

**ROBINSON COMMUNITY UNIT SCHOOL DISTRICT NO. 2**  
**BOARD OF EDUCATION POLICY MANUAL**  
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## General Personnel

### Equal Employment Opportunity and Minority Recruitment

The School District shall provide equal employment opportunities to all persons regardless of their race, color, religion, creed, national origin, sex, sexual orientation, age, ancestry, marital status, arrest record, military status or unfavorable military discharge, citizenship status provided the individual is authorized to work in the United States, use of lawful products while not at work, being a victim of domestic or sexual violence, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, and other legally protected categories.

Persons who believe they have not received equal employment opportunities should report their claims to the Nondiscrimination Coordinator and/or a Complaint Manager for the Uniform Grievance Procedure. These individuals are listed below. No employee or applicant will be discriminated against or retaliated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws, rules or regulations, provided the employee or applicant did not make a knowingly false accusation nor provide knowingly false information.

#### Administrative Implementation

The Superintendent shall appoint a Nondiscrimination Coordinator for personnel who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

#### *Nondiscrimination Coordinator:*

Name	Troy Hickey, Principal
Address:	Robinson High School/2000 North Cross Street/Robinson, IL 62454 618-544-9510 x112

#### *Complaint Managers:*

Name	Kevin McConnell, Principal	Sue Catt, Principal
Address	Lincoln Grade School	Nuttall Middle School
Telephone No.	618-544-3315	618-544-8618
Name	Jason Stark, Principal	
Address	Washington Elementary School	
Telephone No.	618-544-2233	

The Superintendent shall also use reasonable measures to inform staff members and applicants that the District is an equal opportunity employer, such as by posting required notices and including this policy in the appropriate handbooks.

### Minority Recruitment

The District will attempt to recruit and hire minority employees. The implementation of this policy may include advertising openings in minority publications, participating in minority job fairs, and recruiting at colleges and universities with significant minority enrollments. This policy, however, does not require or permit the District to give preferential treatment or special rights based on a protected status without evidence of past discrimination.

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

Americans with Disabilities Act, Title I, 42 U.S.C. § 12111 et seq.

Civil Rights Act of 1991, 29 USC §§ 621 et seq. 42 USC §1981 et seq §2000e et seq. and §12101 et seq.

Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 USC §2000e et seq. 29 CFR Part 1601

Equal Pay Act, 29 U.S.C. § 206(d).

Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.

Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.

Title IX of the Education Amendments, 20 U.S.C. §1681et seq., 34 CFR Part 106.

Uniformed Services Employ & Reemploy Rights Act (1994) 38 USC §§4301 et seq.

Ill. Constitution, Art. 1, §§ 17, 18, and 19.

105 ILCS 5/10-20.7, 5/10-20.7a, 5/10-21.1, 5/10-22.4, 5/10-23.5, 5/22-19, 5/24-4, 5/24-4.1, and 5/24-7.

Ill. Whistleblower Act 740 ILCS 174 et seq

775 ILCS 5/1-103 and 5/2-102

Religious Freedom Restoration Act, 775 ILCS 35/5

Ill. Equal Pay Act of 2003, 820 ILCS 112/1 et seq

Victims' Economic Security and Safety Act, 820 ILCS 180/30

23 Ill. Admin. Code § 1.230

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20, (Sexual Harassment), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:270 (Employment, A-Will, Compensation, and Assignment) 5:330 (Sick Days, Vacation, Holidays, and Leaves), 7:10 (Equal Educational Opportunities), 7:180 (Preventing Bullying, Intimidation, and Harassment), 8:70 (Accommodating Individuals with Disabilities)

## **General Personnel**

### **Sexual Harassment**

The School District shall provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting sexual harassment as defined and otherwise prohibited by State and federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Aggrieved persons, who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees should report claims of sexual harassment to the Nondiscrimination Coordinator and/or use the *Uniform Grievance Procedure*, Board policy 2:260. Employees may choose to report to a person of the employee's same sex. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments.

There are no express time limits for initiating complaints and grievances under this policy; however, every effort should be made to file such complaints as soon as possible, while facts are known and potential witnesses are available.

### **Whom to Contact with a Report or Complaint**

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

#### *Nondiscrimination Coordinator:*

Name	Troy Hickey, Principal
Address	Robinson High School
Telephone No.	618-544-9510x112

*Complaint Managers:*

Name	Kevin McConnell	Sue Catt
Address	Lincoln Grade School	Nuttall Middle School
Telephone No.	618-544-3315	618-544-8618

*Complaint Managers:*

Name	Jason Stark
Address	Washington Grade School
Telephone No.	618-544-2233

The Superintendent shall also use reasonable measures to inform staff members and applicants of this policy, which shall include reprinting this policy in the appropriate handbooks.

LEGAL REF.: Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq., 29 C.F.R. § 1604.11.  
Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq.  
Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).  
Harris v. Forklift Systems, 114 S.Ct. 367 (1993).  
Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).  
Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).  
Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).  
775 ILCS 5/2-102(D) et seq.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10, 7:20

ADOPTED: January 19, 2010

## **General Personnel**

### **Hiring Process and Criteria**

The District hires the most qualified personnel consistent with budget and staffing requirements and in compliance with School Board policy on equal employment opportunities and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the School Board. No individual will be employed who has been convicted of a criminal offense listed in Section 5/10-21.9© of the School Code.

All applicants must complete a District application in order to be considered for employment.

### **Job Descriptions**

The Superintendent shall develop and maintain a current, comprehensive job description for each position, or job category; however, a provision in a collective bargaining agreement or individual contract will control in the event of a conflict.

### **Investigations**

The Superintendent or designee shall ensure that a fingerprint-based criminal history records check and a check of the Statewide Sex Offender Database and Violent Offender Against Youth Database (when available) is performed on each applicant as required by State law. The Superintendent or designee shall notify an applicant if the applicant is identified in either database. The Board President will keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Teacher Certification Board, or any other person necessary to the hiring decision.

Each newly hired employee must complete an Immigration and Naturalization Service Form as required by federal law.

The District retains the right to discharge any employee whose criminal background investigation reveals a conviction for committing or attempting to commit any of the offenses outlined in § 10-21.9 of The School Code or who falsifies, or omits facts from, his or her employment application or other employment documents.

