

**IASB POLICY REFERENCE 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, creed, religion, national origin, sex, sexual orientation, age, ancestry, marital status, arrest record, military status, order of protection status, 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, genetic information, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with reasonable accommodation, credit history, unless a satisfactory credit history is an established bona fide occupational requirement of a particular position, or 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 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:**

Mrs. Kim Liles	
Name	
701 Plainfield Road	
Address	
Downers Grove, IL 60516	
630-985-2700	
Telephone	

**Complaint Managers:**

Mr. Paul Windsor	Mrs. Janeise Schultz
Name	Name
701 Plainfield Road	699 Plainfield Road
Address	Address
Downers Grove, IL 60516	Downers Grove, IL 60516
630-985-2700	630-783-5100
Telephone	Telephone

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 U.S.C. §§621 et seq., 42 U.S.C. §1981 et seq., §2000e et seq., and §12101 et seq. Equal Employment Opportunities Act (Title VII of the Civil Rights Act of 1964), 42 U.S.C. §2000e et seq., 29 C.F.R. Part 1601. Equal Pay Act, 29 U.S.C. §206(d). Employee Credit Privacy Act, 820 ILCS 70/. Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq. 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. Pregnancy Discrimination Act, 42 U.S.C. §2000e(k). Title IX of the Education Amendments, 20 U.S.C. §1681 et seq., 34 C.F.R. Part 106. Uniformed Services Employment and Reemployment Rights Act (1994), 38 U.S.C. §§4301 et seq. Ill. Constitution, Art. I, §§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.

Genetic Information Protection Act, 410 ILCS 513/25.

Ill. Whistleblower Act, 740 ILCS 174/.

Ill. Human Rights Act, 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/.

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 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:40 (Communicable and Chronic Infectious Disease), 5:70 (Religious Holidays), 5:180 (Temporary Illness or Temporary Incapacity), 5:200 (Terms and Conditions of Employment and Dismissal), 5:250 (Leaves of Absence), 5:270 (Employment, At-Will, Compensation, and Assignment), 5:300, (Schedules and Employment Year), 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)

First Reading: January 11, 2011

Second Reading: January 25, 2011

Adopted: January 25, 2011

## **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 that 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.

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

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

First Reading: January 12, 1999

Second Reading: January 26, 1999

Adopted: January 26, 1999

October 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 opportunity and minority recruitment. The Superintendent is responsible for recruiting personnel and making hiring recommendations to the Board. If the Superintendent's recommendation is rejected, the Superintendent must submit another. No individual will be employed who has been convicted of a criminal offense listed in Section 5/21-23a of The School Code. No substitute teacher will be employed without first presenting his or her certificate of authorization from the Regional Superintendent.

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 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 School Code requires the Board President to keep a conviction record confidential and share it only with the Superintendent, Regional Superintendent, State Superintendent, State Teacher Certification Board, any other person necessary to the hiring decision, or for purposes of clarifying the information, the Department of State Police and/or Statewide Sex Offender Database.

The Superintendent or designee shall ensure that an applicant's credit history or report from a consumer reporting agency is used only when a satisfactory credit history is an established bona fide occupational requirement of a particular position.

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 Section 5/21-23a 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 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 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, 5/10-20.7, 5/10-21.4, 5/10-21.9, 5/21-23a, 5/10-22.34,  
 5/10-22.34b, 5/22-6.5, and 5/24-1 et seq.  
 820 ILCS 55/ and 70/.  
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)

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October 2010

5:30-AP1

**General Personnel**

**Administrative Procedure - Interview Questions**

The anti-discrimination laws affect all steps of the employee hiring process. Knowledge of the characteristics on which these laws prohibit inquiry is especially critical when conducting interviews. Sloppy interview practices can result in the appearance of illegal discrimination or even actual discrimination.

Interviewers should avoid seeking information that will not be used to make an employment decision. Assume that a rejected applicant may believe that all information acquired was used. It will be the District’s burden to explain that not all information elicited was used – a very difficult burden when the information involves race, sex, religion, age, disability, etc. Information needed for insurance, tax, social security, or similar purposes should be obtained after employment. The following list of protected characteristics may not be complete because of the rapidly changing nature of discrimination laws.

