

Educational Support Personnel – Vacation, Holidays, and Leaves

This policy applies to all educational support personnel (e.g. employees without a Professional Educator License (“PEL”)) to the extent 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 collective bargaining agreement or individual agreement will control.

Represented Educational Support Personnel

All educational support personnel represented by the Unit Five Support Professionals Association (“UFSPA”) shall be entitled to the vacation, holidays, and leaves, if applicable, provided in the Negotiated Contract between UFSPA and the Board. All educational support personnel represented by the Laborer’s International Union of North America, Local 362 (“LIUNA Local 362”) shall be entitled to the vacation, holidays, and leaves, if applicable, provided in the Negotiated Contract between LIUNA Local 362 and the Board. In addition, all represented educational support personnel shall be entitled to the holidays and, if eligible, the leaves listed below under the heading “All Educational Support Personnel”.

Unrepresented Non-Administrative Educational Support Personnel

Personal Leave

Full-time non-administrative educational support personnel shall be granted two (2) paid personal leave days per school year to be used at the convenience of the employee. For purposes of determining eligibility for personal leave under this Policy only, food service employees whose work day is six (6) hours or longer shall be considered full-time and a personal leave day shall be equal to their regular work day. Requests to use personal leave must be approved in advance by the administrative supervisor. A request for personal leave may be denied if approval would adversely impact operations or the provision of services due to absence of too many employees. Unused personal leave will be added to an employee’s accumulated personal leave and/or sick leave at the end of each school year. Unrepresented non-administrative educational support employees may not accumulate a total of more than four (4) personal days.

Vacation

Full-time exempt educational office personnel who work at least 240 days per school year shall be granted 15 paid vacation days per school year. Full-time technology employees who work at least 240 days per school year shall be granted 10 paid vacation days per school year. Beginning with their fifth year of consecutive employment, full-time technology employees who work at least 240 days per school year shall be granted 15 paid vacation days per school year. Full-time special warehouse/transportation employees who work at least 260 days per school year shall be granted the following paid vacation days per school year:

After One (1) Full Year of Service	10 vacation days
After Eight (8) Full Years of Service	15 vacation days
After Twenty (20) Full Years of Service	20 vacation days

Requests to use vacation days must be approved in advance by the employee’s administrative supervisor. Vacation days cannot be accumulated and must be used prior to July 31st following the

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school year in which they are accrued. The employee and administrative supervisor must work together to ensure that vacation time is taken at a mutually agreeable time.

Maternity Leave

The Board may grant an unrepresented educational support employee a maternity leave without pay for a specified period of time with a 1-year maximum.

All benefits available to an employee shall be suspended during a maternity leave unless otherwise allowed according to provisions set forth in the Family and Medical Leave Act of 1993, and the employee shall not advance on a salary schedule or receive a salary increase for the year in which the leave is taken. The employee may maintain membership in the group health insurance program during the leave by remitting in advance payments of all premiums due. These payments shall be made to the District Office.

An employee who is granted a maternity leave of absence shall be required to notify the secretary of the Board in writing stating whether or not said employee requests to return to his or her position. For an employee on a leave during the second semester, the request to return must be received by the secretary of the Board on or before March 1. Failure of the employee to make proper notification by March 1 will terminate that person's further employment in the District.

At the expiration of the leave period, the employee will return to the same position as that which was held prior to the leave of absence.

Administrative Educational Support Personnel

Personal Leave

All administrative educational support personnel are granted two (2) days annually for personal leave. Personal leave may be taken in full or half-day increments. Unused personal days may accumulate up to a total of four (4) personal days. Any additional unused personal days will not roll over into sick or vacation days.

Permission Absence

"Permission absence" is a term denoting an excused absence from job duties with pay. It is not a right, but a privilege. Administrative educational support employee may request a permission absence be granted by the Superintendent or designee on rare occasions for significant lifetime events or for other reasons. The circumstances may differ with each case and the length of time granted for a permission absence may vary.

Vacation

Full-time administrative educational support personnel who work at least 240 days per school year shall be entitled to 15 paid vacation days per school year. Vacation days cannot be accumulated and must be used prior to July 31st following the school year in which they are accrued.