### **Physical Examinations**

New employees must furnish evidence of physical fitness to perform assigned duties and freedom from communicable disease, including tuberculosis. All physical fitness examinations and tests for tuberculosis must be performed by a physician licensed in Illinois, or any other state, to practice medicine and surgery in any of its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations. The employee must have the physical examination and tuberculin test performed no more than 90 days before submitting evidence of it to the School Board.

Any employee may be required to have an additional examination by a physician who is licensed in Illinois to practice medicine and surgery in all its branches, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, if the examination is job-related and consistent with business necessity. The School Board will pay the expenses of any such examination.

#### Orientation Program

The District's staff will provide an orientation program for new employees to acquaint them with the District's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. § 12112, 29 C.F.R. Part 1630.

Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq. 105 ILCS 5/10-16.7, 5/10-5/10-20.7, 5/10-21.4, 5/10-21.9, 5/10-22.34, 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.

*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).

*Molitor v. Chicago Title & Trust Co.*, 59 N.E.2d 695 (Ill. App.1, 1945)

CROSS REF.: 3:50 (Administrative Personnel Other than the Superintendent), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:40 (Communicable and Chronic Infectious Disease), 5:280 (Educational Support Personnel – Duties and Qualifications)

ADOPTED: January 16, 2007

## **General Personnel**

### **Compliance with the Fair Labor Standards Act**

#### Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State Law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non exempt.” “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by the FLSA minimum wage and overtime provisions.

#### Workweek and Compensation

The workweek for District employees will be 12:00am Saturday until 11:59pm Friday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. “Overtime” is time worked in excess of 40 hours in a single workweek.

#### Overtime:

The School Board discourages overtime work by non-exempt employees. A non-exempt employee shall not work overtime without his or her supervisor’s express approval. All supervisors of non exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee’s written pre-approval of any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Superintendent. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board policy 5:310, *Compensatory Time-Off*.

#### Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. Certificated employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel – Suspension*. Non-certificated employees may be suspended without pay in accordance with Board policy 5:290, *Educational Support Personnel – Employment Termination and Suspensions*.

Implementation

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

ADOPTED: January 19, 2010

LEGAL REF.: 820 ILCS 105/4a

Fair Labor Standards Act, 29 U.S.C. 201 et seq., 29 CFR Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

## **General Personnel**

### **Communicable and Chronic Infectious Disease**

The Superintendent shall develop and implement procedures for dealing with known or suspected cases of a communicable and chronic infectious disease involving a District employee consistent with State and federal law, rules of the Illinois Department of Public Health, and Board of Education policies.

Employees with a communicable or chronic infectious disease will be permitted to retain their positions whenever, after reasonable accommodations and without undue hardship, there is no substantial risk of transmission of the disease to others, provided an employee is able to continue to perform the position's essential functions. Employees who cannot retain their positions shall remain subject to the Board's employment policies including sick leave, physical examinations, temporary and permanent disability, and termination. Determining whether an employee with a communicable or chronic infectious disease may retain his or her position will be made in accordance with established procedures.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. § 791.  
820 ILCS 40/1 et seq.  
20 ILCS 2305/6.  
105 ILCS 5/24-5.  
Rules and Regulations for the Control of Communicable Diseases, issued by the  
Illinois Department of Public Health.

CROSS REF.: 2:150, 5:30, 5:180

ADOPTED: June 21, 1999

## **General Personnel**

### **Drug- and Alcohol-Free Workplace**

All District workplaces are drug- and alcohol-free workplaces. All employees shall be prohibited from:

1. unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District.
2. distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy a controlled substance is one that is:

1. not legally obtainable;
2. being used in a manner different than prescribed;
3. legally obtainable, but has not been legally obtained; or
4. referenced in federal or state controlled substance acts.

As a condition of employment, each employee shall:

1. abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
2. notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will:

1. provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
2. post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. make available materials from local, state, and national anti-drug and alcohol-abuse organizations;
4. enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. establish a drug-free awareness program to inform employees about:
  - a. the dangers of drug abuse in the workplace,
  - b. available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. the penalties that the District may impose upon employees for violations of this policy.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board of Education shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.: Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. § 7101 et seq.  
Controlled Substances Act, 21 U.S.C. § 812; 21 C.F.R. 1308.11 - 1308.15.  
Drug-Free Workplace Act of 1988, 41 U.S.C. § 701 et seq.  
Americans With Disabilities Act, 42 U.S.C. § 12114.  
Drug-Free Workplace Act, 30 ILCS 580/1 et seq.

ADOPTED: April 17, 2000

## **General Personnel**

### **Expenses**

The Board of Education shall reimburse employees for expenses necessary for the performance of their duties that have been approved by the Superintendent. If the anticipated expense amount exceeds budgeted amounts, prior Board approval is required.

Employees must submit to the Superintendent an itemized, signed voucher showing the amount of actual expenses, attaching receipts to the voucher if possible. Expense vouchers shall be presented to the Board of Education in its regular bill process.

Administrative staff shall be reimbursed for out-of-pocket expenses incurred while serving in an official capacity of the District and for expenses while traveling to and from and attending District approved meetings or educational activities. The District shall, upon request, advance a per diem of \$75.00 to administration members when overnight travel is required. For any cash expenditure, a receipt must be attached to the expense form substantiating that expenditure.

LEGAL REF.: 105 ILCS 5/10-22.32.

ADOPTED: July 26, 2004

## **General Personnel**

### **Religious Holidays**

Supervisors shall grant an employee's request for time off to observe a religious holiday if the employee gives at least 5 days prior notice and the absence does not cause an undue hardship.

Employees may use earned vacation time, or personal leave to make up the absence, provided such time is consistent with the District's operational needs. A per diem deduction may also be requested by the employee.

LEGAL REF.: 775 ILCS 5/2-101 and 5/2-102.  
Religious Freedom Restoration Act, 775 ILCS 35/5.

ADOPTED: June 21, 1999

## **General Personnel**

### **Court Duty**

The District will pay full salary during the time an employee is on jury duty or, pursuant to a subpoena, serves as a witness or has a deposition taken in any school-related matter pending in court.

The District will deduct the court duty remuneration, less mileage and meal expenses, from the employee's compensation.

An employee should give at least 5 days' prior notice of pending jury duty to the District.

LEGAL REF.: 105 ILCS 5/10-20.7.