Protected Status	Do not ask	Permissible to ask
Race and color	What race are your parents?	
Alienage, ancestry, national origin, nationality,	In what country were you born? In what country were your parents	Are you legally authorized to work in the United

<b>Protected Status</b>	<b>Do not ask</b>	<b>Permissible to ask</b>
and citizen status (provided the individual is authorized to work in the U.S.)	born? Are you a naturalized citizen?	States? What languages do you read, speak, or write fluently?
Marital status	Are you married? Single? Divorced? Engaged? Are you living with someone? Would your spouse move with you if you got this position? What is your maiden name?	
Gender, including parent and pregnancy status	What are your future family plans? Are you pregnant? Do you have children? What are their ages? Do you have child care?	Is there anything that would interfere with regular work attendance? Are you available to work overtime?
Sexual orientation, including actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity	Do you have a spouse or partner – which?	How do you feel about supervising a diverse workplace?
Religion or creed	What religious holidays do you celebrate?	What days are you available to work?
Age	When do you plan to retire? How would you feel about working for someone younger than you?	What are your long-term career goals?
Military status	Will you miss work because you are a member of a U.S. Reserve unit, such as, Army Reserve or Marine Corps Reserve, or a member of a National Guard unit?	How does your military training or experience prepare you for this job?
Unfavorable discharge from military service	Under what circumstances were you discharged from the service?	
Arrest record	Have you ever been arrested? Spent time in jail?	Have you ever been convicted of a crime? Have you ever been employed under a different name?
Use of lawful products during non-working hours	Do you smoke or use tobacco products during non-working hours? Do you consume alcoholic beverages during non-working hours?	Have you been disciplined by an employer for violating its rules forbidding the use of alcohol or tobacco products?

<b>Protected Status</b>	<b>Do not ask</b>	<b>Permissible to ask</b>
Genetic information	What were the results of any diagnostic, predictive, or pre-symptomatic genetic testing that you've had?	See section on <i>disability</i> below.
Whether applicant has ever filed a claim or received benefits under the Illinois Workers' Compensation Act or Workers' Occupational Diseases Act	Have you ever filed a claim or received benefits under the Illinois Worker's Compensation Act or Workers' Occupational Disease Act?	
Credit history/report, unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement, such as, the position's duties include custody of or unsupervised access to cash or marketable assets valued at \$2,500 or more. 820 ILCS 70/, added by P.A. 96-1426.	Unless the Employee Credit Privacy Act permits a satisfactory credit history to be a job requirement for a specific position, do not ask:  Do you have a good credit score?  Have you been denied a credit card within last 5 years?  Have you ever filed bankruptcy?	How long have you lived at your current address?

### Disability

Inquiries that are likely to elicit information about a disability, before a bona fide job offer is made, are prohibited. Inquiries about the ability to perform job functions that do not ask about disabilities are permissible.

<b>Protected Status</b>	<b>Do not ask</b>	<b>Permissible to ask, provided all applicants are asked</b>
Disability	<p>Have you had any recent illnesses or operations?</p> <p>Do you have AIDS?</p> <p>Do you have asthma?</p> <p>Do you have a disability which would interfere with your ability to perform the job?</p> <p>How many days were you sick last year?</p> <p>Have you ever filed for Workers' Compensation?</p> <p>Have you ever been injured on the job?</p> <p>How much alcohol do you drink each week?</p> <p>Have you ever been treated for alcohol problems?</p>	<p>Can you perform the functions of this job (essential and/or marginal), with or without reasonable accommodation?</p> <p>Please describe/demonstrate how you would perform these functions (essential and/or marginal).</p> <p>Have you ever been disciplined (oral or written reprimand, suspension or termination) for attendance violations or problems?</p> <p>Are you a current user of illegal drugs?</p> <p>Do you have the required licenses to perform this</p>

	<p>Have you ever been treated for mental health problems?</p> <p>What prescription drugs are you currently taking?</p>	<p>job?</p>
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5:30-AP2

## General Personnel

### Administrative Procedure - Investigations

#### Immigration Investigation

All newly hired employees must complete section one of the Immigration and Naturalization Service Form I-9 no later than 3 business days following their first working day (Immigration Reform and Control Act, 8 U.S.C. §1324a, 8 C.F.R. §274a.2). If an individual is unable to provide the required documents to complete it, the individual may present a receipt for the application of the required documents within 3 days of the hire. The individual must then present the required documents within 90 days of the hire. The Superintendent or designee completes section two of the Form I-9 and confirms the employee's information.

