

ATTACHMENT NO. VIII-D: Second Reading and Approval of Policies

Potential motion: Move to give final approval of Board Policies 2:160, 5:270 and 5:330.

Recommended action: Approve the motion.

On September 27, 2010, the Board of Education approved the first reading of the following policies:

2:160, Board Attorney
5:270, Employment At-Will, Compensation, and Assignment
5:330, Sick Days, Vacation, Holidays and Leaves

It is recommended that the Board give final approval to the above policies.

Board of Education

Board Attorney

The School Board may enter into an agreement for legal services with a specific attorney or law firm. The Board Attorney serves on a retainer or other fee arrangement as determined in advance. The Board Attorney will provide services as described in the agreement for legal services. The District will only pay for legal services that are provided in accordance with the agreement for legal services or are otherwise authorized by this policy or a majority of the Board.

The Superintendent, his or her designee, and Board President, are each authorized to confer with and/or seek the legal advice of the Board Attorney. The Board may authorize a specific member to confer with legal counsel on its behalf.

The Superintendent may authorize the Board Attorney to represent the District in any legal matter until the Board has an opportunity to consider the matter.

The School Board retains the right to consult with or employ other attorneys and to terminate the service of any attorney.

CROSS REF.: 4:60 (Purchases and Contracts)

ADOPTED: November 6, 2001

AMENDED: October 25, 2010

Educational Support Personnel

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, other than a reason prohibited by law, or no reason at all. Nothing in Board of Education 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-certificated 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 Board of Education 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 paid every 2 weeks or over 26 pay periods.

Assignment

The Superintendent is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.
Cook v. Eldorado Community Unit School District, No. 03-MR-32 (Ill.App.5, 2004).
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (1st Dist. Ill. 1985),
aff'd in part and remanded, 505 N.E.2d 314 (Ill. 1987).
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill. App. 2d Dist. 1984).

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment) 5:35 (Compliance with the Fair Labor Standards Act), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

ADOPTED: November 6, 2001

AMENDED: October 25, 2010

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves

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 employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Definitions

1. Educational Support Personnel whose employment day is more than six and one-half (6.5) hours, are defined as full-time.
2. Educational Support Personnel whose employment day is equal to or less than six and one-half (6.5) hours are defined as part-time.
3. Sick leave defined in State law and interpreted to mean personal illness, quarantined at home, serious illness, or death in the household of the employee or in the immediate family, birth, adoption, or placement for adoption. Immediate family shall be defined and interpreted to mean parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians. The Superintendent and/or designee shall monitor the use of sick leave.
4. Personal leave shall be defined and interpreted to mean leave for personal business that must be transacted on a regular workday. Personal leave requested on the day before or after a school holiday or on the day before the end of the school year, or on the first day of the school year, will be granted only in cases of extreme emergency. Unused personal leave days may be accumulated as sick leave after June 30th each year.
5. Additional leave shall be defined and interpreted to mean necessary leave for personal reasons.
6. Insurance/annuity benefits shall be defined as those benefits especially approved available to employees in the District.
7. Part-time employees shall receive only benefits defined in number three (3) and four (4) above.
8. Leave of absence is defined as approved leave without pay and benefits. Short-term leave of absence is of two (2) weeks duration or less.

Sick and Bereavement Leave

1. Each employee shall be allowed during each fiscal year one (1) equivalent work day of sick leave each month without loss of pay. Twelve-month employees will receive 12 days annually, eleven-month employees will receive 11 days annually and ten-month employees will receive 10 days annually.
2. Each employee shall be allowed to accumulate up to 240 equivalent days of sick leave, through continuous employment with the District.
3. If an employee was absent for a period of four (4) days or more for illness, a doctor's statement will be required prior to the employee returning to work. If the employee is absent for serious illness or for hospitalization, a doctor's release for regular duties must be presented before returning to work.

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 Superintendent and/or designee shall monitor the use of sick leave.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois or Wisconsin to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has written collaborative agreement with a collaborating physician that authorized the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days, for personal illness, the District shall pay the expenses incurred by the employee.

Vacation

1. Full-time employees - 12 months employees shall be entitled to vacation with pay as follows: 1-5 years: 10 vacation days; 5 years and after: 15 days vacation.
2. Vacation: Vacation and leave days are not cumulative. The employee must use accrued vacation days during the year that vacation time is accruing plus an additional six months or the vacation days will be lost.

Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

Insurance/Annuity Benefits

1. Full-time employees are entitled to District insurance/annuity benefits.
2. Part-time employees shall not receive District insurance/annuity benefits. However, insurance and/or annuities may be purchased by the employee, subject to carrier's rules and regulations.

Leave of Absence

1. Employees may be granted up to one (1) year leave of absence without pay and benefits. Requests for such leave should be made in writing and submitted to the Principal who will forward the request to the Superintendent for approval.
2. Leave of absence request for more than two (2) weeks must receive approval from the Board of Education.

Holidays

Unless the District receives a waiver or modification of The School Code pursuant to Section 2-3.25g allowing it to schedule school on a holiday listed below, School District 12-month employees will not be required to work on:

New Year's Day	Labor Day
Martin Luther King's Birthday	Columbus Day
President's Day or Lincoln's Birthday	Veteran's Day
Casimir Pulaski's Birthday	Thanksgiving Day
Good Friday	Friday after Thanksgiving Day
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
	New Years Eve Day

In the event the Board seeks and receives a waiver that allows student attendance on any of the identified holidays, the employees shall work on that day for straight time and shall receive a floating

holiday. In the event the holiday falls on a weekend, the employee shall receive a floating holiday. Floating holidays are subject to the same conditions as personal leave days. Employees who do not work during the summer are not entitled to Independence Day holiday pay.

A holiday will not cause a deduction from an employee's time or compensation. The District may require educational support personnel to work on a school holiday during an emergency or for the continued operation and maintenance of facilities or property.

Personal Leave

Full-time educational support personnel have four (4) personal leave days per year. Part-time 10-month educational support personnel have four (4) personal leave days equivalent to their regular workday per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal or employee's supervisor 3 days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day.
6. Personal leave may not be used when the employee's absence would create an undue hardship.
7. Any personal leave days not used for the school year may be accumulated as additional equivalent sick leave days beginning with the next ensuing school year, or in the case of retirement after the school year, toward and in addition to other cumulative sick days for purposes of pension and/or retirement.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

Other Leave

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in policy 5:250, *Leaves of Absence*:

1. Leaves For Service in the Military and General Assembly
2. School Visitation Leave
3. Leaves for Victims of Domestic or Sexual Violence

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
820 ILCS 147 and 180/1 et seq.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:250 (Professional Personnel - Leaves of Absence)

ADOPTED: November 6, 2001

AMENDED: October 25, 2010