ADOPTED: June 21, 1999

## **General Personnel**

### **Abused and Neglected Child Reporting**

Any District employee who suspects or receives knowledge that a student may be an abused or neglected child shall immediately report such a case to the Illinois Department of Children and Family Services. The employee shall also promptly notify the Superintendent or Building Principal that a report has been made. All District employees shall sign the "Acknowledgement of Mandated Reporter Status form provided by the Illinois Department of Child and Family Services and the Superintendent or designee shall ensure that the signed forms are retained.

Any District employee who discovers child pornography on electronic and information technology equipment shall immediately report it to local law enforcement, the National Center for Missing and Exploited Children's CyberTipline 800/843-5678, or online at [www.cybertipline.com](http://www.cybertipline.com). The Superintendent or Building Principal shall also be promptly notified of the discovery and that a report has been made.

The Superintendent shall execute the requirement in Board policy 5:150, *Personnel Records*, whenever another school district requests a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.

The Superintendent or designee shall provide staff development opportunities for school personnel working with students in grades kindergarten through 8, in the detection, reporting, and prevention of child abuse and neglect.

Each individual School Board member must, if an allegation is raised to the member during an open or closed School Board meeting that a student is an abused child or defined in the Act, direct or cause the School board to direct the Superintendent or other equivalent school administrator to comply with the requirements of the Act concerning the reporting of child abuse.

LEGAL REF.: 325 ILCS 5/1 et seq.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:20 (Sexual Harassment), 5:100 (Staff Development Program), 5:150 (Personnel Records), 7:20 (Harassment of Students Prohibited). 7:150 (Agency and Police Interviews)

ADOPTED:

## **General Personnel**

### **Staff Development Program**

The Superintendent or designee shall implement a staff development program. The goal of such program shall be to update and improve the skills and knowledge of staff members in order to achieve and maintain a high level of job performance and satisfaction. Additionally, the development program for certificated staff members shall be designated to effectuate the District and School Improvement Plan(s) so that student learning objectives meet or exceed goals established by the District and State.

At least once every 2 years, the in-service training of certificated school personnel and administrators shall include training on current best practices regarding the identification and treatment of attention deficit disorder and attention deficit hyperactivity disorder, the application of non-aversive behavioral interventions in the school environment, and the use of psychotropic or psycho-stimulant medication for school age children.

All staff members are encouraged to acquire, develop, and maintain the knowledge and skills necessary to properly administer life-saving techniques and first aid, including the Heimlich maneuver cardiopulmonary resuscitation, and the use of an automatic external defibrillator, in accordance with a nationally recognized certifying organization. The staff development program may include training and services of experts in life-saving techniques to instruct teachers and other school personnel.

LEGAL REF.: 105 ILCS 5/2-3.60, and 110/3.

745 ILCS 49/1 et seq. (Good Samaritan Act).

CROSS REF.: 3:40 (Superintendent), 3:50 (Administrative Personnel Other than the Superintendent), 4:160 (Hazardous and Infectious Materials), 5:90 (General Personnel – Abused and Neglected Child Reporting), 5:250 (Leaves of Absence), 6:15 (School Accountability), 6:20 (School Year Calendar and Day)

ADMIN PROC.: 4:170-AP6 (Plan for Responding to a Medical Emergency at an Indoor Physical Fitness Facility) 5:100-AP (Staff Development Program), 5:150-AP (Personnel Records), 7:250-AP1 (Measures to Control the Spread of Head Lice at School)

## **General Personnel**

### **Recognition For Service**

The Board of Education will periodically recognize those District employees who contribute significantly to the educational programs and welfare of the students.

ADOPTED:            June 21, 1999

## **General Personnel**

### **Ethics**

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional relationships with students, parents, staff members, and others.

The following employees must file a "Statement of Economic Interests" as required by the Illinois Governmental Ethics Act:

1. Superintendent
2. Building Principal
3. Head of any department
4. Any employee responsible for negotiating contracts, including collective bargaining agreement, in the amount of \$1,000 or greater
5. Hearing officer
6. Any employee having supervisory authority for 20 or more employees
7. Any employee in a position that requires an administrative or a chief school business official endorsement

### **Political Activities**

District employees shall not let their political activities interfere with their job responsibilities. Students shall not be used in any manner for promoting a political candidate or issue.

### **Outside Employment and Conflict of Interest**

No District employee shall be directly or indirectly interested in any contract, work, or business of the District, or in the sale of any article by or to the District, except when the employee is the author or developer of instructional materials listed with the State Board of Education and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District.

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

LEGAL REF.: U.S. Constitution, First Amendment.  
5 ILCS 420/4A-101 and 430/  
50 ILCS 135/  
105 ILCS 5/22-5 and 5/24-22.  
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).  
Garcetti v Ceballos, 547 U.S. 410 (2006)

ADOPTED: January 19, 2010

## General Personnel

### Responsibilities Concerning Internal Information

District employees are responsible for maintaining: (1) the integrity and security of all internal information, and (2) the privacy of confidential records, including but not limited to: student school records, personnel records, and the minutes of, and material disclosed in, a closed School Board meeting. Internal information is any information, oral or recorded in electronic or paper format, maintained by the District or used by the District or its employees. The Superintendent or designee shall manager procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

LEGAL REF.: 20 U.S.C. 1232g

45 C.F.R. 164.502

5 ILCS 140/1 et seq

50 ILCS 205/1 et seq

105 ILCS 10/1 et seq

820 ILCS 40/1 et seq

CROSS REF.: 2:140 (Communications To and From the Board), 2:250 (Access to District Public Records), 5:150 (Personnel Records), 7:340 (Student Records)

ADOPTED: October 15, 2007

**Solicitations By or From Staff**

District employees shall not solicit donations or sales, nor shall they be solicited for donations or sales, on school grounds without prior approval from the Superintendent.

ADOPTED:            June 21, 1999

## **General Personnel**

### **Personnel Records**

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and Federal law and School Board policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's direct supervision.

An employee will be given access to his or her personnel records according to the State law and guidelines developed by the Superintendent. No one else may have access to an employee's personnel files and personal information except for: (1) a supervisor or management employee who has an employment or business-related reason to inspect the record, or (2) anyone who has the employee's written consent.

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Superintendent shall execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to DCFS.

