

WHITESIDE SCHOOL DISTRICT 115

POLICY MANUAL

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General Personnel

5:010 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, age, ancestry, marital status, arrest record, military status or unfavorable military discharge, citizenship status, use of lawful products while not at work, 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 Policy. These individuals are listed below. Initiating a complaint shall not adversely affect the complainant's terms or conditions of employment.

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	<u>Superintendent</u>
Address	<u>111 Warrior Way</u> <u>Belleville, Illinois 62221</u>
Telephone No.	<u>618 239-0000</u>

Complaint Managers:

Name	<u>Elementary Principal</u>	<u>Middle School Principal</u>
Address	<u>2028 Lebanon Avenue</u> <u>Belleville, Illinois 62221</u>	<u>111 Warrior Way</u> <u>Belleville, Illinois 62221</u>
Telephone No.	<u>618 239-0000</u>	<u>618 239-0000</u>

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 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.

- 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.
Equal Pay Act, 29 U.S.C. § 206(d).
Ill. Constitution, Art. 1, §§ 17, 18, and 19.
Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.
Rehabilitation Act of 1973, 29 U.S.C. § 791 et seq.
Religious Freedom Restoration Act, 775 ILCS 35/5.
Title VII of Civil Rights Act, 42 U.S.C. § 2000e et seq., 29 C.F.R. Part 1601.
Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq., 34 C.F.R. Part 106.
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.
775 ILCS 5/1-103 and 5/2-102.
820 ILCS 105/1 et seq.
23 Ill. Admin. Code § 1.230.
- CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 8:70
(Accommodating Individuals with Disabilities)

ADOPTED: September 18, 2003

General Personnel5:020 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 Board policy 2:260, *Uniform Grievance Procedure*. 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	<u>Superintendent</u>
Address	<u>111 Warrior Way</u> <u>Belleville, Illinois 62221</u>
Telephone No.	<u>618 239-0000</u>

Complaint Managers:

Name	<u>Elementary School Principal</u>	<u>Middle School Principal</u>
Address	<u>2028 Lebanon Avenue</u> <u>Belleville, Illinois 62221</u>	<u>111 Warrior Way</u> <u>Belleville, Illinois 62221</u>

Telephone No. 618 239-0000 618 239-0000

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.
 775 ILCS 5/2-102(D) et seq.
 Burlington Industries v. Ellerth, 118 S.Ct. 2257 (1998).
 Faragher v. City of Boca Raton, 118 S.Ct. 2275 (1998).
 Harris v. Forklift Systems, 114 S.Ct. 367 (1993).
 Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986).
 Oncale v. Sundown Offshore Services, 118 S.Ct. 998 (1998).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:10 (Equal Employment Opportunity and
 Minority Recruitment), 7:20 (Harassment of Students Prohibited)

General Personnel

5:030 Hiring Process and Criteria

The Superintendent is responsible for recruiting personnel, in compliance with School Board policy, and making hiring recommendations to the School Board. Educational support personnel applicants are initially screened by the Building Principal or supervisor. The District shall hire the best qualified personnel consistent with budget and staffing requirements, and shall comply with School Board policy on equal employment opportunities and minority recruitment.

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

Job Descriptions

The Superintendent shall develop and maintain a current, comprehensive job description for each position, other than the Superintendentcy.

Investigations

Each applicant must provide a written authorization for a criminal background investigation if such an investigation is required by State law. The Board President will keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent of Schools, State Teacher Certification Board, or any other person necessary to the hiring decision. Effective August 12, 2004, Illinois school districts are required to perform a finger-print based criminal history records check for all certified and non-certified applicants for employment.

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. The physical examination and the tuberculin tests must have been taken by the employee no more than 90 days before the employee's submitting evidence of same 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 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 5/10-20.7, 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 (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 (2nd Dist. Ill. 1984).
Molitor v. Chicago Title & Trust Co., 59 N.E.2d 695 (1st Dist. Ill. 1945).
Public Act 93-909

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)

ADOPTED: September 18, 2003

REVISED: April 21, 2005

General Personnel

5:032 Hiring – Nepotism

Immediate family relatives (mother, father, son, daughter, sister, brother, husband, wife) of members of the Board of Education and the administration, shall not be employed in any central office or administrative position.

ADOPTED: July 6, 1982

General Personnel

5:040 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 School Board policies.

