

HLERK REVISIONS 9/29/2014 DOC# 281457 V. 2

## **Educational Support Personnel**

### **Employment At-Will, Compensation, and Assignment**

#### Employment At-Will

Unless otherwise specifically provided in a written contract, District employment is at-will, meaning that employment may be terminated by the District or employee at any time for any reason, other than a reason prohibited by law, or no reason at all, and subject to the requirements of State and federal law. Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

#### Compensation and Assignment

The Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. Pay increases, if any, shall be effective July 1. An employee covered by the overtime provisions in State or federal law, shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are paid biweekly. The Superintendent is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.

Cook v. Eldorado Community Unit School District, No. 03-MR-32 (Ill.App.5, 2004).

Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill.App.1, 1985), *aff'd in part and remanded*, 505 N.E.2d 314 (Ill. 1987).

Kaiser v. Dixon, 468 N.E. 2d 822 (Ill.App.2, 1984).

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment) 5:35 (Compliance with the Fair Labor Standards Act), 5:290 (Educational Support Personnel - Employment Termination and Suspensions), 5:310 (Educational Support Personnel - Compensatory Time-Off)

ADOPTED:

## **Educational Support Personnel**

### **Duties and Qualifications**

All support staff: (1) must meet qualifications specified in job descriptions, (2) must be able to perform the essential tasks listed and/or assigned, and (3) are subject to School Board policies as they may be changed from time-to-time at the Board's sole discretion.

### **Paraprofessionals and Teacher Aides**

Paraprofessionals and teacher aides are noncertificated personnel with supervised instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires an educator license with stipulations endorsed for a paraprofessional educator unless a specific exemption is authorized by the Illinois State Board of Education (ISBE).

A paraprofessional or teacher aide in a targeted assistance program that is paid with federal funds under Title I, Part A, or in a school-wide program that is supported with such funds, shall hold a "statement of approval," issued by the ISBE, for this purpose.

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not paraprofessionals or teacher aides and the requirements in this section do not apply. In addition, individuals who are completing their clinical experiences and/or student teaching do not need to comply with this section, provided they otherwise qualify for instructional duties under ISBE rules.

### **Noncertificated Personnel Working with Students and Performing Non-Instructional Duties**

Noncertificated personnel performing non-instructional duties may be used:

1. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media, e.g., computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities;
2. As supervisors, chaperones, or sponsors for non-academic school activities; or
3. For non-teaching duties not requiring instructional judgment or student evaluation.

Nothing in this policy prevents a noncertificated person from serving as a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval.

### **Coaches and Athletic Trainers**

Athletic coaches and trainers shall have the qualifications required by any association in which the School District maintains a membership. Regardless of whether the athletic activity is governed by an association, the Superintendent or designee shall ensure that each athletic coach: (1) is knowledgeable regarding coaching principles, (2) has first aid training, and (3) is a trained Automatic External Defibrillator user according to rules adopted by the Illinois Department of Public Health. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act, be an athletic trainer aide performing care activities under the on-site supervision of a licensed athletic trainer, or otherwise be qualified to perform athletic trainer activities under State law.

### **Bus Drivers**

All school bus drivers must have a valid school bus driver permit. The Superintendent or designee shall inform the Illinois Secretary of State, within 30 days of being informed by a school bus driver, that the bus driver permit holder has been called to active duty. New bus drivers and bus drivers who are returning from a lapse in their employment are subject to the requirements contained in Board policy 5:30, *Hiring Process and Criteria* and Board policy 5:285, *Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers*.

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).  
34 C.F.R. §§200.58 and 200.59.  
105 ILCS 5/10-22.34, 5/10-22.34a, and 5/10-22.34b.  
625 ILCS 5/6-104 and 5/6-106.1.  
23 Ill.Admin.Code §§25.510, 25.520.

CROSS REF.: 4:110 (Transportation), 4:170 (Safety), 5:30 (Hiring Process and Criteria), 5:35  
(Compliance with the Fair Labor Standards Act), 5:285 (Drug and Alcohol Testing for  
School Bus and Commercial Vehicle Drivers), 6:250 (Community Resource Persons and  
Volunteers)

ADOPTED: February 28, 2013

## **Educational Support Personnel**

### **Employment Termination and Suspensions**

#### **Resignation and Retirement**

An employee is requested to provide 2 weeks’ notice of a resignation. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

The Superintendent is responsible for making dismissal recommendations to the School Board consistent with the Board’s goal of having a highly qualified, high performing staff.