If the Employment Eligibility Verification System (E-Verify) is used to complete Form I-9, the Superintendent or designee will review the Ill. Dept. of Labor's website and its E-Verify factsheet, available at: [www.state.il.us/Agency/idol/Forms/PDFs/everify.pdf](http://www.state.il.us/Agency/idol/Forms/PDFs/everify.pdf). See, the Ill. Dept. of Labor Right to Privacy in the Workplace Act, 820 ILCS 55/12, amended by P.A. 96-623.

The completed Form I-9 shall be maintained in a file separate from other personnel records in order to prevent unauthorized review of personnel files. The Form I-9 shall be retained for a period of 3 years after the date of hire or one year after individual employment is terminated, whichever is later.

#### Criminal History Records Check

**Note:** These requirements are in 105 ILCS 5/10-21.9, amended by P.A. 96-1452 and 105 ILCS 5/21-9, amended by HB 5983, eff. 1-1-2011. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*. A detailed "Guide to Understanding Criminal Background Check Information" is available at: [www.isp.state.il.us/docs/5-727.pdf](http://www.isp.state.il.us/docs/5-727.pdf).

**Important:** 20 ILCS 2630/5(h)(2)(A) outlines how an individual may petition to have an arrest record expunged by the arresting authority and the records of the arrest sealed by the circuit court clerk. It also details offenses for which an individual cannot have his or her conviction sealed.

The following individuals are responsible for the actions listed:

**Applicant** - Each applicant for employment in any position (except bus driver and substitute teacher) must provide a written authorization for a fingerprint-based criminal history records check at the time he or she submits the application.

**Applicant for Substitute Teacher** - Each applicant for any substitute teacher position must provide his or her certificate of authorization from the Regional Superintendent of Schools or

Suburban Cook County Intermediate Service Center (P.A. 96-893), whichever is appropriate. See 105 ILCS 5/21-9(c), amended by HB 5863, eff. 1-1-2011.

**Student Teacher** - Each student teacher must provide payment of the costs of and a written authorization for his or her higher educational institution to perform a fingerprint-based criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database prior to participating in any field experiences in the District. See 105 ILCS 5/10-21.9(g), amended by P.A. 96-1452.

**Applicant for Bus Driver** - Each applicant for a bus driver position must complete the application required by the Secretary of State for a school bus driver permit (obtained from the District) and submit it to the District along with the necessary fingerprint submission as required by the Department of State Police to conduct a fingerprint-based criminal history records check. The Superintendent or designee will conduct a pre-employment interview with prospective school bus driver candidates, distribute school bus driver applications and medical forms, and submit the applicant's fingerprint cards to the Department of State Police. The Superintendent or designee will certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed, including the successful completion of a criminal history records check as required by State law. The applicant must present the certification to the Secretary of State at the time of submitting the school bus driver permit application. See 625 ILCS 5/6-106.1, amended by P.A. 96-962 and P.A. 96-1182 and 105 ILCS 5/10-21.9(g), amended by P.A. 96-1452.

**Superintendent - Note:** *Add any additional steps to efficiently receive a fingerprint-based criminal history records check.*

1. Fingerprint-Based Criminal History Records Check:

The Superintendent or designee completes the required forms in order to request a fingerprint-based criminal history records check from an appropriate police or live scan agency. For substitute teachers, the Superintendent ensures that the certificate of authorization from the Regional Superintendent of Schools or Suburban Cook County Intermediate Service Center, whichever is appropriate, is on file in the District (105 ILCS 5/21-9(c), amended by HB 5863, eff. 1-1-2011). For student teachers, the Superintendent works with the higher education institution where the student teacher is enrolled to obtain or ensure that the student teacher completes the required forms to request a fingerprint-based criminal history records check (105 ILCS 5/10-21.9(g), amended by P.A. 96-1452, see policy 5:260, *Student Teachers*).