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

LEGAL REF.: 745 ILCS 46/10

820 ILCS 40/1 et seq.  
23 Ill. Admin. Code § 1.660.

CROSS REF.: 2:250 (district records), 7:340 (Student Records)

ADOPTED: November 16, 2009

## **General Personnel**

### **Release Of Credit Information**

The School District will only confirm employment when requested for credit information about a District employee.

An employee wanting employment and salary or wage information released must request so in writing and an administrator must sign the released materials.

ADOPTED:            June 21, 1999

## **General Personnel**

### **Copyright For Publication or Sale of Instructional Materials and Computer Programs Developed By Employees**

#### Instructional Materials

All instructional materials developed by an employee within the scope of employment with the District shall be classified "works for hire" and are the District's property. The District is entitled to all proceeds from the sale of "works for hire" other than computer programs.

The employee must provide the District with prior written notification of his or her intention to publish any instructional materials developed within the scope of employment. In no case shall notification be made any later than 20 business days prior to entering into a contract for publication with a publishing firm or with a manufacturer. The District has the exclusive right to register the copyrights for such instructional materials. Unless the employee specifically states in writing to the contrary, the employee warrants that any instructional materials developed and submitted to the District for publication are original.

#### Computer Programs

The employee who develops a computer program is entitled to a share of the proceeds from its sale as agreed to by the District. Neither the employee nor the District may receive more than 90% of the proceeds. The negotiation may be conducted by an employee's representative.

"Proceeds" are the profits after deducting expenses and shall be computed by the District. The proceeds of a computer program developed by more than one employee shall be equitably distributed among such employees, in proportion to their participation in the program's development, and the District.

#### Copyright Compliance

While staff members may use appropriate supplementary materials, it is each staff member's responsibility to abide by the District's copyright compliance procedures and to obey the copyright laws. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. The District is not responsible for any violations of the copyright laws by its staff or students. A staff member should contact the Superintendent, or the person designated as the copyright compliance officer, whenever the staff member is uncertain about whether using or copying material complies with the District's procedures or is permissible under the law, or wants assistance on when and how to obtain proper authorization. At no time shall it be necessary for a District staff member to violate copyright laws in order to properly perform his or her duties.

LEGAL REF.: Federal Copyright Law of 1976, 17 U.S.C. § 101 et seq.  
105 ILCS 5/10-23.10.

CROSS REF.: 6:235 (Access to Electronic Networks)

ADOPTED: June 21, 1999

## **General Personnel**

### **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 their 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 consider beginning 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 return to work intermittently in order to avoid this paragraph's application.

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, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a 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 5/24-13,110-325.  
Elder v. School Dist. No. 127 ½, 208 N.E. 2d423 (Ill. App.1, Dist.,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 19, 2010

## **General Personnel**

### **Family and Medical Leave**

#### Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks each year, beginning September 1 and ending August 31 of the next year.

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined herein) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered servicemember begins.

While FMLA leave is normally unpaid, the District will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave. All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, including summer break, winter break, and spring break, is not counted against the employee's FMLA leave entitlement.

FMLA leave is available in one or more of the following instances:

1. The birth and first-year care of a son or daughter
2. The adoption of foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. A "covered military member" must be either a member of a Reserve component or a retired member of the regular Armed Forces or Reserve. "Qualifying exigencies" exist in the following categories: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation, post-deployment activities, and additional activities as provided in the FMLA regulations.
6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. A "covered servicemember" is a member of

the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

If spouses are employed by the District, they may together take only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above.

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with FMLA regulations.

### Eligibility

To be eligible for FMLA, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

1. The employee has been employed by the District for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.
2. The employee is a full-time classroom teacher.

### Requesting Leave

If the need for the FMLA leave is foreseeable, an employee must provide the Superintendent or designee with at least 30 days' advance notice before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the District's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide at least verbal notice sufficient to make the Superintendent aware that he or she needs a FMLA leave, and the anticipated timing and duration of the leave. Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

### Certification

Within 15 calendar days after the Superintendent or designee make a request for certification for a FMLA leave, an employee must provide one of the following:

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a certificate completed by the family member's health care provider.

2. When the leave is due to the employee's own serious health condition, the employee must provide a certificate completed by the employee's health care provider.
3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a certificate completed by an authorized health care provider for the covered servicemember.
4. When the leave is because of a qualified exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

The District may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

#### Continuation of Health Benefits

During a FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease.

#### Changed Circumstances and Intent to Return

An employee must provide the Superintendent or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for 8 consecutive weeks whether he or she intends to return to work.

Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work.

An employee returning from a FMLA leave will be given an equivalent position to his or her position before the leave, subject to (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by the FMLA regulations.

Implementation

The Superintendent or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA; and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations.

LEGAL REF.: Family and Medical Leave Act, 29 U.S.C. § 2601 et seq., 29 C.F.R. Part 825.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: January 19, 2010

## **Professional Personnel**

### **Teacher Qualifications**

A teacher, as the term is used in this policy, refers to a District employee who is required to be certified under State law. The following qualifications apply:

1. Each teacher must:
  - a.) Have a valid Illinois certificate that legally qualifies the teacher for the duties for which the teacher is employed.
  - b.) Provide the District Office with proof of certification by the end of the first week of school, each school year.
  - c.) Provide the District Office with a complete transcript of credits earned in institutions of higher education and, annually by July 1, provide the District Office with a transcript of any credits earned since the date the last transcript was filed.
  - d.) Notify the Superintendent of any change in the teacher's transcript.
2. The following teachers must be "highly qualified" as defined by State and federal law: (a) newly hired teachers who will work in a program supported with Title I funds, and (b) by the end of the 2005-2006 school year, all teachers of core academic subjects. Teachers are generally considered to be highly qualified if they (a) have a bachelor's degree; (b) have full State certification according to criteria adopted by ISBE; and (c) have demonstrated subject-matter competence in the area(s) taught according to criteria adopted by ISBE. "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

The Superintendent or designee shall:

1. Develop and implement a plan to ensure that all teachers who teach core academic subjects are “highly qualified,” as defined in this policy, not later than the end of the 2005/2006 school year;
2. Through incentives for voluntary transfers, professional development, recruiting programs, or other effective strategies, ensure that minority students and students from low-income families are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers; and
3. Ensure parents/guardians of students in schools receiving Title I money are notified: (a) of their right to request their students’ classroom teachers’ professional qualifications and (b) whenever their child is assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.