#### **Reduction in Force and Recall**

In its sole discretion, the Board decides to decrease the number of educational support personnel or to discontinue some particular type of educational support service (i.e., “reduction-in-force”). Any employee who is removed or dismissed or whose hours are reduced as a result of reduction-in-force shall be given written notice by certified mail, return receipt requested, at least 30 days before the end of the school term. The notice shall include a statement of honorable dismissal and the reason for the reduction-in-force, if applicable. However, if an employee’s hours are reduced because of an unforeseen reduction in the student population, that employee shall be given written notice at least 5 days before the hours are reduced.

Educational support personnel employees who are affected by a reduction-in-force shall be dismissed in order of seniority within their respective category of position. Educational support personnel employees shall be ranked by their seniority within the following categories of positions (if not certified):

District Administrator for Business/Human Resources

Director of Buildings and Grounds

Head Custodians

Custodians

Maintenance/Grounds

Director of Transportation

Mechanic

Bus Drivers

Director of Food Service

Head Cooks

Cafeteria Workers

Director of Health Services

RN Nurses

Director of Technology

Technology Technicians

Central Office Executive Secretary

Bookkeeper

Payroll

Human Resource

Building Executive Secretary

Secretary

Teacher Aides

Individual Student Aides

Library Aides

Bilingual Aides

Seniority shall be based on an employee's years of continuous service in the District. There shall be one seniority list for full-time employees and one for part-time employees in each of the above categories.

Full-time employees who have been honorably dismissed shall have recall rights to any full-time vacancy, for which they are legally qualified to hold, which occurs for the following school term or within one calendar year from the beginning of the school term following the reduction-in-force. During this recall period, full-time employees shall be tendered in reverse order of seniority any vacancy occurring within the specific category of position from which they have been removed or dismissed or any other category, so far as the employee is legally qualified to hold such vacant position.

Part-time employees who have been honorably dismissed shall have recall rights to any part-time vacancy, for which they are legally qualified to hold, which occurs for the following school term or within one calendar year from the beginning of the school term following the reduction-in-force. During this recall period, part-time employees shall be tendered in reverse order of seniority any vacancy occurring within the specific category of position from which they have been removed or dismissed or any other category, so far as the employee is legally qualified to hold such vacant position.

Any educational support personnel employee honorably dismissed as a result of reduction-in-force shall be paid all earned compensation on the next period cycle after dismissal.

The Superintendent or designee shall be authorized to promulgate rules and regulations to implement this policy.

#### Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the next regular pay date following the last day of employment.

#### Suspension

Except as provided below, the Superintendent or designee is authorized to suspend an employee without pay as a disciplinary measure. A suspension as a disciplinary measure shall be subject to notice and a hearing in accordance with the suspension policy for professional employees. A Superintendent or designee is authorized to suspend with pay during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Superintendent's judgment, the employee's presence is detrimental to the District.

LEGAL REF.: 5 ILCS 430 et seq.  
105 ILCS 5/10-22.34c and 5/10-23.5.  
820 ILCS 105/4a.

CROSS REF.: 5:240 (Professional Personnel - Suspension), 5:270 (Educational Support Personnel - Employment At-Will, Compensation, and Assignment)

ADOPTED:

## **Educational Support Personnel**

### **Compensatory Time-Off**

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. Other than as provided below, at no time may an employee's accumulated compensatory time-off exceed 240 hours, which represents compensation for 160 hours of overtime. An employee whose work regularly includes public safety, emergency response, or seasonal activities may accumulate a maximum of 480 hours of compensatory time, which represents compensation for 320 hours of overtime. If an employee accrues the maximum number of compensatory time-off hours, the employee: (1) is paid for any additional overtime hours worked, at the rate of one and one-half times the employee's regular hourly rate of pay, and (2) does not accumulate compensatory time-off until the employee uses an equal amount of accrued time-off.

An employee who has accrued compensatory time-off shall be permitted to use such time in at least one-hour increments provided such requests do not unduly disrupt the District's operations. The employee's supervisor must approve a request to use compensatory time-off.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

### **Implementation**

The Superintendent or designee shall implement this policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. §201 et seq.; 29 C.F.R. Part 553.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

ADOPTED:

## **Educational Support Personnel**

### **Evaluation**

The Superintendent is responsible for designing and implementing a program for evaluating the job performance of each educational support staff member according to standards contained in School Board policies as well as in compliance with State law.

