

DRAFT UPDATE

Urbana School District Number 116

5:330

Educational Support Personnel

Sick Days, Vacation, Holidays, and Leaves

Each of the provisions in this policy applies to all educational support personnel to the extent that it does not conflict with an applicable collective bargaining agreement or individual contract; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

Sick and Bereavement Leave

Please refer to the following current agreement:

Collective Bargaining Agreement between Urbana Education Association (Educational Support Professionals), IEA-NEA and Urbana School District #116 Board of Education.

For employees not covered by this agreement:

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days per year. Part-time employees who work at least half-time are entitled to sick days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week. Unused sick leave shall accumulate to a maximum of 260 days, including the leave of the current year.

Sick leave is defined in State law as personal illness, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. The Superintendent and/or designee shall monitor the use of sick leave.

The number of sick leave days are as follows:

- 40 week employees – ten (10) days
- 42 week employees – eleven (11) days
- 44 week employees – twelve (12) days
- 52 week employees – fifteen (15) days

As a condition for paying sick leave after 3 days absence for personal illness or 30 days for birth or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a chiropractic physician licensed under the Medical Practice Act, (3) an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, (4) a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (5) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than 3 days for personal illness, the District shall pay the expenses incurred by the employee.

The use of paid sick leave for adoption or placement for adoption is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Commented [APowell1]:

Consult the board attorney about the Employee Sick Leave Act 820 ILCS 191/, added by P.A. 99-841, eff. 1-1-17. It prohibits employers from limiting the use of sick time to an employee's own illnesses and allows employees to use employer-provided sick leave to care for an ill or injured family member or to attend a medical appointment with a family member. The law defines family members as a child (biological, adopted, stepchild, or legal ward), spouse, domestic partner, sibling, parent, mother- or father-in-law, grandchild, grandparent, or stepparent (Id. at 191/10(b)). Leave may be taken under the same terms for which the employee would be permitted to take leave for his or her own illness or injury.

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Commented [APowell2]:

The following optional provisions apply to boards that want to address the IMRF's requirement that public bodies must have a written plan allowing eligible employees to convert their eligible accumulated sick leave to service credit upon their retirement. See 40 ILCS 5/7-139(a)(8) and see also IMRF General Memorandum #555 at: www.imrf.org/en/publications-and-archive/general-memos/2007-general-memos/general-memo-555.

OPTION 1: No collective bargaining agreement applies, and the board wants to publicize its written plan. Insert the following sentence:

This policy is the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon a District employee's retirement under the Illinois Municipal Retirement Fund.

OPTION 2: A local collective bargaining agreement contains the written plan, and the board wants to publicize it. Insert the following sentence: *Please refer to the applicable collective bargaining agreement(s) for the District's written plan allowing eligible employees to convert eligible accumulated sick leave to service credit upon an employee's retirement under the Illinois Municipal Retirement Fund.*

OPTION 3: A district maintains two separate sick leave plans, one for employees under a collective bargaining agreement, and one for non-unionized employees. Insert the text for both Option 1 and Option 2.

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Vacation

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

<u>Length of Employment in years</u>	<u>Days Per Month</u>	<u>Maximum Paid Vacation Earned Per Year</u>
0 - 5	.833	10 days
6 - 10	1.25	15 days
11 - 15	1.42	17 days
16 - 20	1.66	20 days
over 20	1.83	22 days

Part-time employees who work at least half-time are entitled to vacation days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week during the last vacation accrual year. The Superintendent will determine the procedure for requesting vacation.

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

Please refer to the following current agreement:

Collective Bargaining Agreement between Urbana Education Association (Educational Support Professionals), IEA-NEA and Urbana School District #116 Board of Education.

For employees not covered by this agreement:

Unless the District has a waiver or modification of the School Code pursuant to Section 2-3.25g or 24-2(b) allowing it to schedule school on a holiday listed below, District employees will be paid for, but will not be required to work on:

New Year's Day	Labor Day
Martin Luther King Jr.'s Birthday	Veteran's Day
Abraham Lincoln's Birthday	Thanksgiving Day
Memorial Day	Christmas Day
Independence 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

Please refer to the following current agreement:

Collective Bargaining Agreement between Urbana Education Association (Educational Support Professionals), IEA-NEA and Urbana School District #116 Board of Education.

For employees not covered by this agreement:

Two (2) days of personal leave shall be granted each year to all employees except lunchroom supervisors and ASCC workers, to conduct necessary personal business which cannot be handled during days or hours when the employee is not required to be working. Unused personal leave days may accumulate as sick leave.

The use of a personal day is subject to the following conditions:

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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 and/or institute training days.
6. Personal leave may not be used when the employee's absence would create an undue hardship.

Association Leave, Leave of Absence Without Pay

Please refer to the following current agreement:

Collective Bargaining Agreement between Urbana Education Association (Educational Support Professionals), IEA-NEA and Urbana School District #116 Board of Education.

Leave to Serve as a Trustee of the Illinois Municipal Retirement Fund

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

Other Leaves

Educational support personnel receive the following leaves on the same terms and conditions granted professional personnel in Board policy 5:250, *Leaves of Absence*:

1. Leaves for Service in the Military and General Assembly
2. School Visitation Leave
3. [Child Bereavement Leave](#)
4. Leaves for Victims of Domestic or Sexual Violence

LEGAL REF.: 20 ILCS 1805/30.1 et seq.
105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6.
820 ILCS 147 and 180/
[820 ILCS 154/](#)
School Dist 151 v. ISBE, 507 N.E.2d 134 (Ill.App.1, 1987); Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 1965).

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

ADOPTED: [January 20, 2015](#)

Commented [APowell3]:

820 ILCS 154/, added by P.A. 99-703 requires employers to offer this unpaid leave to employees that are *eligible employees* under FMLA. (29 U.S.C. 2601 et seq.)

See the Child Bereavement Leave subhead in policy 5:250, *Professional Personnel – Leaves of Absence*, for further information.

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