An employee with a communicable or chronic infectious disease shall be evaluated by the District's Communicable and Chronic Infectious Disease Review Team. The employee's medical records shall be held in strictest confidence by the Team, except to the extent allowed by law.

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.

The recommendation of whether the employee's placement is appropriate shall be made on a case-by-case basis by the District's Communicable and Chronic Infectious Disease Review Team.

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

CROSS REF.: 2:150 (Committees), 5:30 (Hiring Process and Criteria), 5:180 (Temporary Illness or
 Temporary Incapacity)

ADOPTED: September 18, 2003

General Personnel

5:050 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 School Board 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.: Americans With Disabilities Act, 42 U.S.C. § 12114.
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.
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. § 7101 et seq.
Drug-Free Workplace Act, 30 ILCS 580/1 et seq.

ADOPTED: September 18, 2003

General Personnel

5:055 School Board Legal Status

School Board Responsibilities – Seniority List for Educational Support Personnel

Annually, the School Board by the Superintendent shall establish a seniority list by categories, showing the length of continuing service for each full-time educational support personnel employee. The list shall be made in consultation with any exclusive employee representative or bargaining agent.

On or before February 1, the School Board shall adopt by resolution the final seniority list. Copies of the final list shall be distributed to the exclusive employee representative or bargaining agent on or before February 1, if one exists.

Should the School Board exercise its right to reduce the educational support personnel work force or to discontinue some particular type of educational support service in the best interests of the school district, the seniority list shall determine the progression of dismissals.

LEG REF: IL Rev Stat, Ch 122, Para 10-23.5

ADOPTED: February 21, 1991

Personnel

5:056 Professional Personnel – Salary and Compensation

A salary and fringe benefit schedule for professional personnel shall be adopted annually by the Board. The Board may seek input from various sources. The final decision as to salary schedule and fringe benefit payments shall be retained by the Board.

ADOPTED: July 6, 1982

General Personnel

5:060 Expenses

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

The School Board shall reimburse employees for transportation to required meetings, conferences, and workshops deemed necessary and pre-approved by an administrator. The rate will be based on Internal Revenue Service guidelines regarding the rate per mile for mileage allowance.

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 School Board in its regular bill process.

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

ADOPTED: September 18, 2003

General Personnel

5:070 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.: Religious Freedom Restoration Act, 775 ILCS 35/5.
775 ILCS 5/2-101 and 5/2-102.

ADOPTED: September 18, 2003

General Personnel

5:080 Court Duty

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

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

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

ADOPTED: September 18, 2003

REVISED: July 18, 2013

General Personnel

5:090 Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Illinois Department of Children and Family Services. The employee may notify the Superintendent or Building Principal that a report has been made, but shall not be required to notify an administrator. Any employee hired after July 1, 1986, shall sign a statement to the effect that the employee has knowledge and understanding of the reporting requirements of the Act.

LEGAL REF.: 325 ILCS 5/1 and 5/4 et seq.

CROSS REF.: 7:150 (Agency and Police Interviews)

ADOPTED: September 18, 2003

REVISED: April 21, 2005

General Personnel

5:100 Staff Development Program

The Superintendent 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 certified staff members shall be designed to effectuate the School Improvement Plan 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 certified 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 psychostimulant 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, including the Heimlich maneuver and rescue breathing, 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.

After participation, a written report shall be submitted to the Superintendent summarizing the highlights of the activity. Staff members also are to share these activities with their colleagues. Depending upon the availability of substitutes, attendance at external professional development activities may be limited to no more than two teachers.

LEGAL REF.: 105 ILCS 5/2-3.60, 5/2-3.64, 5/10-22.39, and 110/3.
 745 ILCS 49/1 et seq. (Good Samaritan Act).

ADOPTED: September 18, 2003

REVISED: November 21, 2011

General Personnel

5:110 Recognition For Service

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

ADOPTED: September 18, 2003

General Personnel

5:120 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, and
7. any employee in a position that requires an administrative or a chief school business official endorsement.

Political Activities

No officer or employee shall intentionally perform any prohibited political activity as defined in the District's "Ethics Ordinance". 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.
50 ILCS 135/1 et seq.
105 ILCS 5/22-5 and 5/24-22.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Public Act 93-615

CROSS REF: Ethics Ordinance

ADOPTED: September 18, 2003

REVISED: April 21, 2005

GENERAL PERSONNEL

5:125 Personal Technology and Social Media - Usage and Conduct

Definitions

Includes - Means “includes without limitation” or “includes, but is not limited to.”