LEGAL REF.: Sections 1111 and 1119 of the No Child Left Behind Act of 2001, codified at 20 U.S.C. §§6311 and 6319.

34 C.F.R. § 200.55,-56, and -57

105 ILCS 5/10-20.15, 5/21-1, 5/21-10, 5/21-11.4, and 5/24-23.

23 Ill. Admin. Code § 1.620 and Part 25

“Illinois Criteria for Meeting the NCLB Requirements for Highly Qualified Teachers,” adopted by ISBE 6-17—03.

CROSS REF.: 6:170 (Title I Programs)

ADOPTED: July 25, 2006

## **Professional Personnel**

### **Terms and Conditions of Employment and Dismissal**

#### **Employee Evaluation**

Non-tenure employees shall be evaluated at least twice each school year. Tenured employees shall be evaluated at least once every other school year.

Within one (1) month after the beginning of the school term or one (1) week prior to the first evaluation within the building, whichever is first, the building principal will acquaint each employee under said supervisor's supervision with the formal evaluation procedures, and the evaluation instrument(s) and/or methods used by the evaluator(s) for formal evaluation, and the principal or immediate supervisor shall advise each employee as to those who may observe and evaluate the employee's performance. No formal evaluation may take place until such orientation has been completed. Employees will be given at least two (2) weeks notice of any changes in procedures, instruments, methods, or evaluators which affect their formal evaluation(s).

The administration shall evaluate each employee in writing, using an evaluation instrument designed in cooperation with the Association. All formal evaluations will be preceded by an in-class observation of the employee's classroom performance. Advance notice is not required for a formal evaluation; however, any evaluation conducted without notice may be balanced by an evaluation of equal length, if requested by the employee, preceded by forty-eight (48) hours advance notice. Formal evaluations will be conducted for a minimum of thirty (30) minutes.

The evaluator shall have a meeting with the employee following the evaluation to discuss the evaluation. The evaluator shall provide the employee a written copy of the evaluation. The evaluator will conduct the post conference within ten (10) working days following the completion of the evaluation. The post conference will be scheduled at a mutually agreeable time. The post conference will be conducted in privacy.

The evaluator will provide statements of deficiencies, will offer recommendations for improving classroom performance, and will discuss the ramifications of these deficiencies both in relationship to instruction and remediation.

The employee shall have the right to attach an explanation to any adverse evaluations.

No later than sixty (60) days before the end of the school term, the administrator shall complete a written evaluation report and make recommendations as to employment of non-tenured employees. Evaluations of tenured employees shall be completed no later than forty-five (45) days before the end of the school term.

Agreeing to the procedures delineated in sections 1-7 above does not limit the right of management to utilize informal observations, insubordination, or other evaluative criteria for considering competency of any employee. If any of these evaluations are to be used in evaluating the employment status of an employee, a written statement will be placed in the employee's file and the employee will be allowed to place a response in his/her file.

#### Grievance

Any grievance filed relative to this Article shall be limited to violations of the above specified reasons.

#### Hearing, Discipline

I. If a tenured employee has been given notice of dismissal for the reasons or causes specified in Section 10--22.4 of the School Code, a hearing as mandated by law will be held within ten (10) days, at which the following shall be guaranteed:

- A. The hearing will be conducted by an impartial hearing officer selected according to procedures provided by Sections 24--12 and 24--16 of the Illinois School Code .
- B. The employee will have been formally evaluated at least once during the school year in which the hearing takes place.
- C. No evidence will be presented which was not made known to the employee prior to the hearing.
- D. The occurrence of the hearing constitutes a waiver by the employee of any further recourse through Article II or VIII.

II. No tenured employee shall be disciplined--including warnings, reprimands, suspensions, discharges, or other actions of a disciplinary nature--without just cause. Any such discipline shall be subject to the grievance procedure hereinafter set forth including arbitration. The specific grounds forming the basis for the disciplinary action will be made available to the employee and the Association in writing.

III. Except for dismissal, no non-tenured employee shall be disciplined--including warnings, reprimands, suspensions, discharges, or other actions of a disciplinary nature--without just cause. Any such discipline shall be subject to the grievance procedure hereinafter set forth including arbitration. The specific grounds forming the basis for the disciplinary action will be made available to the employee and the Association in writing.

Transfer--Defined as relocation from one building to another. Reassignment—Any change of position, assignment, or teaching area within a building.

#### Conditions of Employment

##### Legal Requirements and Qualifications

A. Credit hours earned by an employee that advances the employee on the salary schedule will be recognized two-times a year: September 15, and January 15. Grade reports shall serve as evidence of completion and shall be filed with the Superintendent provided such credits are filed with the Superintendent. Any college credit which improves the employee's professional development and which has the prior approval of the Superintendent shall be recognized on the

salary schedule. Re-certification requirements shall be recognized as improving the employee's professional development and which have the prior approval of the Superintendent.

#### New Employees Credit for Experience

New employees will be given credit for public school teaching experience outside the District, including experience outside the State. Previous experience credit granted by the Board will not be affected.

#### Employee Work Day

Each employee shall be in his/her building fifteen (15) minutes before the beginning of the students' school day, tending to professional obligations, except for those assigned supervisory duties. The employee's workday shall end when he/she feels that his/her professional obligations have been met but no earlier than fifteen (15) minutes after the final student class dismissal. Teachers will remain a reasonable period of time after dismissal for parent conferences, provided that the parents schedule the conference with the teacher in advance. Meetings or conferences required by the Principal or Superintendent will be called only when necessary, and every effort will be made by the administration and the employee to limit those meetings or conferences to forty-five (45) minutes.

#### Duty Free Lunch

Every employee shall be allowed a duty-free lunch period as required in Section 24--9 of the School Code of the State of Illinois. Any changes legislated in Section 24--9 will become effective on September 1 following the date at which it becomes law.

LEGAL REF.: 105 ILCS 5/10-19, 5/18-8, 5/24-2, 5/24-8, 5/24-9, 5/24-21, 5/24A-4, and 5/24A-5.  
Metzl v. Leininger, 57 F.3d 618 (7th Cir. 1995).

CROSS REF.: 4:100-R (staff insurance program), 5:290

ADOPTED: January 23, 2006

## **Professional Personnel**

### **Resignations and Retirement**

Tenured teachers may resign at any time with consent of the School Board or by written notice sent to the School Board Secretary at least 30 days before the intended date of resignation. No teacher may resign during the school term in order to accept another teaching position without the consent of the School Board.