The standards for the evaluation program shall include, but not be limited to:

1. Each employee shall be evaluated annually, preferably before the annual salary review.
2. The direct supervisor shall perform the evaluation.
3. The employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperation shall be considered.
4. The employee shall receive a copy of the annual evaluation.
5. All evaluations shall comply with State and federal law and any applicable collective bargaining agreement.

CROSS REF.: 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:150 (Personnel Records)

ADOPTED:

## Educational Support Personnel

### Salary Payment, Sick Days, Vacation, Holidays, and Leaves and Insurance

- A. **Medical Examination:** All newly-hired ESP employees employed by the Board of Education will be required to provide evidence to the Board of a physical examination and freedom from communicable disease in accordance with Section 24-5 of the Illinois *School Code* and must have testing no more than 90 days before presentation to the Board. The total cost of the required physical examination will be paid by the District if performed at a clinic or other medical facility selected by the District. If the clinic or other medical facility is not selected by the District, the District shall pay for the exam to be performed at such other facility up to the amount it would have paid if performed at the District's facility.
- B. **Sick Leave:** All ESP employees are eligible for 1 employee day sick leave for each month of employment per year (minimum 10, maximum 12) cumulative to 220 days. Employees with the 220 maximum days of accumulated sick leave will also be entitled to the annual 10 or 12 days sick leave for the current school year. A medical doctor certificate may be required from the employee by the Principal following any length of illness. After all paid sick leave options are exhausted; the pay deduction will be governed by the daily rate of pay. Sick leave shall be interpreted to mean personal illness, quarantine at home, or serious illness or death in the immediate family or household or birth, adoption or placement for adoption. Additional criteria for use of paid sick leave for birth, adoption and placement for adoption may be imposed by the Board in accordance with Section 24-6 of the Illinois *School Code*. The term "immediate family" shall include: spouse, parents, children, brothers, sisters, grandparents, grandchildren parents-in-law, legal guardians, and brothers/sisters-in law.
- C. **Payment of Salary:** As of the commencement of the 2008-2009 school year, ESP student attendance day employees shall be paid per hours worked on any given 2 week time period at the next scheduled pay day. ESP student attendance day employees will no longer be given the option of receiving their salary distributed evenly over 26 pay periods, and any election to do so from any prior school year has been canceled by the District prior to the first paid day of the 2008-2009 school year."
- D. **Illinois Municipal Retirement Fund:** All ESP employees working 600 hours or more annually are eligible for IMRF benefits. For information regarding referral forms, temporary disability, rate of contribution, and all other benefits, ESP employees should see the latest bulletin or inquire at the District business office and a bulletin will be provided for your study.
- E. **Liability Insurance:** The School District carries liability insurance protecting all employees against financial loss and expenses in case of alleged negligence or alleged wrongful act resulting in death, injury, or damage to or destruction of property while acting within the scope of school responsibilities under the direction of the School Board.
- F. **Worker's Compensation:** The School District carries Worker's Compensation Insurance for all employees. If an employee has an accident while at work or if it is proven that an illness has been contracted as a result of conditions at the place of employment, the employee is entitled to benefits under this coverage. Additional information may be obtained at the District business office.
- G. **Vacation:** The District grants its Full-time, 12 month ESP employees vacation benefits. An employee must be employed from July 1 to June 30 (i.e., the full school year) of the preceding year to be eligible for the full vacation benefit. Vacation days are not granted in the first year of employment until the July 1 following the date of hire. Upon completion of one (1) full school year (July 1-June 30), on July 1 following such completion, the employee shall be granted ten (10) working days for use through the following June 30. Such number of days shall be granted each July 1 thereafter through completion of the employee's ninth (9<sup>th</sup>) full school year. Upon completion of ten (10) full school years of employment in



the District, on July 1 and each July 1, thereafter, the employee shall be granted fifteen (15) working days for use through the following June 30. For the first year of hire only, if the employee is hired after July 1, a vacation benefit of ten (10) days will be granted the following July 1, but shall be pro-rated down based on the number of weeks the new employee actually worked in the District during that first school year.

The following general procedures are effective for all use of vacation days:

- Use of vacation days must be pre-approved by the employee's supervisor.
- Vacation days may only be used on the employee's scheduled work days.
- Vacation days shall accrue only when an employee is on the job. Vacation days shall not accrue when an employee qualifies for benefits under Worker's Compensation, IMRF Disability or is on non-FMLA unpaid leave.
- Vacation days must be used in the school year granted or shall be lost. They cannot accumulate or carry over from one school year to the next.
- The District reserves the right to establish days of the year during which vacation leave may not be scheduled. Determination of such dates shall be made by each District Department.