Social media - Media for social interaction, using highly accessible communication techniques through the use of web-based and mobile technologies to turn communication into interactive dialogue. This includes, but is not limited to, services such as *Facebook, LinkedIn, Twitter, Instagram, Snapchat, and YouTube*.

Personal technology - Any device that is not owned or leased by the District or otherwise authorized for District use and: (1) transmits sounds, images, text, messages, videos, or electronic information, (2) electronically records, plays, or stores information, or (3) accesses the Internet, or private communication or information networks. This includes laptop computers (e.g., laptops, ultrabooks, and chromebooks), tablets (e.g., iPads®, Kindle®, Microsoft Surface®, and other Android® platform or Windows® devices), smartphones (e.g., iPhone®, BlackBerry®, Android® platform phones, and Windows Phone®), and other devices (e.g., iPod®).

Usage and Conduct

All District employees who use personal technology and social media shall:

1. Adhere to the high standards for appropriate school relationships required by policy 5:120, *Employee Ethics; Conduct; and Conflict of Interest* at all times, regardless of the ever-changing social media and personal technology platforms available. This includes District employees posting images or private information about themselves or others in a manner readily accessible to students and other employees that is inappropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; 5:100, *Staff Development Program*; 5:120, *Employee Ethics; Conduct; and Conflict of Interest*; 6:235, *Access to Electronic Networks*; 7:20, *Harassment of Students Prohibited*; and the Ill. Code of Educator Ethics, 23 Ill.Admin.Code §22.20.
2. Choose a District-provided or supported method whenever possible to communicate with students and their parents/guardians.
3. Not interfere with or disrupt the educational or working environment, or the delivery of education or educational support services.
4. Comply with policy 5:130, *Responsibilities Concerning Internal Information*. This means that personal technology and social media may not be used to share, publish, or transmit information about or images of students and/or District employees without proper approval. For District employees, proper approval may include implied consent under the circumstances.
5. Refrain from using the District’s logos without permission and follow Board policy 5:170, *Copyright*, and all District copyright compliance procedures.

6. Use personal technology and social media for personal purposes only during non-work times or hours. Any duty-free use must occur during times and places that the use will not interfere with job duties or otherwise be disruptive to the school environment or its operation.
7. Assume all risks associated with the use of personal technology and social media at school or school-sponsored activities, including students' viewing of inappropriate Internet materials through the District employee's personal technology or social media. The Board expressly disclaims any responsibility for imposing content filters, blocking lists, or monitoring of its employees' personal technology and social media.
8. Be subject to remedial and any other appropriate disciplinary action for violations of this policy ranging from prohibiting the employee from possessing or using any personal technology or social media at school to dismissal and/or indemnification of the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to, or arising out of, any violation of this policy.

The Superintendent shall:

1. Inform District employees about this policy during the in-service on educator ethics, teacher-student conduct, and school employee-student conduct.
2. Direct Building Principals to annually:
 - a. Provide their building staff with a copy of this policy.
 - b. Inform their building staff about the importance of maintaining high standards in their school relationships.
 - c. Remind their building staff that those who violate this policy will be subject to remedial and any other appropriate disciplinary action up to and including dismissal.
3. Build awareness of this policy with students, parents, and the community.
4. Ensure that no one for the District, or on its behalf, requests of an employee or applicant access in any manner to his or her social networking website or requests passwords to such sites.
5. Periodically review this policy and any procedures with District employee representatives and electronic network system administrator(s) and present proposed changes to the Board.

LEGAL REF.:

105 ILCS 5/21B-75 and 5/21B-80.; Ill. Human Rights Act, 775 ILCS 5/5A-102.

Code of Ethics for Ill. Educators, 23 Ill.Admin.Code §22.20.

Garcetti v. Ceballos, 547 U.S. 410 (2006).

Pickering v. High School Dist. 205, 391 U.S. 563 (1968).

CROSS REF.: 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:100 (Staff Development Program), 5:120 (Employee Ethics; Conduct; and Conflict of Interest), 5:130 (Responsibilities Concerning Internal Information); 5:150 (Personnel Records), 5:170 (Copyright), 5:200 (Terms and Conditions of Employment and Dismissal), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:340 (Student Records)

Adopted: April 26, 2018

General Personnel

5:130 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 manage procedures for safeguarding the integrity, security, and, as appropriate, confidentiality of internal information.