This may include submitting the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers to the Department of State Police on the forms prescribed by it.

The Superintendent or designee will provide the applicant with a copy of the conviction record obtained from the Department of State Police. Required by 105 ILCS 5/10-21.9(b).

2. Check of the statewide offender databases. The Superintendent or designee performs a check for each applicant of:

- a. The Statewide Sex Offender Database (a/k/a Sex Offender Registry), [www.isp.state.il.us/sor](http://www.isp.state.il.us/sor), as authorized by the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*), and
- b. The Statewide Child Murderer and Violent Offender Against Youth Registry ([www.isp.state.il.us/cmvo/](http://www.isp.state.il.us/cmvo/)), as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105).

The Superintendent or designee notifies an applicant if the applicant is identified in the database as a sex offender. Required by 105 ILCS 5/10-21.9 (a-5), (a-6) and (b).

**State Police and FBI** - The Department of State Police and FBI furnish records of convictions (until expunged), pursuant to a fingerprint-based criminal history records check, to the School

Board President or for a student teacher, the Superintendent and the higher education institution where the student teacher is enrolled. **Note:** The State Police and FBI must “furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board...”. See 105 ILCS 5/10-21.9(a) and (g), amended by P.A. 96-1452.

**Board President - The School Code** requires the Board President to keep a conviction record confidential. The information may only be shared between the Board President, the Superintendent or designee, Regional Superintendent (if the check was requested by the District), State Superintendent of Schools, State Teacher Certification Board, any other person necessary to the hiring decision, or for clarification purposes, the Department of State Police and/or Statewide Sex Offender Database. See 105 ILCS 5/10-21.9(b), amended by P.A. 96-1452.

**Regional Superintendent/Suburban Cook County Intermediate Service Center** - Whenever an applicant is seeking employment in more than one District as either a substitute or part-time teacher or educational support personnel employee, the Superintendent or designee may require the applicant to authorize the Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, to conduct the check. The Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate, also performs a check of the Statewide Sex Offender Database ([www.isp.state.il.us/sor](http://www.isp.state.il.us/sor)) as authorized by the Sex Offender Community Notification Law (730 ILCS 152/115) and the Violent Offender Against Youth Database ([www.isp/state.il.us/cmvo/](http://www.isp/state.il.us/cmvo/)) as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105). See 105 ILCS 5/10-21.9 (a-5), (a-6) and (b).

**Contractors** - The above requirements for fingerprint-based criminal history records check apply to every employee or agent of any contractor if the employee or agent has direct, daily contact with students. **Note:** The provisions in 105 ILCS 5/10-21.9(f) apply to contractor’s employees who have “direct, daily contact with students.” Thus, districts must: (1) seek a fingerprint-based criminal history records check for all such employees, or (2) include a provision in the contract with the contractor that the contractor will obtain the fingerprint-based criminal history records check and submit it to the district. All contracts should require the contractor to purchase insurance to cover misconduct by their employees and/or an indemnification clause. Additionally, a district should check its own insurance coverage to determine whether employees of contractors are covered. See also policy 4:170, *Safety*, for the responsibilities of contractors.

**District** - The School District complies with 105 ILCS 5/10-21.9 and 5/21-23a. It will not knowingly employ a person, or allow a person work or student teach on school grounds, who:

1. Has been convicted of committing or attempting to commit any one or more of the following offenses:
  - a. Attempted first-degree murder or first-degree murder or any Class X felony.
  - b. Sex offenses as defined in Sections 11-6 and 11-9 through 11-9.5, inclusive, Sections 11-14 through 11-21, inclusive, Sections 11-23 (if punished as a Class 3 felony), 11-24, 11-25, and 11-26, and Sections 12-4.9, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of 1961.
  - c. Those defined in the Cannabis Control Act, 720 ILCS 550/., except 720 ILCS 550/4(a), 550/4(b), and 550/5(a).
  - d. Those defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*
  - e. Those defined in the Methamphetamine Control and Community Protection Act, 720 ILCS 646/.
  - f. Any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in Illinois, would have been punishable as one or more of the foregoing offenses.
2. Has been found to be the perpetrator of sexual or physical abuse of any minor less than 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

Reporting New Hires

The Superintendent or designee shall timely file an IRS Form W-4 or IDES New Hire Reporting Form for each newly hired employee with the Illinois Department of Employment Security. See 820 ILCS 405/1801.1.