Probationary teachers may resign during their contract period only with the School Board's consent.

Please refer to Article VII, Section 7.5 of the Board/Association Agreement.

LEGAL REF.: 105 ILCS 5/24-14.

ADOPTED: May 15, 2006

## **Professional Personnel**

### **Substitute Teachers**

The Superintendent may employ substitute teachers as necessary to replace teachers who are temporarily absent.

A substitute teacher must hold a valid teaching or substitute certificate. Substitute teachers with a substitute certificate may teach only when an appropriate, fully-certificated teacher is unavailable.

A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term, unless the subject area is one where the Regional Superintendent has certified that a personnel shortage exists.

The School Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given substitutes.

LEGAL REF.: 105 ILCS 5/21-9, 24-5  
23 Ill. Admin. Code § 1.790.

ADOPTED: January 19, 2010

## **Professional Personnel**

### **Maintaining Student Discipline**

Maintaining an orderly learning environment is an essential part of each teacher's instructional responsibilities. A teacher's ability to foster appropriate student behavior is an important factor in the teacher's educational effectiveness.

When a student's behavior is unacceptable, the teacher should first discuss the matter with the student. If the unacceptable behavior continues, the teacher should consult with the Building Principal and/or discuss the problem with the parent(s)/guardian(s). A teacher may remove any student from the learning setting whose behavior interferes with the lessons or participation of fellow students; a student's removal must be in accordance with Board policy and administrative procedures.

Teachers shall not use disciplinary methods which may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment (including slapping, paddling or prolonged maintenance of a student in physically painful positions, and intentional infliction of bodily harm) may not be used. Teachers may use reasonable force as needed to keep students, school personnel, and others safe, or for self-defense or defense of property.

LEGAL REF.: 105 ILCS 5/24-24.

CROSS REF.: 7:190

ADOPTED: June 21, 1999

## **Professional Personnel**

### **Suspension**

#### **Suspension Without Pay**

The Board of Education may suspend without pay (1) a professional employee pending a dismissal hearing, or (2) a teacher as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the School District includes:

- Insubordination, including any failure to follow an oral or written directive from a supervisor
- Violation of Board policy or Administrative Procedure
- Conduct that disrupts or may disrupt the educational program or process
- Conduct that violates any State or federal law that relates to the employee's duties
- Other sufficient causes

At the request of the professional employee within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the professional employee of the alleged charges and the date and time of the hearing. At the pre-suspension hearing, the professional employee or his/her representative may present evidence.

#### **Suspension With Pay**

The Board of Education or Superintendent or designee may suspend a professional employee with pay (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the School District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the School District as defined above, or (3) pending a Board hearing to suspend a teacher without pay.

The Superintendent shall meet with the professional employee to present the allegations, and give the professional employee an opportunity to refute the charges. The professional employee will be told the dates and times the suspension will begin and end.

LEGAL REF.: 105 ILCS 5/24-12.  
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487 (1985)  
Barszcz v. Board of Trustees of Community College District No. 504, Cook  
County, 400 F.Supp. 675 (N.D. Ill. 1975), *aff'd* by 539 F.2d 715 (7th Cir.  
1976), *cert. dismissed* by 429 U.S. 1080 (1977).  
Massie v. East St. Louis School District No. 189, 561 N.E. 2<sup>nd</sup> 246(Ill. App. 5,  
1990)

CROSS REF.: 5:290 (Educational Support Personnel – Employment Termination and  
Suspensions).

ADOPTED: November 16, 2009

## **Professional Personnel**

### **Leaves of Absence**

#### **Sick Leave**

Please refer to Article VI, Section 6.1 of the Board/Association Agreement.

#### **Bereavement Leave**

In the event of a death in the faculty member's immediate family, the faculty member's spouse's immediate family, or the faculty member's household, the faculty members shall be granted three (3) days off with pay. For the purpose of this section, the immediate family and spouse's immediate family shall include spouse, parents, children, brothers, sisters, grandparents and grandchildren, daughter-in-law, son-in-law, aunt, uncle, niece or nephew. The Superintendent or his/her designee, upon presentation of an extenuating circumstance shall authorize additional bereavement days.

#### **Personal Leave**

The Board shall grant up to two (2) days of personal leave without loss of pay. Unused personal leave shall accumulate to a maximum of five (5) days. Unused personal leave days beyond this maximum shall accumulate as sick leave. None will be taken immediately before or after holidays or vacations. Requests for personal leave beyond two (3) days per year shall be made to the appropriate Principal in writing twenty-four (24) hours in advance of the day(s) for which the leave is requested. Such requests shall state the reason for the leave and shall be subject to the approval of the Superintendent. In case of emergency, and with the approval of the Superintendent, the above conditions may be waived. The Superintendent's decision to disapprove such an emergency request is final and cannot be grieved under any provision of this Agreement. Personal leave will be taken in no less than one-half (1/2).

#### **Sabbatical Leave**

Sabbatical leaves may be granted in accordance with The Illinois School Code.

#### **School Visitation Leave**

An eligible professional staff member is entitled to 8 hours during any school year, no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the teacher's child, if the conference or activity cannot be scheduled during non-work hours. Professional staff members must first use all accrued vacation leave, personal leave, compensatory leave, and any other leave that may be granted to the professional staff member, except sick and disability leave.

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

Other Leaves

The Board of Education will grant a leave of absence to the Association president and trustees of the Teachers' Retirement System as required by Sections 24-6.2 and 24-6.3 of The School Code.

LEGAL REF.: 105 ILCS 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.  
820 ILCS 147/1 et seq.  
820 ILCS 147/15.

CROSS REF.: 5:180, 5:185, 5:330

ADOPTED: November 16, 2009

## **Professional Personnel**

### **Student Teachers**

The Superintendent is authorized to accept students from university-approved teacher-training programs to do student teaching in the District. The Superintendent or designee shall be responsible for screening potential student teachers and for their orientation, assignment, and training program. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities.

