

## *Document Status: Draft Update*

### **Educational Support Personnel**

#### **5:330 Sick Days, Vacation, Holidays, and Leaves**

Each of the provisions in this policy applies to all educational support 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.

#### **Sick and Bereavement Leave**

**Please refer to the applicable bargaining agreement(s).**

**For those not covered by a bargaining agreement:**

Please refer to the Explanation of Non-Union, Non-Administrative Staff Benefits for the current fiscal year for information on number of sick leave days granted and permissible uses of sick leave days.

Sick leave is defined in State law as personal illness, mental or behavioral complications, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, placement for adoption, or the acceptance of a child in need of foster care. The Superintendent or designee shall monitor the use of sick leave.

For purposes of granting sick leave days, part-time employees are those who work a minimum of 15 hours per week. Instructional and special education aides assigned to Jefferson Early Childhood Center, working a minimum of twenty-six (26) hours per week, will be considered full-time, or half-time if they work a minimum of thirteen (13) hours per week.

Sick leave shall be reported and charged in full or half day increments. If an employee's absence on a particular day is for a period of time equal to no more than one-half (1/2) of the scheduled hours of work, excluding any meal break, for that day, he/she shall be charged for one-half (1/2) day of leave. Any absence which exceeds one-half (1/2) of that day's scheduled hours of work shall be charged as a full-day of leave.

As a condition for paying sick leave after three days absence for personal illness 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 to practice medicine and surgery in all its branches, (2) a mental health professional licensed in Illinois providing ongoing care or treatment to the staff member, (3) a chiropractic physician licensed under the Medical Practice Act, (4) a licensed advanced practice registered nurse, (5) a licensed physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (6) 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 three days for personal illness, the District shall pay the expenses incurred by the employee.

Employees are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Such days may be used at any time within the 12-month period following the birth of the child. Intervening periods of nonworking days or school not being in session, such as breaks and holidays, do not count towards the 30 working school days. As a condition of paying sick leave beyond the 30 working school days, the Board or the Superintendent may require medical certification.

For purposes of adoption, placement for adoption, or acceptance of a child in need of foster care, paid sick leave may be used for reasons related to the formal adoption or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, and for taking custody of the child or accepting the child in need of foster care. Such leave is limited to 30 days, unless a longer leave is provided in an applicable collective bargaining agreement, and need not be used consecutively once the formal adoption or foster care process is underway. The Board or Superintendent may require that the employee provide evidence that the formal adoption or foster care process is underway.

Vacation

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

<u>Length of Employment</u>		<u>Maximum Vacation</u>
<u>From:</u>	<u>To:</u>	<u>Leave Earned Per Year</u>
Beginning of year 1	End of year 7	13 Days per year
Beginning of year 8	End of year 15	18 Days per year
Beginning of year 16 +		23 Days per year

Full-time employees employed on a twelve (12) month basis who were employed prior to February 15, 2004 will continue to receive two (2) additional vacation days per year. For example, rather than receiving thirteen (13), eighteen (18), or twenty-three (23) days (depending upon years of service), these employees will receive fifteen (15), twenty (20), or twenty-five (25) days, respectively.

Part-time employees receive no vacation.

A maximum of fifteen (15) unused vacation days may be carried over into the next fiscal year. No other vacation days may be accumulated and carried over into subsequent years. Accumulation of unused vacation days shall be limited as follows:

1. If the employee has 0-7 years of service to District #200, he or she may accumulate a maximum of fifteen (15) working days of vacation;
2. If the employee has 8-15 years of service to District #200, he or she may accumulate a maximum of thirty (30) working days of vacation; and
3. If the employee has 16 or more years of service to District #200, he or she may accumulate a maximum of forty-five (45) working days of vacation.

Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all granted and unused vacation days.

Requests for vacation should be submitted to the employee's supervisor and must be approved by the Superintendent or his/her designee prior to taking vacation. Every effort will be made to meet the desires of the employee, subject to the District's staffing needs.