First Reading: January 11, 2011

Second Reading: January 25, 2011

Adopted: January 25, 2011

## **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 minimum wage and overtime provisions.

#### Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. 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 for 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.

LEGAL REF.: 820 ILCS 105/4a.  
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541,  
548, 553, 778, and 785.

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

First Reading: March 24, 2009

Second Reading: April 14, 2009

Adopted: April 14, 2009

## General Personnel

### Administrative Procedure - Fair Labor Standards Act Exemptions

FLSA Exemption Category	Staff Positions
Non-covered persons	Independent contractors Bona fide volunteers Trainees (e.g., student teachers) who: (1) receive academic credit for their work experience, (2) do not displace regular employees, (3) work under close supervision, and (4) are not entitled to a job at the end of their training
Executive employees	Superintendent Associate/Assistant Superintendent(s) Directors Supervisors
Administrative employees	Building Principals Assistant Principals
Professional employees	Teachers Counselors Registered nurses Media coordinators
Computer employees	Technology employees performing systems analysis techniques
Non-exempt employees	Secretaries Bookkeepers Bus drivers/transportation workers Receptionists Teacher aides, paraprofessionals, and assistants Computer lab managers Custodians Cafeteria workers Clerks Crossing guards Maintenance workers Media assistants Before/after school program workers Pre-school workers (if District day care )

First Reading: September 28, 2004

Second Reading: October 12, 2004

Adopted: October 12, 2004

Reviewed: March

24,

2009

## General Personnel

### Administrative Procedure - Employee Records Required by the Fair Labor Standards Act

Actor	Action
Business office working with supervisors of non-exempt employees	<p>Keep the following records concerning non-exempt employees for 3 years:</p> <ul style="list-style-type: none"> <li>• Full name and social security number and, on the same record, any symbol that might be used in place of the employee's name on any time, work or payroll records;</li> <li>• Home address, including zip code;</li> <li>• Date of birth, if under age 19;</li> <li>• Gender and the employee's occupation;</li> <li>• Time of day and day of week on which the employee's workweek begins;</li> <li>• Explain: i) the hourly rate of pay for any workweek when overtime is due; ii) the basis on which wages are paid; and iii) the amount and nature of each payment that is excluded from the regular rate;</li> <li>• Hours worked by the employee each workday and the total hours each workweek;</li> <li>• Total daily or weekly straight time earnings, excluding overtime pay;</li> <li>• Total pay for overtime hours;</li> <li>• Total additions to or deductions from wages paid each pay period;</li> <li>• Total wages paid each pay period; and</li> <li>• Date of payment and the pay period covered by the payment.</li> </ul>
Business office working with supervisors of exempt employees	Keep the following records concerning exempt employees for 3 years - the records listed in numbers 1-5, 11, and 12 above and a record showing the basis on which the exempt employee's wages are paid.
Building Principal	Keep records regarding the posting of notices.

First Reading:        March 24, 2009

Second Reading:    April 14, 2009

Adopted:             April 14, 2009

## **General Personnel**

### **Administrative Procedure - Fair Labor Standards Act 12-Step Compliance Checklist**

Checklist for compliance with the Fair Labor Standards Act (FLSA):

1. Classify employees as exempt or non-exempt.

Identify which employees are covered by the overtime requirements of the Fair Labor Standards Act (FLSA), i.e., “non-exempt,” and which employees are exempt from the overtime requirements. See Administrative Procedure 5:35-AP1, *Fair Labor Standards Act Exemptions*, for a list of school employees traditionally exempt and non-exempt. Include a record in each employee’s file stating whether he or she is exempt or non-exempt.

