

Edits

DRAFT UPDATE

Mid-Valley Special Education Cooperative

5:250

Professional Personnel

Leaves of Absence

Sick and Bereavement Leave

Please refer to the following current Agreement:

Professional Agreement between Mid-Valley Special Education Cooperative and Mid-Valley Special Education Association (MSVEA).

For those employees not covered by this Agreement:

The Executive Director or designee will determine sick and bereavement leaves with the approval of the Board.

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Advisory Board or Executive Director deem necessary in other cases, the Advisory Board or Executive Director 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 chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes 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.

Comment [APowell1]:
Consult the board attorney about the Employee Sick Leave Act 820 ILCS 1911, added by P.A. 99-841, eff. 1-1-17. It prohibits employers from limiting the use of sick time to an employee's own illnesses and allows employees to use employer-provided sick leave to care for an ill or injured family member or to attend a medical appointment with a family member. The law defines family members as a child (biological, adopted, stepchild, or legal ward), spouse, domestic partner, sibling, parent, mother- or father-in-law, grandchild, grandparent, or stepparent (Id. at 1911/10(b)). Leave may be taken under the same terms for which the employee would be permitted to take leave for his or her own illness or injury.

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Child Bereavement Leave

State law allows a maximum of 10 unpaid work days for eligible employees (Family and Medical Leave Act of 1993, 20 U.S.C. §2601 et seq.) to take child bereavement leave. The purpose, requirements, scheduling, and all other terms of the leave are governed by the Child Bereavement Leave Act. Child bereavement leave allows for: (1) attendance by the bereaved staff member at the funeral or alternative to a funeral of his or her child, (2) making arrangements necessitated by the death of the staff member's child, or (3) grieving the death of the staff member's child, without any adverse employment action.

The leave must be completed within 60 days after the date on which the employee received notice of the death of his or her child. However, in the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of six weeks of bereavement leave during the 12-month period, subject to certain restrictions under State and federal law. Other existing forms of leave may be substituted for the leave provided in the Child Bereavement Leave Act. This policy does not create any right for an employee to take child bereavement leave that is inconsistent with the Child Bereavement Leave Act.

Comment [APowell2]:
820 ILCS 1547, added by P.A. 99-703 requires employers to offer this unpaid leave to employees that are eligible employees under FMLA. (29 U.S.C. 2601 et seq.)

The Act also provides that the leave must be completed within 60 days of the employee learning of the death of his or her child, as defined by 820 ILCS 1547, added by P.A. 99-703. However, that 60 day limitation does not apply where more than one child dies in a 12-month period. There may be times where an employer may want to grant more than 10 unpaid work days, e.g., when a deceased child lived in a foreign country, etc. Consult the board attorney to resolve the complexities of determining whether an employee is an eligible employee under the FMLA that would trigger this Act.

Issue 93, October 2016

Paid Sick Leave for Adoption

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Executive Director may require that the employee provide evidence that the formal adoption process is underway.

Sabbatical Leave

Please refer to the following current Agreement:

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Professional Agreement between Mid-Valley Special Education Cooperative and Mid-Valley Special Education Association (MSVEA).

For those employees not covered by this Agreement:

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

Personal Leave

Please refer to the following current Agreement:

Professional Agreement between Mid-Valley Special Education Cooperative and Mid-Valley Special Education Association (MSVEA).

For those employees not covered by this Agreement:

The Executive Director or designee will determine personal leave with the approval of the Board.

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 Coordinator 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 Executive Director or designee grants prior approval,
3. Personal leave may not be used in increments of less than one-half day, and
4. Personal leave days are subject to a substitute's availability.

Parental Leaves/Child-Rearing Leave

Please refer to the following current Agreement:

Professional Agreement between Mid-Valley Special Education Cooperative and Mid-Valley Special Education Association (MSVEA).

For those employees not covered by this Agreement:

The Advisory 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 section shall prohibit a professional staff member from using paid sick days as provided in this policy.

A staff member must request, if possible, a child-rearing leave by notifying the Executive Director or designee in writing no later than 90 days before the requested leave's beginning date. 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.

Subject to the insurance carrier's approval, the staff member 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 staff member is qualified, subject to scheduling efficiency and instruction continuity.

Other Leaves of Absence/Leave of Absence Without Pay

Please refer to the following current Agreement:

Professional Agreement between Mid-Valley Special Education Cooperative and Mid-Valley Special Education Association (MSVEA).

For those employees not covered by this Agreement:

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The Advisory Board may grant a leave of absence without pay to tenured 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.

Association Release Time, Professional Improvement Leave, Job-Sharing Leave

Please refer to the following current Agreement:

Professional Agreement between Mid-Valley Special Education Cooperative and Mid-Valley Special Education Association (MSVEA)

Leaves for Service in the Military

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 Leave

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.

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. 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.

The Executive Director shall develop administrative procedures implementing this policy consistent with the School Visitation Rights Act.

Leaves for Victims of Domestic or Sexual Violence

An unpaid leave from work is available to any staff member 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, if the Cooperative employs at least 50 employees, an employee is entitled to a total of 12 work weeks of unpaid 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.).

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

Upon request, the Advisory Board will grant: (1) an unpaid leave of absence to an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, (2) twenty days of paid leave of absence per year to a trustee of the Teachers' Retirement System in

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accordance with 105 ILCS 5/24-6.3, and (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the Cooperative, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2.

Leave to Serve as an Election Judge

Any staff member who was appointed to serve as an election judge under State law may, after giving at least 20-days' written notice to the Cooperative, be absent without pay for the purpose of serving as an election judge. The staff member is not required to use any form of paid leave to serve as an election judge. No more than 10% of the Cooperative's employees may be absent to serve as election judges on the same election day.

LEGAL REF: 10 ILCS 5/13-2.5
20 ILCS 1805/30.1 et seq.
820 ILCS 154/.
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/ and 180/.

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)

ADOPTED: February 4, 2015