

General Personnel

5:180 Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being **condition** that renders an employee physically or mentally unable to perform assigned duties **and this is not permanent as provided below**. During such a period, the employee **will use can use** accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will **reduce the wages or salary paid to the employee** be deducted from the District's compensation liability to the employee. The Board of Education's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of his or her gross salary.

Those insurance plans privately purchased by the employee and to which the District does not contribute, are not applicable to this policy.

If illness, incapacity, or any other **health related** condition causes a **an employee**, teacher or other licensed employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days **in any 120 work day period**, such absence may be considered a permanent disability and the Board may begin dismissal proceedings subject to State and federal law, including the Americans with Disabilities Act. The Superintendent may recommend this paragraph's use when circumstances strongly suggest that the teacher or other licensed employee returned to work intermittently in order to avoid this paragraph's application. This paragraph shall not be considered a limitation on the Board's authority to take any action concerning an employee that is authorized by State and federal law.

The Board may also dismiss or initiate dismissal proceedings if an employee is found to be permanently physically or mentally incapacitated from performing his/her essential job functions by a duly licensed physician or mental health professional selected or relied upon by the District.

Any employee may be required to have an examination, at the District's expense, by a **duly licensed** physician who is licensed in Illinois to practice medicine and surgery in all its branches, an **licensed advanced practice registered nurse** who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a **licensed** physician assistant who has been delegated the authority by his or her supervisor to perform health examinations if the examination is job-related and consistent with business necessity.

LEGAL REF.: - - - -

Americans with Disabilities Act, [42 U.S.C. §12102](#).

[105 ILCS 5/10-22.4](#), [5/24-12](#), and [5/24-13](#).

Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).

School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: January 28, 2019

Bloomington SD 13