

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, Association Leave, Other Extended Leaves of Absence, Unpaid Leaves of Absence

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

Parental Leave

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

Sick [PRESSPlus1](#) and Bereavement Leave

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

For employees not covered by a current applicable bargaining agreement:

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees who work at least half-time are entitled to sick days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week. Unused sick leave shall accumulate to a maximum of 180 days, including the leave of the current year. This policy is the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon a District employee's retirement under the Illinois Municipal Retirement Fund.

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 to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice registered [PRESSPlus2](#) 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.

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 Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Vacation

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

For employees not covered by a current applicable bargaining agreement:

Twelve-month educational support professionals who are not members of the bargaining unit shall be entitled to paid vacation as follows:

<u>Length of Employment</u>	<u>Duration of Vacation</u>
From: Beginning July 1 of	
Years 1-4	10 Days
Year 5-9	15 Days
Years 10+	20 Days

Part-time twelve-month educational support professionals will receive a pre-rated allocation of vacation leave based upon

the percentage of time they work. The educational support professional must have the authorization of the immediate supervisor prior to taking vacation leave. Vacation leave in excess of ten consecutive days requires the approval of the Superintendent.

Educational support professionals may carry over unused vacation days for use during the subsequent fiscal year July 1 - June 30. Unused vacation days from the current year which are not used in the next fiscal year will be forfeited; they do not accumulate.

In accordance with law, the Board will compensate the educational support professional for any unused vacation days upon termination of service to the district. The compensation will be at the salary rate prevailing at termination.

Holidays

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

For employees not covered by a current applicable bargaining agreement:

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 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	Veteran's Day
Casimir Pulaski's Birthday	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

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.

Twelve-Month Employee Leave

Twelve-month educational support professionals who are not members of the bargaining unit will be annually entitled to fifteen (15) days of paid sick leave, three (3) days of personal leave and three (3) bereavement days. Annual unused sick leave and personal days will be added to the employee's accumulated total of paid sick leave; there will be no limit on the accumulated total.

Personal Leave

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

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 **Ill. Illinois** Municipal Retirement Fund in accordance with [105 ILCS 5/24-6.3](#).

Other Leaves

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. Leaves for Service in the Military and General Assembly.
2. School Visitation Leave.
3. Leaves for Victims of Domestic or Sexual Violence.
4. **Child Bereavement Leave.** [PRESSPlus3](#)
5. Leave to serve as an election judge.

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/~~, **School Visitation Rights Act.**

820 ILCS 154/, **Child 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)

ADOPTED: July 13, 2016

PRESSPlus Comments

PRESSPlus 1. Consult the board attorney about the Employee Sick Leave Act 820 ILCS 191/, 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 191/10(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. **Issue 93, October 2016**

PRESSPlus 2. Updated in response to 105 ILCS 5/24-6, amended by P.A. 100-513. **Issue 100, February/March 2019**

PRESSPlus 3. 820 ILCS 154/, 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.)

See the Child Bereavement Leave subhead in policy 5:250, *Professional Personnel – Leaves of Absence*, for further information. **Issue 93, October 2016**