LEGAL REF.:

Family Educational and Privacy Rights Act, 20 U.S.C. §1232g.

Uses and Disclosures of Protected Health Information; General Rules, 45 C.F.R. §164.502.

Ill. Freedom of Information Act, 5 ILCS 140/.

Local Records Act, 50 ILCS 205/.

105 ILCS 10/.

Personnel Record Review Act, 820 ILCS 40/.

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: April 26, 2018

General Personnel

5:140 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: September 18, 2003

General Personnel

5:150 Personnel Records

The District maintains a complete personnel record for every current employee and former employee. The employees' 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 guidelines developed by the Superintendent.

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

CROSS REF.: 2:250 (Access to District's Public Records), 7:340 (Student Records)

ADOPTED: September 18, 2003

General Personnel

5:160 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: September 18, 2003

General Personnel

5:170 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: September 18, 2003

General Personnel

5:180 Temporary Illness or Temporary Incapacity

A temporary illness or temporary incapacity is an illness or other capacity of ill-being that renders an employee physically or mentally unable to perform assigned duties. During such a period, the employee can use accumulated sick leave benefits. However, income received from other sources (worker's compensation, District-paid insurance programs, etc.) will be deducted from the District's compensation liability to the employee. The School Board's intent is that in no case will the employee, who is temporarily disabled, receive more than 100 percent of gross salary.

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

After being absent 90 consecutive school days, or 90 days within 120 consecutive school days, in a school year due to illness or incapacity, or exhaustion of sick leave, whichever is greater, such illness or incapacity shall be considered a permanent disability and the School Board may begin dismissal proceedings subject to the provisions of The School Code and the Americans with Disabilities Act.

Any employee may be required to have an examination, at District expense, by a physician who is licensed in Illinois to practice medicine and surgery in all its branches if the examination is job-related and consistent with business necessity.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §12102.
105 ILCS 5/10-22.4, 5/24-12, and 5/24-13.
Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App. 1st Dist., 1965).
School District No. 151 v. ISBE, 507 N.E.2d 134 (Ill. App. 1st Dist., 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: September 18, 2003

General Personnel

5:185 Family and Medical Leave

Leave Description

Eligible employees may use unpaid family and medical 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.

Other available paid vacation, personal, or family leave will be substituted for family and medical leave necessitated by birth, adoption/foster care placement, or a family member's serious health condition. Other available paid vacation, personal, or sick leave will be substituted for family and medical leave necessitated by a family member's or employee's own serious health condition. Any substitution required by this policy will count against the employee's family and medical leave entitlement. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan. Use of family and medical 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 family and medical leave shall not serve to extend such other unpaid leave.

Family and medical 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 or foster placement of a child;
3. the serious health condition of an employee's spouse, parent, or child; and
4. the employee's own serious health condition.

Employees may take an intermittent or reduced-hour family and medical leave when the reason for the leave is 3 or 4, above, with certain limitations provided by law.

Within 15 calendar days after the Superintendent makes a request, an employee must support a request for a family and medical leave when the reason for the leave is 3 or 4, above, with a certificate completed by the employee's or family member's health care provider. Failure to provide the certification may result in a denial of the leave request.

If both spouses are employed by the District, they may together take only 12-weeks for family and medical leaves when the reason for the leave is 1 or 2, above, or to care for a sick parent.

Eligibility

To be eligible for family and medical leave, an employee must either:

1. Have been employed by the District for at least 12 months (the 12 months need not be consecutive) and have been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave, or
2. Be a full-time classroom teacher.

Notice

If possible, employees must provide at least 30 days' notice to the District of the date when a leave is to begin. If 30 days' notice is not practicable, the notice must be given within 2 business days of when the need becomes known to the employee. Employees shall provide at least verbal notice sufficient to make the District aware that he or she needs a family and medical leave, and the anticipated timing and duration of the leave. Failure to give the required notice may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Continuation of Health Benefits

During a family and medical leave, employees are entitled to continuation of health benefits that would have been provided if they were working.

Return to Work

An employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to 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 law.

