding 299 will not be paid if not used during employment

Sick leave may be used for personal illness, quarantine at home, serious illness, death in the immediate family, or as deemed necessary in all other cases. The Superintendent and/or designee shall monitor the use of sick leave. Abuse or misuse of sick leave may warrant disciplinary action. Employees may use sick days in full day, half day, and/or hourly increments.

Staff members employed for a period of time longer or shorter than full-time teachers will be entitled to sick leave as follows:

<u>Days Employed</u>	<u>Sick Leave</u>
38 to 52	3 days
53 to 67	4 days
68 to 82	5 days
83 to 97	6 days
98 to 112	7 days
113 to 127	8 days
128 to 142	9 days
143 to 157	10 days
158 to 172	11 days
173 to 187	12 days
188 to 202	13 days
203 to 217	14 days
218 to 232	15 days
233 and greater	16 days

The Board may require a physician's certificate from a physician licensed in Illinois to practice medicine and surgery in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, or if treatment is by prayer or spiritual means, that of a spiritual adviser or practitioner of such person's faith, as a condition for paying sick leave after 3 days' absence for personal illness, or as it deems necessary in other cases. If the Board requires a certificate during a leave of less than 3 days, it shall pay the expense of securing the certificate. Employees who are covered by a Collective Bargaining Agreement will need to refer to the Collective Bargaining Agreement.

Vacation

All full-time employees who work on a twelve-month basis shall be entitled to an annual vacation with pay as follows:

- After one year of continuous employment – up to one (1) week
- After two years of continuous employment– up to two (2) weeks
- After ten years of continuous employment – up to three (3) weeks
- After twenty years of continuous employment– up to four (4) weeks

Pay for vacation days for employees working less than forty (40) hours per week shall be based on employee’s average number of hours worked per week during the most recent vacation accrual year.

Vacation days do not accumulate from year to year, and vacation days earned in one fiscal year, July 1 through June 30, must be used by the end of the following fiscal year.

Vacation must have the approval of the Superintendent and should be scheduled for times when the operation of the school district is least affected.

Holidays

All full-time employees shall be entitled to the following paid holidays if the employee has worked the last scheduled workday preceding the holiday and the first scheduled work day following the holiday.

New Year’s Day	Independence Day	Thanksgiving
President’s Day	Labor Day	
Day after Thanksgiving		
Friday before Easter	Veteran’s Day	Christmas Day
Memorial Day	Columbus Day	

* Note: At the option of the Board, Lincoln’s Birthday may be substituted for President’s Day.

If school is not in session, all full-time employees may take the following days as unpaid holidays providing the employee has worked the last scheduled workday preceding the holiday and the first scheduled workday following the holiday.

Martin Luther King Jr. Day	Casmir Pulaski Day	Christmas Day
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If a paid holiday falls on a Saturday or Sunday, the holiday will be granted on the preceding Friday or on the following Monday as determined by the Superintendent. However, at the sole discretion of the Board, the employee may be required to work in lieu of receiving a day off. If a member of the bargaining unit is required to work in lieu of a day off for a holiday the employee shall be paid at their regular rate of pay for hours worked in addition to their regular pay for the holiday.

In emergency situations employees unit may be required to work on a paid or unpaid holiday to ensure the continued operation and maintenance of district facilities or property. If an employee is required to work on a paid holiday, the employee shall be paid at the regular rate of pay for hours worked in addition to their regular pay for the holiday.

Personal Leave

All full-time employees shall be granted two (2) days per year for personal business. A personal business day may be used for any purpose at the discretion of the employee. An employee planning to use a personal business leave day shall notify the principal as early as possible in advance of the leave day, and, except in emergencies, shall be at least two (2) days prior to the day of the leave.

Personal leave may not be taken during the first three (3) days of school, the last five (5) days of school, on days when final examinations or special school programs are scheduled, or on the first working day preceding or following a vacation or holiday, except in emergency and/or other unusual situations as approved by the Superintendent.

Leave of Absence

The Superintendent and Board of Education will have discretion in deciding whether to approve all leaves of absence. A leave of absence shall be determined as any leave, which does not involve paid time off or is not covered under another leave policy. The employee must give prompt, written notice of a leave of absence, the dates, and expected date of return to the Superintendent for approval. If medical related, it should additionally include a doctor's notice stating the nature of the leave. If a Leave of Absence is approved, the employee is responsible for reimbursing the district for the cost of benefits during the leave time.

When you are able to return to work, you should give at least one week's notice by presenting a written request to administration. We will make reasonable efforts to return you to the same or similar job you held prior to your leave, subject to district requirements that may exist. Failure to report back to work at the expiration of any leave granted shall be considered a voluntary resignation.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

All educational support personnel, who leave active employment for the purpose of being inducted, entering, determining physical fitness to enter, or performing training duty in the Armed Forces or Coast Guard, either by enlistment, draft or recall, will be granted an unpaid leave of absence.

Reemployment Rights: You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

You ensure the your employer receives advance written or verbal notice of your service;

You have five years or less of cumulative service in the uniformed services while with that particular employer;

You return to work or apply for reemployment in a timely manner after conclusion of service; and

You have not been separated form service with a disqualifying discharge or under other than honorable conditions.

Upon the expiration of such leave of absence, each employee will be restored to his/her former job classification or to a position of like seniority, status and pay; unless, circumstances of the district have so changed as to make it impossible or unreasonable to do so.

Adopted: April 2007