Professional Leave

Administrative educational support personnel may request paid professional leave days for professional development activities. The employee shall request professional leave in writing at least one (1) week prior to the day of the requested absence. The Superintendent or designee will approve or deny such requests.

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All Unrepresented Educational Support Personnel

In addition to the leaves provided above, all unrepresented educational support personnel shall be entitled to the following leaves:

Sick Leave

Annually, each unrepresented full-time or part-time educational support employee who works at least 600 hours per year shall be granted the following paid sick leave days per school year equal to the hours worked per day:

<u>Position</u>	<u>Work Year</u>	<u>#Paid Sick Leave Days</u>
Admin. Educ. Support Personnel	240 days	15 days/Negotiated
Exempt EOP	250 days	15 days
Food Service	173 days	11 days
Food Service Manager	174 days	11 days
Healthcare Assistant	180 days	12 days
Occupational Therapist	180 days	12 days
Physical Therapist	180 days	12 days
RN	180 days	12 days
Safety Monitor	180 days	12 days
School Community Representative	180 days	12 days
Special Transportation	173 days	11 days
Special Warehouse/Trans.	260 or 261 days	14 days
Technology	240 days	14 days

Unused sick leave days shall accumulate and may be used as needed up to the accumulated amount.

Sick leave is defined as personal illness, mental or behavioral complications, quarantine at home, or 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 immediate family shall include parents, legal guardians, children, spouse, partner in a civil union, brothers, sisters, grandparents, great grandparents, grandchildren, parents-in-law, daughters-in-law, sons-in-law, brothers-in-law, sisters-in-law, grandparents-in-law, great-grandparents-in-law, aunts, uncles, and all step relatives in the aforementioned relationships.

As a condition for paying sick leave after three days absence for personal illness or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the employee 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, 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 as a basis for pay during a leave of less than three days for personal illness, the District shall pay the expenses incurred by the employee in obtaining the required certificate (e.g. if the employee has already seen a medical provider listed above, the Board will not be required to pay for the services provided to the employee solely by requesting a certificate).

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

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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 Superintendent may require medical certification.

For purpose 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, 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.

Medical Leave

Each unrepresented educational support employee shall be granted the following unpaid medical leave annually:

<u>Position</u>	<u>Work Year</u>	<u>#Unpaid Medical Leave Days</u>	<u>Cap on Medical Leave Days</u>
Admin. Educ. Support Personnel	240 days	13 days	156 days
Exempt EOP	250 days	13 days	156 days
Food Service	173 days	10 days	120 days
Food Service Manager	174 days	10 days	120 days
Healthcare Assistant	180 days	10 days	120 days
Occupational Therapist	180 days	10 days	120 days
Physical Therapist	180 days	10 days	120 days
RN	180 days	10 days	120 days
Safety Monitor	180 days	10 days	120 days
School Community Representative	180 days	10 days	120 days
Special Transportation	173 days	10 days	120 days
Special Warehouse/Trans.	260 or 261 days	13 days	156 days
Technology	240 days	13 days	156 days

Unused days of medical leave shall accumulate up to the maximum listed in the table above, usable in any one year.

Medical leave may only be used for personal illness and only after accumulated sick leave has been exhausted.

As proof of illness or fitness to resume duties after any absence, the Board may require a certificate from a physician licensed in Illinois to practice medicine and surgery in all its branches.

Use of allotted medical leave days in any one contract year will not affect the vacation days to which the employee would otherwise be entitled.

During a leave for personal illness in any employee's contract year, the medical leave days the employee would otherwise be entitled to for that year will not be affected.

During that period of time an employee is utilizing medical leave benefits, the Board will maintain the health insurance coverage for the employee, if allowable by the insurer.

Leave for Personal Illness

The decision to grant an unpaid leave for personal illness for any length of time shall only be made by the Board.

Leave for personal illness may only be used at such time as accumulated sick leave and accumulated medical leave has been exhausted.

Requests for leave for personal illness should be made of the Board prior to such time as accumulated medical leave has expired and the request should be accompanied by a doctor's certificate as proof of disability.