Implementing Procedures

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

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), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: September 18, 2003

Professional Personnel

5:190 Teacher Qualifications

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

1. Each teacher must:
 - a. Have a valid Illinois Professional Educator License issued by the State Superintendent of Education with the required endorsements as provided in the School Code.
 - b. Provide the District Office with a complete transcript of credits earned in institutions of higher education.
 - c. On or before September 1 of each year, unless otherwise provided in an applicable collective bargaining agreement, 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. All teachers working in a program supported with federal funds under Title I, Part A must meet applicable State certification and licensure requirements.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately licensed;
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 funds are notified of their right to request their students' classroom teachers' professional qualifications.

LEGAL REF.:

20 U.S.C. §6312(e)(1)(A).

105 ILCS 5/10-20.15, 5/21-11.4, 5/21B-15, 5/21B-20, 5/21B-25, and 5/24-23.

23 Ill.Admin.Code §1.610 *et seq.*, §1.705 *et seq.*, and Part 25.

Amended: April 19, 2018

Professional Personnel

5:195 Employment Year and Day

Contractual Year:

The contractual year for a regular teaching contract shall include the days in the current school calendar as adopted and/or amended by the Board of Education.

Professional Day:

Certified personnel shall maintain a workday schedule as required by established procedures and terms specified in the collective bargaining agreement.

ADOPTED: July 6, 1982

REVISED: April 21, 2005

Professional Personnel

5:200 Terms and Conditions of Employment and Dismissal

Duty-Free Lunch

Teachers employed for at least 4 hours per day shall receive a duty-free lunch equivalent to the student lunch period, or 30 minutes, whichever is longer.

Holidays

Teachers shall be paid for, but shall not be required to work on, legal school holidays.

School Year and Day

Teachers shall work according to the school calendar adopted by the School Board, which shall have a minimum of 176 student attendance days and a minimum of 180 teacher work days, including teacher institute days.

Teachers are required to work the school day adopted by the School Board. The District accommodates employees who are nursing mothers according to provisions in the Nursing Mothers in the Workplace Act. P.A. 92-0068.

Salary

Teachers shall be paid according to the salary schedule adopted by the School Board, but in no case less than the minimum salary provided by The School Code. Teachers shall be paid at least monthly on a 10- or 12-month basis.

Assignments and Transfers

The Superintendent is authorized to make teaching, study hall, extra class duty, and extracurricular assignments. In order of priority, assignments shall be made based on the District's needs and best interests, employee qualifications, and employee desires.

Dismissal

The District will follow State law when dismissing a teacher.

Evaluation

The District's teacher evaluation system will be conducted under the plan filed with the Illinois State Board of Education.

On an annual basis, the Superintendent will provide the School Board with a written report which outlines the results of the District's teacher evaluation system.

LEGAL REF.: P.A. 92-0068 (Nursing Mothers in the Workplace Act).
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.: 5:290 (Employment Termination and Suspensions)

ADOPTED: September 18, 2003

Professional Personnel

5:205 Consulting Activities

After application to and with the approval of the Superintendent of designee, staff members may be released with full pay to serve as speakers, consultants, or resource persons outside the District. The staff member accepting such assignments may not accept any fee or honorarium, but may accept a reasonable fee for preparation done outside of the working day. The employee or the school district or institution receiving the services may be responsible for travel, lodging, and meal expenses and/or substitute costs if any are incurred.

Any consulting, professional development, or other professional involvement activity shall be undertaken with the understanding that such activity shall not interfere with the staff member's responsibilities to the District and that anyone engaging in such activities shall speak as an individual unless specifically directed by the Board to speak for the district.

ADOPTED: July 6, 1982

Professional Personnel

5:206 Experience Credit

Effective July 1, 1984, a teacher will be granted a maximum of three years out-of-state and parochial experience providing that the teacher had a minimum Bachelor's degree and was certified at the time of the work experience.

The District will also accept three years of experience from within the State.

ADOPTED: September 18, 2003

Professional Personnel

5:210 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.

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

ADOPTED: September 18, 2003

Professional Personnel

5:220 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, for the 2001-2002, 2002-2003, and 2003-2004 school years, 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.

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.
 23 Ill. Admin. Code § 1.790.