An exemption from the FLSA overtime pay/compensatory time requirements is the exception, rather than the rule. Any uncertainty should be resolved in favor of finding the employee to be non-exempt and the overtime compensable, as the burden is on the school system to prove that exemptions are applicable.

2. Make sure all employees have access to and understand the Board policy and administrative procedures on the workweek, overtime, and compensatory time. See: Board policy 5:35, *Compliance with the Fair Labor Standards Act*, and Administrative Procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*.

In addition, make sure that all employees:

1. Are provided a copy of the Board policy or access to the Board policy published on-line;
2. Acknowledge that they have received and understand the policy; and
3. Agree to follow the policy and procedures or be subject to discipline.

3. Notify non-exempt employees of their expected work hours in a workweek.

Be clear that the salary of non-exempt employees is paid for a 40-hour workweek. Supervisors may regularly schedule employees to work 37.5 hours per week and leave the remainder as possible flexible time. However, to avoid the possibility of “straight-time” claims for hours worked between 37.5 and 40, supervisors need to clearly communicate that the District pays employees a salary for up to 40 hours of work and that the District retains the right to request that the employee perform additional duties up to 40 hours without additional pay.

4. Keep precise records of the hours worked by every non-exempt employee by using a good timesheet, time clock, computerized check-in system, or other method. Make sure individual employees keep and sign their weekly record of hours worked. Print an acknowledgment similar to the following on every time sheet: “I acknowledge that I have reviewed this time sheet and that it accurately records all of the time that I worked for the District on the dates indicated and that I did not work for the District at any other times during the workweek that are not recorded on this timesheet.”
5. Annually train District supervisory staff, as well as supervisors when first assigned supervisory duties, on FLSA compliance issues, including:
  - What counts as compensable work time (see Administrative Procedure 5:35-AP3, *Compensable Work Time for Non-Exempt Employees Under the FLSA*);
  - How timesheets must be completed for non-exempt employees; and
  - Their duty to monitor timesheets and verify time worked.

6. Train all non-exempt staff when hired and regularly thereafter on the following topics:
  1. Board policy requirements;
  2. What counts as compensable time; and
  3. How to complete timesheets correctly.
7. Require non-exempt employees who want to volunteer to execute a Volunteer Agreement. See Exhibit 5:35-E, *Volunteer Agreement Executed by a Non-Exempt Employee*.
 

Non-exempt employees may only volunteer to perform services on behalf of the school that do not involve the same types of duties they regularly perform in their jobs. Further, in order to be a bona fide volunteer, an employee must freely and voluntarily (i.e., without any direct or implied coercion or requirement) agree to perform the volunteer duties without compensation.
8. Have all non-exempt employees sign the following documents:
  1. A statement that they were given a copy of the Board's policy on work time and have reviewed it, and that they understand violators may be subject to discipline; and
  2. If applicable, an agreement that any overtime worked over 40 hours per week will be compensated with time and a half compensatory time rather than overtime pay (see Exhibit 5:310-E, *Agreement to Receive Compensatory Time-Off*).
9. Have supervisory, payroll, and business staffs monitor weekly time records.
 

Make sure that supervisory staff continuously monitors weekly time records for accuracy and completeness, and that they report all overtime worked by non-exempt staff to the finance office for either overtime pay or compensatory time credit.
10. Keep FLSA-required records for non-exempt and exempt employees. See Administrative Procedure 5:35-AP2, *Employee Records Required by the Fair Labor Standards*.
11. Post all federal and State required employment posters.
 

Make sure that all employment posters are widely posted, e.g., in the teachers' lounge, school office, cafeteria kitchen, bus garage, janitor's closet, and other places where employees gather.
12. Consult with the Board's attorney about FLSA compliance.

First Reading:           September 28, 2004  
 Second Reading:       October 12, 2004  
 Adopted:                October 12, 2004  
 Reviewed:               March 24, 2009

## General Personnel

### Communicable and Chronic Infectious Disease

The Superintendent shall develop and implement procedures for managing known or suspected cases of a communicable and chronic infectious disease involving District employees that are consistent with State and federal law, Illinois Department of Public Health rules, and School Board policies.