### Holidays

Unless the District has a waiver or modification of the School Code pursuant to [Section 2-3.25g](#) or [24-2\(b\)](#) allowing it to schedule school on a legal school holiday listed below, District employees will not be required to work on:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Columbus Day
Abraham Lincoln's Birthday	2024 <del>2</del> Election Day
Memorial Day	Veterans Day
Juneteenth National Freedom Day	Christmas Day
Independence Day	

The day following Thanksgiving Day and the Friday before Easter, when the offices and buildings are closed, are considered special holidays. The Board may grant additional special holidays whenever, in its judgement, such action is advisable. The District may require educational support personnel to work on a legal school holiday during an emergency or for the continued operation and maintenance of facilities or property.

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

**Please refer to the applicable bargaining agreement(s).**

**For those not covered by a bargaining agreement:**

Full-time educational support personnel may use a maximum of two (2) days of their annual allotment of sick leave days for personal matters that cannot be handled during non-working days or hours and bereavement of non-immediate family or acquaintances. The use of a sick leave day for personal matters is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted in writing to the employee's immediate supervisor three days before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, unless the Superintendent or his/her designee 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 days may not be used during the first and/or last 10 days of the school year.
6. Personal leave may not be used on an in-service training day.
7. Personal leave may not be used when the employee's absence would create an undue hardship.

#### Leave of Absence Without Pay

**Please refer to the applicable bargaining agreement(s).**

**For those not covered by a bargaining agreement:**

Special leaves of absence (non-FMLA) without pay for up to one year may be approved and granted at the discretion of the Board. Reasons for such leaves may include, but are not limited to: an employee's serious health condition, student teaching/internship, covering an in-district long-term substitute position (if qualified). All requests for leaves of absence must be submitted in writing to the Human Resources Office. Any such leaves granted are of no precedential force or effect. If such leave is granted, the employee shall be allowed to continue participation in District insurance programs by paying the full cost of the premiums at the group rate, subject to approval by the District's insurance carrier.

#### Parental Leave

**Please refer to the applicable bargaining agreement(s).**

**For those not covered by a bargaining agreement:**

Parental leave (non-FMLA) without pay for a period of time not to exceed one year shall be granted to employees with no less than two years of continuous service in the

District. A request for such leave shall be presented in writing to the Human Resources Office no less than sixty (60) days prior to the commencement of such leave, stating the commencement and termination dates of such leave.

Such leave shall not entitle the employee to accumulate benefits while on leave, however, an employee returning from parental leave shall retain prior earned seniority and accrued benefits, and the salary level held at the time of the leave. Failure of an employee to deliver to the Director of Human Resources a written declaration of return from leave shall be constructively determined to be a resignation. Reinstatement shall be to a position equivalent to that held prior to such leave provided, however, said leave shall not exempt an employee from a reduction in force.

If such leave is granted, the employee shall be allowed to continue participation in District insurance programs by paying the full cost of the premiums at the group rate, subject to approval by the District's insurance carrier.

#### Leave to Serve as a Trustee of the Ill. Municipal Retirement Fund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Ill. Municipal Retirement Fund in accordance with State law.

#### Other Leaves

**Please refer to the applicable bargaining agreement(s).**

**For those not covered by a bargaining agreement:**

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

1. Leave for Service in the Military.
2. Leave for Service in the General Assembly.
3. School Visitation Leave.
4. Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence.
5. Family Bereavement Leave.
6. Child Extended Bereavement Leave.
7. Leave to serve as an election judge.

#### Religious Holidays, Jury Duty, Family and Medical Leave Act (FMLA), Worker's Compensation

**Please refer to the applicable bargaining agreement(s).**

LEGAL REF.:

105 ILCS 5/10-20.7b, 5/10-20.83 ~~(final citation pending)~~, 5/24-2, 5/24-6, and 5/24-6.3.

[10 ILCS 5/13-2.5](#), Election Code.

[330 ILCS 61/](#), Service Member Employment and Reemployment Rights Act.

[820 ILCS 147](#), School Visitation Rights Act.

820 ILCS 154/, ~~Child~~[Family](#) Bereavement Leave Act.

[820 ILCS 156/](#), [Child Extended Bereavement Leave Act.](#)

[820 ILCS 180/](#), Victims' Economic Security and Safety Act.

*School Dist. 151 v. ISBE*, 154 Ill.App.3d 375 (1st Dist. 1987); *Elder v. Sch. Dist. No.127 1/2*, 60 Ill.App.2d 56 (1st Dist. 1965).

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