Notwithstanding anything to the contrary mentioned above, 9-month Executive Secretaries hired by the District prior to 1/10/1989 and 10-month Executive Secretaries hired by the District prior to 8/23/1995 receive ten (10) days paid vacation each school year. All other rules and restrictions regarding use and accumulation provided for in this vacation section specified above also apply to these individuals.

**H. Medical, Dental, and Life Insurance:** Employees will be eligible for participation in the district group Medical, Dental, and Life benefits based upon the number of hours they regularly work. Employees who regularly work at least 1,000 hours per year (28 hours/week) will be eligible to participate in the District's Medical, Dental and Life Insurance plans in accordance with those actual insurance contracts/policies. Where the district makes a premium contribution on behalf of such employees for Medical and Dental insurance coverage, any eligible employee regularly working less than 2,000 hours/year shall receive a pro-rata contribution for such benefits based on a 2,000 hour work year, if elected and enrolled. The district does not pro-rate its share of Life Insurance; all eligible and enrolled employees receive the same Board contribution to such premiums.

Notwithstanding the above, bus drivers hired prior to 10/16/1990 will have 100% of their single employee insurance premiums paid, regardless of hours worked. All other rules and restrictions provided for in this insurance section specified above continue to apply to these individuals.

**I. Paid Holidays:** (Full-time, 12 mo. employees ONLY) Holidays will be paid if:

- The employee is employed during the holiday period.
- The employee works on the last regular work day prior to the holiday period AND the first work day following a holiday period. (Exceptions for emergency shall be arranged IN ADVANCE with the building principal and approved by the superintendent.) Paid Holidays include:
  - New Year's Day, M. L. King's Birthday, Lincoln's Birthday, C. Pulaski Day, Good Friday, Memorial Day, July 4th, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day. (12 days)
- Fourth of July ONLY. When this date falls on a Saturday or Sunday, it will be celebrated on the Friday before or the Monday after, whichever is closest.

- Floating Holiday: If any of the holidays listed above fall on student attendance days, that holiday or holidays may be used as a "floating holiday". The "floating holiday" is restricted to use on a non-student attendance day (non-school day) and must have the pre-approval of a supervisor.
- Notwithstanding anything to the contrary mentioned above, 9-month Executive Secretaries hired by the District prior to 1/10/1989 and 10-month Executive Secretaries hired by the District prior to 8/23/1995 receive twelve (12) paid holidays each year, and Aides hired prior to 9/1/1991 receive paid holidays through the regular school year. All other rules and restrictions provided for in this holiday section specified above continue to apply to these individuals.

**J. Personal Leave Days:** (ALL Full-time, 1,000 or more hrs. per year, ESP employees) Each employee is entitled to two (2) employee personal leave days per year without loss of pay for matters which cannot be handled during non-school days or hours. Written notification of such leave shall be made to the building principal at least 24 hours prior to the planned personal leave day. The first and last three (3) school days and the day immediately preceding and following a legal holiday, vacation or school recess shall not be normally available for personal leave. Personal leave days not taken by June 30th are NOT cumulative and cannot be carried over to future years.

Notwithstanding the above, bus drivers hired prior to 10/8/1997, will receive two (2) personal days each school year, regardless of hours worked. All other rules and restrictions provided for in this personal leave section specified above continue to apply to these individuals.

**K. Total Attendance Incentive**

All ESP employees covered by this Policy, except those who work a variable schedule, are eligible for the Attendance Incentive. Any payment due as determined by the following scale will be made in July.

**#Absences in Contract Year	9 and 10 Month ESP	12 Month ESP
0	4 days at Employee's regular rate	5 days at Employee's regular rate
.5 - 2	2 days at Employee's regular rate	3 days at Employee's regular rate
2.5 - 4	1 days at Employee's regular rate	2 days at Employee's regular rate

\*\* Includes all absences (illnesses, doctor/dentist appointments, family illness, unpaid leave,)

NOT INCLUDED are paid vacation days, personal leave days, comp. time and/or school related absences where applicable.

Leave to Serve as a Trustee of the IllinoisMunicipalRetirementFund

Upon request, the Board will grant 20 days of paid leave of absence per year to a trustee of the Illinois Municipal Retirement Fund in accordance with 105 ILCS 5/24-6.3.

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 180/1 et seq.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity),  
5:185 (Family and Medical Leave),  
5:250 (Professional Personnel- Leaves of Absence)

ADOPTED:

5:330



CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave),  
5:250 (Professional Personnel- Leaves of Absence)

ADOPTED: December 16, 2010