When granted a personal illness leave, the Board will maintain the health insurance coverage for said employee through the month following the date of the beginning of such leave and/or according to provisions set forth in the Family and Medical Leave Act of 1993. The employee can continue coverage by remitting the insurance premium on a monthly basis; however, the last day of coverage will not be extended beyond the last day the employee is considered employed by the District unless the employee is eligible for coverage as a retiree.

Leave for personal illness is terminated on the last day of an employee's contract year.

Paid Bereavement Leave

A bereavement leave shall be granted to allow an unrepresented educational support employee to be absent for up to three days with pay to attend to funeral matters of the immediate family as defined in this policy. These days will not be charged against the employee's sick leave allotment. In addition, employees may use paid sick leave for death in the immediate family or household.

Family 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 family bereavement leave. The purpose, requirements, scheduling, and all other terms of the leave are governed by the Family Bereavement Leave Act. Eligible employees may use family bereavement leave, without any adverse employment action, for: (1) attendance by the bereaved employee at the funeral or alternative to a funeral of a covered family member, which includes an employee's child, stepchild, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, (2) making arrangements necessitated by the death of the employee's covered family member, or (3) grieving the death of the covered family member, or (4) absence from work due to a Significant Event, which includes: (i) miscarriage, (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party, (iv) a failed surrogacy agreement, (v) a diagnosis that negatively impacts pregnancy or fertility, or (vi) a still birth. An employee qualifying for leave due to a Significant Event will not be required to identify which specific reason applies to the employee's request.

The family bereavement leave must be completed within 60 days after the date on which the employee received notice of the death of the covered family member or the date on which an event under item (4) above occurs. However, in the event of the death of more than one covered family member 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 Family Bereavement Leave

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Act. This policy does not create any right for an employee to take family bereavement leave that is inconsistent with the Family Bereavement Leave Act

Child Extended Bereavement Leave

Unpaid leave from work is available to employees who experience the loss of a child by suicide or homicide. The Child Extended Bereavement Leave Act governs the duration, scheduling, continuity of benefits, and all other terms of the leave. Accordingly, since the District employs 250 or more employees on a full-time basis, an employee is entitled to a total of 12 weeks of unpaid leave within one year after the employee notifies the District of the loss. An employee may elect to substitute other forms of leave to which the employee is entitled for the leave provided under the Child Extended Bereavement Leave Act.

Emergency Leave

Unrepresented educational support employees may request up to fifteen (15) days of paid emergency leave to accommodate extreme situations when other paid leaves do not apply and all other paid leaves have been exhausted. A member must give a reason for the request, and such leave will be approved or denied by the Superintendent or designee.

Family Hardship Leave

The Board may grant an unrepresented educational support employee a family hardship leave of absence without pay for a specified period of time with a one-year maximum for non-administrative employees and up to six months for administrative employees. In no instance shall this leave be granted unless the Board determines that a suitable replacement can be hired.

1. An employee shall not be eligible for sick leave pay during the period of a family hardship leave, nor will an employee be eligible for hardship leave if the employee has applied for or used sick leave, medical leave and/or personal illness leave in reference to the reason that hardship leave is being requested.
2. All benefits available to an employee shall be suspended during a family hardship leave. The employee may maintain membership in the group health insurance program during the leave, according to provisions of the Family and Medical Leave Act of 1993. The employee may maintain the group health insurance after the benefit from FMLA has expired by remitting the advance payments to all premiums due. These payments shall be made to the District Office.
3. An employee granted a family hardship leave shall be required to notify the secretary of the Board in writing stating whether or not said employee requests to return to his/her position. For employees on a leave during the second semester, the request to return must be received by the secretary of the Board on or before March 1. Failure of the employee to make proper notification by March 1 will terminate that person's further employment in the District.
4. An employee on leave for a full school year shall not advance on a salary schedule or receive a salary increase for the year in which the leave is taken.

At the expiration of the leave period, the employee will return to the same position held prior to the leave of absence.

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All Educational Support Personnel

Holidays

Except as provided in Board Policy 6.20, all educational support personnel, whether represented or unrepresented, will not be required to work on the legal school holidays listed in Board Policy 6.20 School Year Calendar and Day.

