

## *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 [PRESSPlus1](#)

**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, mental or behavioral complications, [PRESSPlus2](#) quarantine at home, 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 Superintendent and/or designee shall monitor the use of sick leave.

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 staff member 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 who has been delegated the authority to perform health examinations by his or her supervising physician, 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 during a leave of less than three days for personal illness, the District shall pay the expenses incurred by the employee.

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 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 the Superintendent may require medical certification.

For purposes 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, unless a longer leave is provided in an applicable collective bargaining agreement, 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.

Vacation

The Board believes that employees are granted vacation time for the purpose of enhancing the physical and mental health necessary to be fully productive and happy employees. As such, the Board encourages employees that earn vacation days to utilize those days in furtherance of a healthy life-work balance.

Twelve-month educational support professionals and other twelve month employees who are not members of the bargaining unit and not under a written employment contract shall be entitled to paid vacation as follows:

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

Although all days are available "up front" for use by the employees referenced above, the vacation days will be prorated in case of early separation from employment with the District.

From the date of eligibility for vacation days, such vacation days will be earned under the following formula:

- a) From the date of employment, vacation days are earned at a rate of 0.87 days per month to a total of 10 days per year.
- b) After four full years of service, vacation days are earned at a rate of 1.25 days per month to a total of 15 days per year.
- c) After nine full years of service, vacation days are earned at a rate of 1.67 days per month to a total of 20 days per year.

Educational support professionals may carry over up to ten (10) earned but 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 vacation time earned but unused vacation days upon termination of service to the district. The compensation will be at the salary rate prevailing at termination.

Holidays

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 legal school 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	Veterans Day
Casimir Pulaski's Birthday	2022 Election Day
Memorial Day	Thanksgiving Day
Juneteenth National Freedom 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 Ill. Municipal Retirement Fund

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

Parental Leave

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

Leave for Service in the Military

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

Association Leave

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

Extended Leaves

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

Unpaid Leaves

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

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. Leave for Service in the General Assembly
2. School Visitation Leave
3. Leave for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of

Violence

4. FamilyChild Bereavement Leave. [PRESSPlus3](#)
5. Leave to serve as an election judge.
6. COVID-19 Paid Administrative Leave. [PRESSPlus4](#)

LEGAL REF.:

105 ILCS 5/10-20.7b, 5/10-20.83 (final citation pending), 5/24-2, ~~and 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/, 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: February 9, 2022

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## **PRESSPlus Comments**

PRESSPlus 1. 105 ILCS 5/24-6, amended by P.A. 102-697, requires districts to return sick leave used by a fully vaccinated teacher for a qualifying COVID-19 related reason during the 2021-2022 school year, provided the teacher was "fully vaccinated against COVID-19" by 5-10-22. The law prohibits districts from rescinding the returned sick leave in the event the definition of "fully vaccinated against COVID-19" is later updated by the Centers for Disease Control and Prevention (CDC) or the Ill. Dept. of Public Health (IDPH) to include recommended booster doses. **Issue 110, October 2022**

PRESSPlus 2. Updated in response to 105 ILCS 5/24-6, amended by P.A. 102-866. **Issue 110, October 2022**

PRESSPlus 3. Updated in response to the FamilyChild Bereavement Act, 820 ILCS 154/, amended by P.A. 102-1050, eff. 1-1-23. **Issue 110, October 2022**

PRESSPlus 4. Required by 105 ILCS 5/10-20.83 (final citation pending), added by P.A. 102-697. **Issue 110, October 2022**