ADOPTED: September 18, 2003

Professional Personnel

5:230 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) shall 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 (Student Discipline)

ADOPTED: September 18, 2003

Professional Personnel

5:250 Leaves of Absence

Sick and Bereavement Leave

Sick leave, funeral leave, and personal leave shall be accorded professional staff as specified in the collective bargaining agreement. At minimum, the School Code provides that each full-time professional staff member is granted 10 days sick leave each school year at full pay. Unused days will accumulate as specified in the collective bargaining agreement. At minimum, the School Code provides that unused days are allowed to accumulate to 180 days.

Sick leave means personal illness, quarantine at home, or serious illness or death in the immediate family or household.

The Board may require a physician's certificate, or that of a spiritual adviser or practitioner of the professional staff member's faith, as a condition for paying sick leave after 3 days absence for personal illness, or as it deems necessary in other cases. The Board shall pay the expenses incurred by such employee in obtaining such certificate, if it requires a certificate during a leave of less than 3 days.

Sabbatical Leave

Sabbatical leave may be granted in accordance with The School Code.

Personal Leave

For the purpose of this policy, the terms "personal leave" and "discretionary leave" are synonymous. Personal leave days, to be used at the employee's discretion, under the conditions set forth in this policy, shall be available as specified in the collective bargaining agreement. Any unused personal leave day in a school year will be credited to the cumulative sick leave as specified in the collective bargaining agreement.

Leave of Absence Without Pay

The School Board may grant a leave of absence without pay to tenured professional staff members who have rendered satisfactory service and desire to return to employment in a similar capacity at a time mutually consistent with the District's needs as determined by the School Board.

Each leave of absence shall be of the shortest possible duration required to meet the leave's purpose consistent with a reasonable continuity of instruction for students.

Child-Rearing Leave

The School Board shall grant a professional staff member's request for a non-paid, child-rearing leave, not to exceed the balance of the school year plus one additional school year (but in no event shall such leave exceed 3 semesters), provided the request complies with this policy. Nothing in this policy shall prohibit a professional staff member from utilizing sick days during a disability due to pregnancy.

A teacher must request a child-rearing leave by notifying the Superintendent in writing no later than 90 days before the requested leave's beginning date. The request should include the proposed leave dates. The leave shall end before a new school year begins or before the first day of school after winter recess.

Subject to the insurance carrier's approval, the teacher may maintain insurance benefits at his or her own expense during a child-rearing leave.

A professional staff member desiring to return before the leave's expiration will be assigned to an available vacancy for which the teacher is qualified, subject to scheduling efficiency and instruction continuity.

Leaves for Service in the Military and General Assembly

Leaves for service in the military, National Guard, and General Assembly, as well as any re-employment rights, shall be granted in accordance with State and federal law. A professional staff member hired to replace one in military service or in the General Assembly does not acquire tenure.

Leave for Employment in Department of Defense

The School Board may grant teachers a leave of absence to accept employment in a Department of Defense overseas school.

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 School Board 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.: 20 ILCS 1805/30.1 et seq.
 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 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: September 18, 2003

REVISED: April 21, 2005

Professional Personnel

5:260 Student Teachers

Opportunities will be provided students from college and university approved teacher-training programs to do student teaching in the District. The Superintendent or designee shall be responsible for screening qualifications and for their orientation, assignment and training program.

Student teachers will be assigned to supervising teachers whose qualifications are acceptable to the student's college or university.

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

ADOPTED: September 18, 2003

Educational Support Personnel

5:270 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 or no reason at all. A dismissal for reduction in force requires 30 days notice before the employee is removed or dismissed. For the purposes of reduction in force, educational support personnel are granted seniority and recall rights within their respective categories of position. Nothing in School Board policy is intended or should be construed as altering the employment at-will relationship.

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 the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., works overtime whenever the employee works more than 40 hours during a single workweek. Overtime will not be allowed without prior authorization from the employee's immediate supervisor. Educational support personnel are paid every 2 weeks. The Superintendent is authorized to make assignments and transfers of educational support personnel.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. § 201 et seq.
105 ILCS 5/10-22.34 and 5/10-23.5.
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).
Molitor v. Chicago Title & Trust Co., 59 N.E. 2d 695 (1st Dist. 1945).

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

ADOPTED: September 18, 2003

Educational Support Personnel

5:280 Duties and Qualifications

All support staff must meet qualifications specified in job descriptions and be able to perform the essential tasks listed and/or assigned.