A legal school holiday on which an employee is not required to work will not cause a deduction from an employee's time or compensation nor entitle an employee to compensation where not otherwise contractual. The District may require educational support personnel to work on a non-waived holiday during an emergency or for the continued operation and maintenance of facilities or property.

Leaves

In addition to the leaves provided above, all educational support personnel, whether represented or unrepresented, shall be entitled to the following leaves:

Family and Medical Leave

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act as provided in Board policy 5.185, *Family and Medical Leave*.

Military Leave

The District will comply with the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), the Illinois Service Member Employment and Reemployment Rights Act ("ISERRA"), 330 ILCS 61/1-1 et seq., and Section 10-20.7b of the Illinois School Code (105 ILCS 5/10-20.7b), as amended from time to time.

An educational support employee who is a "service member" as defined in ISERRA, is entitled to military leave while performing "active service".

During such leaves, the employee's seniority and other benefits shall continue to accrue. An employee who is absent on military leave shall, minimally, for the period of military leave, be credited with the average of the performance ratings or evaluations received for the three years immediately before the absence for military leave. Additionally, the rating shall not be less than the rating that ~~he or she~~ the employee received for the rated period immediately prior to his or her absence on military leave.

During periods of military leave for annual training, the employee shall continue to receive full compensation (i.e. concurrent compensation) for up to 30 days per calendar year.

During periods of military leave for active service, the employee shall receive differential compensation subject to the following:

1. Differential compensation for voluntary active service is limited to 60 work days in a calendar year.
2. Differential compensation shall not be paid for active service without pay.

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Employees who have exhausted concurrent compensation for annual training in a calendar year shall receive differential compensation when authorized in the same calendar year.

School Visitation Leave

An eligible educational support employee is entitled to eight hours during any school year, no more than four hours of which may be taken on any given day, to attend school conferences, behavioral meetings, or academic meetings related to the employee's child, if the conference or meeting cannot be scheduled during non-work hours. Educational support employees must first use all accrued vacation leave, personal leave, and any other leave that may be granted to the employee, except sick and disability leave.

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

Leave to Serve as an Election Judge

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

General Assembly Leave

Educational support personnel shall receive leave for service in the General Assembly on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*.

Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence

An unpaid leave from work is available to any employee who: (1) is a victim of domestic violence, sexual violence, gender violence, or other crime of violence, or (2) has a family or household member who is a victim of such violence whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, gender violence, or other crime of violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance, and to grieve and attend to matters necessitated by the death of a family or household member who is killed in a crime of violence, without suffering adverse employment action.

The Victims' Economic Security and Safety Act (VESSA) governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, since the District employs at least 50 employees, and subject to any exceptions in VESSA, 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.).

Leave Without Pay

The Board recognizes that a leave without pay is sometimes necessary due to circumstances beyond an individual's control. Therefore, a building administrator or District Office administrator may grant an unpaid absence from work when the request does not fall under any other leave

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policy. A leave without pay shall not be granted for vacation. Personnel assigned to a specific building or homebased at a specific building shall submit their request to the building administrator. Other personnel shall submit their request to the District Office administrator responsible for their performance.

Unless circumstances warrant, leave without pay shall not be granted immediately prior to or immediately following holidays or vacations.

An employee granted a leave without pay shall have his or her pay reduced at a per diem rate based on the number of days paid in the current contract year.

COVID-19 Paid Administrative Leave

When applicable, paid administrative leave related to COVID-19 will be granted to eligible employees in accordance with State law.

Injury During Performance of Duties

Any employee injured during the performance of duties shall be entitled to a maximum of three consecutive days absence with pay provided a licensed physician certifies that the employee is unable to perform the duties of the position. If after three days the employee is still unable to perform the duties of the position, accumulated sick leave may then be used. A licensed physician must certify at the end of each pay period that the employee is unable to perform the duties of the position. The employee, in addition, shall be entitled to benefits pursuant to the Worker's Compensation Act but in no event shall the employee receive more than a regular day's pay. Sick leave pay shall be utilized, if needed, to supplement worker's compensation benefits so as to ensure a regular day's pay.

LEGAL REF.: 105 ILCS 5/10-20.7b, 5/10-20.83, 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/, 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)

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