

## Document Status: Draft Update

### General Personnel

#### 5:180 Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will 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 condition causes an employee to be absent in one school year, after exhaustion of all available leave, for more than 90 consecutive work days, 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 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.

Any employee may be required to have an examination, at the District's expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, a licensed advanced practice registered **PRESSPlus1** 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. §12101 ~~et seq.~~ **2**, Americans with Disabilities Act.

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)~~ 60 Ill.App.2d 56 (1st Dist. 1965).

School District No. 151 v. ISBE, ~~507 N.E.2d 134 (Ill.App.1, 1987)~~ 154 Ill.App.3d 375 (1st Dist. 1987).

CROSS REF.: 5:30 (Hiring Process and Criteria), **5:40 (Communicable and Chronic Infectious Disease)**, 5:185 (Family and Medical Leave), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

~~ADOPTED: April 22, 2019~~

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#### **PRESSPlus Comments**

PRESSPlus 1. Updated in response to 105 ILCS 5/24-5, amended by P.A.s 99-173 and 100-513. **Issue 101, June 2019**