LEGAL REF.: 105 ILCS 5/10-22.34

ADOPTED: April 18, 2005

## **Educational Support Personnel**

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

#### **Employment At-Will**

Unless otherwise specifically provided, 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. Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

Exceptions to employment at-will may include employees who are employed annually have an employment contract, or are otherwise granted a legitimate interest in continued employment. The Superintendent is authorized to make exceptions to employing non-certificated employees at-will but shall maintain a record of positions or employees who are not at-will and the reason for the exception.

#### **Compensation and Assignment**

The School Board will determine salary and wages for educational support personnel. Increments are dependent on evidence of continuing satisfactory performance. An employee covered by the overtime provisions in State of federal law, shall not work overtime without the prior authorization from the employee's immediate supervisor. Educational support personnel are paid twice a month. The Superintendent is authorized to make assignments and transfers of educational support personnel.

- 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 (1st Dist. Ill. 1985),  
*aff'd in part and remanded*, 505 N.E.2d 314 (Ill. 1987).  
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill. App. 2d Dist. 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: April 18, 2005

## **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 Board policies as they may be changed from time to time at the Board's sole discretion.

### **Non-Certificated Personnel with Instructional Duties in a Program Supported with Federal Funds under Title I.**

Non-certificated personnel with instructional duties in a program supported with federal funds under Title I are known as "paraprofessionals." They shall have the duties and qualifications as described in Title I of the Elementary and Secondary Education Act and rules adopted by the US Department of Education, as well as qualifications as determined by the Illinois State Board of Education. At a minimum, newly hired paraprofessionals must have:

1. Completed at least 2 years of study at a institution of higher education;
2. Obtained an associate's or higher degree; or
3. Met a rigorous standard of quality and can demonstrate, through a formal State or local assessment, knowledge of relevant subjects.

Individuals with only non-instructional duties (e.g., providing technical support for computers, providing personal care services, or performing clerical duties) are not "paraprofessionals" and the requirements in this section do not apply.

### **Non-Certificated Personnel with Instructional Duties in a Program Supported with Federal Funds under Title I.**

Noncertificated personnel with instructional duties in a program supported with federal funds under Title I are known as "teacher aides." They shall have the qualifications as determined by the Illinois State Board of Education. They may be used:

1. To assist with academic programs under a certified teacher's immediate supervisions; or
2. For providing specialized instruction in fields in which their knowledge and skills make them particularly qualified, provided they are under a certificated teacher's direction and the District receives the Regional Superintendent's approval.

### **Non-certificated Personnel Working with Students performing Non-Instructional Duties**

Non-certificated personnel, including paraprofessionals and teacher aides, 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 non-certificated 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 regulated by an association, all coaches must have completed a course on coaching principles and sport first aid. The Superintendent or designee shall ensure that all coaches have completed appropriate training programs. Anyone performing athletic training services shall be licensed under the Illinois Athletic Trainers Practice Act.

#### Bus Drivers

All school bus drivers must have a valid school bus driver permit. 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.:       Sec. 1119 of the No Child Left Behind Act of 2001.  
                      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 III. Adm. Code Subpart G: The Utilization of Teachers Aides and Other Non-certified Personnel.

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

ADOPTED:         April 18, 2005

## **Educational Support Personnel**

### **Administrative Procedure – Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers**

The District's drug and alcohol testing program shall apply to all employees who operate a commercial motor vehicle, including any vehicle designed to transport 16 or more passengers. This includes casual, intermittent, or occasional drivers as well as full-time, regularly employed drivers.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Drivers using such a substance may continue to perform safety-sensitive functions only if the physician has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle.

#### **Pre-Employment Tests**

A pre-employment drug tests shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing ; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing other requirements related to accidents; and performing any other work for the District or paid work for any other entity.

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law.

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary.

#### **Post-Accident Tests**

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life;

2. who receives a citation under State or local law for a moving traffic violation arising from the accident;
3. who was performing safety-sensitive functions with respect to the vehicle, if the accident involved a serious medical injury; or
4. whose performance cannot be excluded as a contributing factor based on information available at the time of the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for 8 hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours of the accident or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

#### Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions.

Employees off work due to leaves, vacation, and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.

#### Reasonable Suspicion Tests

An alcohol or drug test shall be conducted if a supervisor or District official trained in accordance with law has reasonable suspicion that a driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a

determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after 8 hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

#### Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion test, or follow-up tests as described below, shall not perform or continue to perform safety-sensitive functions. Therefore, any driver who so refuses shall be immediately suspended and subject to additional disciplinary action up to and including dismissal.

A driver who is tested and found to have an alcohol concentration greater than 0.00 may not perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered.

A driver who tests positive for drugs or is found to have an alcohol concentration of greater than 0.04 shall be subject to disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program.

#### Return-to-Duty Tests

If a driver who has violated the District's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted.

Employees whose conduct involved drugs shall not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol shall not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol shall not return to

duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of 0.00 or less.

#### Follow-up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with the law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

Follow-up testing shall consist of at least 6 tests in the first 12 months following the driver's return to duty. The substance abuse professional may terminate the follow-up testing at any time after the first 6 tests if he/she determines that testing is no longer needed. Testing shall not occur beyond 60 months from the date of the driver's return to duty.

#### Maintenance of Records

Employee drug and alcohol test results shall be maintained under strict confidentiality and released only in accordance with the law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

#### Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organization shall be notified of the availability of this information. The information shall identify all of the following:

1. The person designated by the District to answer drivers' questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;

7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, valuation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of greater than 0.00;
11. The effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; and
12. Other legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, pursuant to 49 C.F.R. § 382, the District shall inform drivers that the tests are required by these regulations.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance (s) were verified as positive.

LEGAL REF.: 49 U.S.C. § 2717, Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991).  
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing), and 395 (Hours of Service of Drivers).

CROSS REF.: 4:110, 5:30, 5:280

ADOPTED: August 21, 2000

## **Educational Support Personnel**

### **Employment Termination and Suspensions**

#### **Resignation and Retirement**

An employee is requested to provide 2 weeks' notice of a resignation. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

#### **Non-RIF Dismissal**

The District may terminate an at-will employee at any time for any or no reason, but not for a reason prohibited by State or federal law. Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided. The Superintendent is responsible for making dismissal recommendations to the Board consistent with the Board's goal of having a highly qualified, high performing staff.

#### **Reduction In Force and Recall**

The Board of Education shall use a seniority list to determine the order of dismissal if it reduces educational support personnel or discontinues some type of educational support service. The seniority list, categorized by positions, shall show the length of continuing service of each full-time educational support employee. The employee with the shorter length of continuing service within the respective category of position shall be dismissed first.