An employee with a communicable or chronic infectious disease is encouraged to inform the Superintendent immediately and grant consent to being monitored by the District's Communicable and Chronic Infectious Disease Review Team. The Review Team, if used, provides information and recommendations to the Superintendent concerning the employee's conditions of employment and necessary accommodations. The Review Team shall hold the employee's medical condition and records in strictest confidence, except to the extent allowed by law.

An employee with a communicable or chronic infectious disease will be permitted to retain his or her position 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. An employee with a communicable and chronic infectious disease remains subject to the Board's employment policies including sick and/or other leave, physical examinations, temporary and permanent disability, and termination.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.; 29 C.F.R. §1630.1 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. §791; 34 C.F.R. §104.1 et seq.  
20 ILCS 2305/6.  
105 ILCS 5/24-5.  
820 ILCS 40/1 et seq.  
Control of Communicable Diseases, 77 Ill.Admin.Code Part 690.

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

First Reading: September 26, 2006

Second Reading: October 10, 2006

Adopted: October 10, 2006

Reviewed: April 12, 2011

April 2001

5:50

## **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, and
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 means a substance 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.

First Reading:	April 10, 2001
Second Reading:	April 24, 2001
Adopted:	April 24, 2001
Reviewed:	April 12, 2011

## **General Personnel**

### **Expenses**

The School Board shall reimburse employees for expenses necessary for the performance of their duties, which 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 School Board in its regular bill process.

### **Professional Growth Expenses**

**Please refer to an Agreement between Center Cass Elementary School District No. 66, Downers Grove, Illinois, and Center Cass Education Association I.E.A.**

Tuition reimbursement shall only be paid to individuals who are employees at the time reimbursement is requested and paid by the District.

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

Adopted: June 13, 1995



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## **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 employee will reimburse the District for the court duty remuneration, less mileage and meal expenses.

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:               June 13, 1995

## **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 or, for a student aged 18 through 21, an abused or neglected individual with a disability, shall immediately: (1) report or cause a report to be made to the Illinois Department of Children and Family Services on its Child Abuse Hotline 800/25-ABUSE or 217/524-2606, and (2) follow any additional directions given by the Illinois Department of Children and Family Services to complete a report. 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 (DCFS) 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 requirements 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 shall notify the State Superintendent and the Regional Superintendent in writing when he or she has reasonable cause to believe that a certificate holder was dismissed or resigned from the District as a result of an act that made a child an abused or neglected child. The Superintendent must make the report within 30 days of the dismissal or resignation and mail a copy of the notification to the certificate holder.

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

LEGAL REF.: 105 ILCS 5/10-21.9.

20 ILCS 1305/1-1 et seq.  
20 ILCS 2435/.  
325 ILCS 5/.

CROSS REF.: 2:20 (Powers and Duties of the School Board), 5:20 (Workplace Harassment Prohibited), 5:100 (Staff Development Program), 5:150 (Personnel Records), 6:120 (Education of Children with Disabilities), 7:20 (Harassment of Students Prohibited), 7:150 (Agency and Police Interviews)

First Reading: December 13, 2011

Second Reading: January 10, 2012

Adopted: January 10, 2012

September 2009

5:100

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## **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 designed to effectuate the District and School Improvement Plans so that student learning objectives meet or exceed goals established by the District and State.

The staff development program shall provide, at a minimum, at least once every 2 years, the in-service training of certificated school personnel and administrators 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.

The staff development program shall provide, at a minimum, once every 2 years, the in-service training of all District staff on educator ethics, teacher-student conduct, and school employee-student conduct.

LEGAL REF.: 105 ILCS 5/2-3.60, 5/10-22.39, 5/10-23.12, 5/24-5, and 110/3.  
745 ILCS 49/, 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), 5:120 (Ethics), 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)

First Reading: December 8, 2009

Second Reading: January 12, 2010

Adopted: January 12, 2010

Reviewed: December 13, 2011

## General Personnel

### Ethics and Conduct

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 and appropriate relationships with students, parents, staff members, and others. Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal.