Teacher Aides

Teacher aides are non-teaching or voluntary personnel who may be used:

1. For non-teaching duties not requiring instructional judgment or evaluation of students;
2. For supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media (such as computers, video, and audio), detention and discipline areas, and school-sponsored extracurricular activities;
3. To assist with academic programs under a certificated teacher's immediate supervision;
4. As a guest lecturer or resource person under a certificated teacher's direction and with the administration's approval; or
5. For providing specialized instruction in fields in which they are particularly qualified, due to their knowledge or skills, under a certificated teacher's direction and with the regional superintendent's approval.

Non-certificated personnel may be used as supervisors, chaperones, or sponsors, either on a voluntary or on a compensated basis, for non-academic school activities.

Notwithstanding the above, all paraprofessionals, hired after January 8, 2002 and working in a program supported with Title I funds under, shall have the duties and qualifications as described in Title I of the Elementary and Secondary Education Act.

Coaches and Athletic Trainers

Coaches shall have the qualifications required by any association in which the School District maintains a membership. All coaches must successfully complete a District-approved coach-training program.

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 Legislation of 2001.
 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.

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: September 18, 2003

Educational Support Personnel

5:285 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49 § 382 et seq. The Superintendent or designee shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

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 (Transportation), 5:30 (Hiring Process and Criteria), 5:280 (Duties and Qualifications)

ADOPTED: September 18, 2003

Educational Support Personnel

5:290 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. The Superintendent or supervisor may recommend an employee's discharge subject to the School Board's approval.

Reduction in Force and Recall

The School Board 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 of the federal wage and hour laws, 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.

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

CROSS REF.: 5:240 (Suspension)

ADOPTED: September 18, 2003

Educational Support Personnel

5:300 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. A minimum of 7.25 hours must be worked to be considered a full-time employee.

Administrative office personnel and full-time school secretaries 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 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.

Substitute/Temporary 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 unpaid meal break which begins within the first 5 hours of the employee's work day. If an instructional aide's assignment includes eating his/her lunch with a student, that aide's meal period will be paid. 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: September 18, 2003

Amended: May 22, 2012

Educational Support Personnel

5:310 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. The Fair Labor Standards Act covers all educational support personnel, unless an employee is exempt due to job responsibilities. The Superintendent or designee shall notify each employee who is exempt from this law.

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

An employee who has accrued compensatory time-off shall be permitted to use such time in at least 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. Compensatory time shall be used by June 30 of the fiscal year in which it is earned.

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.

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

CROSS REF.: 5:270 (Employment At-Will, Compensation, and Assignment)

Educational Support Personnel

5:330 Sick Days, Vacation, Holidays, and Leaves

Sick Days

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees will receive sick leave pay equivalent to their regular workday. 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. 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

Twelve-month employees shall be eligible for paid vacation days according to the following schedule:

<u>Length of Employment</u>		<u>Monthly Accumulation</u>	<u>Maximum Vacation Leave Earned Per Year</u>
<u>From:</u>	<u>To:</u>		
Beginning of year 2	End of year 5	0.83 Days	10 Days per year
Beginning of year 6	End of year 15	1.25 Days	15 Days per year
Beginning of year 16	End of year	1.67 Days	20 Days per year

The Superintendent will determine the procedure for requesting vacation.

Vacation days earned in one fiscal year must be used by September 30 of the following calendar year; they do not accumulate. Employees resigning or whose employment is terminated are entitled to the monetary equivalent of all earned vacation.

Holidays

Unless the District receives a waiver or modification of The School Code pursuant to Section 2-3.25g allowing it to schedule school on a holiday listed below, District employees will be paid for, but will not be required to work on:

Labor Day

Columbus Day

Veteran's Day - if observed in school calendar

Thanksgiving Day

Christmas Day

Martin Luther King Day

Presidents' Day

Friday of Spring Break

Twelve-month employees have the above days and these additional days:

New Year's Day

Memorial Day

Friday after Thanksgiving

Independence Day

Christmas Eve

Personal Leave

Full-time educational support personnel have one paid personal leave day 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 3 days 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 and General Assembly

Educational support personnel shall receive the same military and General Assembly leaves that are granted professional staff.

Bereavement Leave

Educational support personnel may receive one day per year for bereavement leave for immediate family as defined in the School Code.

School Visitation Leave

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

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
820 ILCS 147.

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

ADOPTED: September 18, 2003

AMENDED: November 16, 2016