Written notice will be given the employee by certified mail, return receipt requested, at least 30 days before the employee is removed or dismissed, together with a statement of honorable dismissal and the reason therefor.

Any vacancies for the following school term or within one calendar year from the beginning of the following school term shall be offered to the employees so removed or dismissed from that category of position provided they are qualified to hold such positions.

#### **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 third business day following the last day of employment.

#### **Suspension**

Except as provided below, the Superintendent is authorized to suspend an employee without pay as a disciplinary measure, 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. A disciplinary suspension shall be with pay (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees.

Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to the District all compensation and the value of all benefits received by the employee during the suspension. The Superintendent will notify the employee of this requirement when the employee is suspended.

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: November 16, 2009

## **Educational Support Personnel**

### **Schedules and Employment Year**

#### **Twelve-Month Employees**

Twelve-month employees work daily (Monday through Friday) except holidays and earned vacation time.

Custodians and maintenance personnel work a 40-hour week, with the individual time schedule developed by the supervisor and subject to individual building needs. Custodians assume the additional responsibility for building checks as outlined in their job description.

Administrative office personnel work a 40-hour week with the individual time schedule developed by the supervisor and subject to the District's needs.

#### **Ten-Month Employees**

Ten-month employees work 10 working days before and after the school calendar.

On days when school sessions are canceled due to emergency situations and certificated personnel are not required to report for work, ten-month employees will not be required to work.

School secretaries work a 40-hour week, with the individual time schedule developed by the Building Principal. During the school calendar year, there may occur certain modifications of the school secretaries' work schedule, subject to building needs as determined by the Building Principal.

#### **School Year Employees**

School year employees work the school calendar year unless otherwise specified. Classroom aides work a schedule subject to building needs as determined by the Building Principal.

#### **Hourly Employees**

Work as needed and approved by immediate supervisor.

#### **Supervisory Staff**

The work day and work year for supervisory staff shall be similar to other personnel except that supervisory personnel are employed for specific tasks and such personnel are expected to work beyond the regular work day in order to accomplish such tasks when necessary. No additional remuneration shall be provided for such work.

Breaks

Employees who work at least 7.5 continuous hours shall receive a 30 minute duty-free break which begins within the first 5 hours of the employee's work day. The District accommodates employees who are nursing mothers according to provisions in the Nursing Mothers in the Workplace Act, P.A. 92-0068.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. 207 et. seq.

P.A. 92-0068 (Nursing Mothers in the Workplace Act.)

105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5

ADOPTED: July 25, 2006

## **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 ½ 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 half-day components 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: January 19, 2010

## **Educational Support Personnel**

### **Evaluation**

Each educational support staff member's job performance shall be evaluated by his/her direct supervisor. The evaluation process includes scheduled annual evaluations, on forms applicable to the job classification, and day-to-day appraisals. Supervisors should consider the employee's work quality, promptness, attendance, reliability, conduct, judgment, and cooperativeness.

As appropriate, supervisors should discuss job performance issues that require attention with employees.

Each transportation employee will undergo an ongoing evaluation throughout the school year. This may include informal visits and informal riding on busses.

At the end of each school year the employee, Transportation Director and Dispatcher will all complete an evaluation of the employee's performance. Following the completion of the evaluations, the Transportation Director and Dispatcher will have a conference with the employee to discuss the evaluation. All evaluations (employee, Director of Transportation and Dispatcher) will then be signed and placed in the employees permanent records. Should there be concerns, those concerns will be passed on to the Superintendent and/or Board of Education.

ADOPTED:            June 21, 1999

## **Educational Support Personnel**

### **Sick Leave, Vacation, Holidays, and Leaves**

#### **Sick Leave**

Full or part-time educational support personnel who work at least 600 hours per year receive 12 paid sick leave days per year. Part-time employees will receive sick day pay equivalent to their regular work day. Unused sick leave shall accumulate to a maximum of 240 days, including the leave of the current year.

Sick leave includes personal illness, or as may be deemed necessary in other cases, quarantine at home, or serious illness, or death in the immediate family. A maximum of 3 sick days per year may be used for the funeral of a person not in the immediate family. The Superintendent and/or designee shall monitor the use of sick leave.

After 3 days absence for personal illness, or as it may be deemed necessary in other cases, the employee may be required to furnish a physician's or a spiritual adviser's certificate of illness as a basis for pay. If such a certificate is required, the District shall pay any expenses incurred in securing it.

#### **Vacation**

Paid vacations are to be granted to full time (12 month) employees.

One (1) full calendar week of vacation will be granted to employees after employment of one (1) year. (Time is to be computed from month of employment to June 30).

All employees who have completed two (2) years or more, determined as previously described, will receive two (2) full calendar weeks of vacation. Employees will receive three (3) weeks paid vacation after ten (10) years of employment.

Vacation days earned in one fiscal year must be used by the end of the following fiscal year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

### Holidays

School District employees will be paid for, but will not be required to work on the following holidays unless the District has been granted a waiver by the ISBE.

New Year's Day	Independence Day
Martin Luther King Jr. Birthday	Labor Day
President's Day	Columbus Day
Casimir Pulaski's Birthday	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day

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.

### Personal Leave

Full-time educational support personnel have two personal leave days per year. The use of a personal day is subject to the following conditions:

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Building Principal at least 24 hours before the requested date.
2. No personal leave day may be used immediately before or immediately after a holiday, or during the first and/or last 5 days of the school year, unless the Superintendent grants prior approval.
3. Personal leave may not be used in increments of less than one-half day.
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave may not be used on an in-service training day.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

### Leaves for Service in the Military

Educational support personnel receive the military and General Assembly leaves on the same terms and conditions granted professional staff.

### Bereavement Leave

Educational support personnel receive bereavement leave on the same terms and conditions granted professional staff.

### School Visitation Leave

An eligible employee is entitled to a school visitation leave on the same terms and conditions granted professional staff.

Leaves for Victims of Domestic or Sexual Violence

Educational support personnel receive a leave for victims of domestic or sexual violence on the same terms and conditions granted professional staff.

LEGAL REF.: 20ILCS 1805/30.1 et. seq.

105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.  
820 ILCS 147.

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

ADOPTED: May 15, 2006