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.

### Ethics and Gift Ban

School Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. 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 School 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 5/10-22.39, 5/22-5, and 5/24-22.775 ILCS 5/5A-102.

Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).

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

CROSS REF.: 2:105 (Ethics and Gift Ban), 5:100 (Staff Development Program)

First Reading: January 11, 2011

Second Reading: January 25, 2011

Adopted: January 25, 2011

**General Personnel**

**Personal Technology and Social Media: Usage and Conduct**

**Introduction**

Center Cass School District No. 66 recognizes the increasingly-important role that technology plays in the educational process as well as in the personal lives of the students, their families, and District employees. This Policy is intended to foster a thoughtful, responsible use of social media and related technological communication tools in a way that does not disrupt, create unnecessary distractions to, or adversely impact the educational process or the interpersonal relationships among the students, faculty and staff.

**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 which include but are not limited to:

1. Social networking sites (e.g. Facebook, MySpace);
2. Blogging;
3. Micro blogging sites (e.g. Twitter);
4. Video clips and Podcasts (e.g. You Tube); and
5. Discussion forums

**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 smartphones such as BlackBerry, Android, iPhone, and other devices, such as iPads and iPods.

**Usage and Conduct**

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

1. Adhere to the high standards for appropriate school relationships in policy 5:120, *Ethics and Conduct* 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 accessible to students and other employees that is appropriate as defined by policy 5:20, *Workplace Harassment Prohibited*; 5:120, *Ethics and Conduct*; 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. Use a District-provided or supported method whenever possible to communicate with students and their parents/guardians. Employees shall discourage students from making contact through the employee’s personal technology or social media. Repeated attempts by a student to make such contact shall be reported to the employee’ supervisor.
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 students, including student record information or images of students and/or District employees without proper approval or consent obtained pursuant to state and federal student and personnel records laws.
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 his policy.
2. Direct Building Principals to annually:
  - a. Inform their building staff about the importance of maintaining high standards in their school relationships.
  - b. Remind their building staff that those who violate Board 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, and the community.
4. 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 5/21 and 5/21-23a.  
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).

Cir. Mayer v. Monroe County Community School Corp., 474 F.3d 477 (7<sup>th</sup> 2007).

CROSS REF.: 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 5:120 (Ethics and Conduct), 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 Student Prohibited), 7:340 (Student Records)

First Reading: September 13, 2011

Second Reading: October 11, 2011

Adopted: October 11, 2011

## **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 manage 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)

First Reading:       November 13, 2007

Second Reading:    December 11, 2007

Adopted:            December 11, 2007

## **General Personnel**

### **Administrative Procedure - Email Retention**

Email, including attachments, that are sent or received by the District or District employees may be, depending on their content, subject to disclosure under the Freedom of Information Act and/or discovery in litigation as evidence in support of a claim. Employees must use the same standards of judgment, propriety, and ethics with email as they do with other forms of school business-related communications.

Accordingly, employees have the same responsibilities for email messages as they do for any other communication and must distinguish between record and non-record messages. This allows for the proper storage or disposal of email. However, no District record, no matter its form, may be destroyed if it is subject to a litigation hold. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*. For guidance on Board member use and retention of email, see 2:140-E, *Guidance for Board Member Communications, Including Email Use*.

#### **Non-Record Messages**

Email messages are “non-record messages” if they do not evidence the District’s organization, function, policies, procedures, or activities; or contain informational data appropriate for preservation. These are generally informal or preliminary drafts, notes, recommendations, or memoranda that do not contain official action. Examples include:

1. Personal correspondence not received or created in the course of District or school business, such as, “What’s for dinner?” or “I’ll be glad to drive to the meeting.”
2. Notices concerning meetings or workshops, dates, discussion topics, and material to prepare for or to be discussed during a meeting.
3. Publications or promotional material from vendors and similar materials that are available to anyone.
4. Correspondence containing recommendations or opinions that are preliminary to a decision.
5. Informal correspondence to parents/guardians concerning school activities or an individual student’s progress or assignments provided the messages do not contain notice of final or official action.
6. Draft material.

If the email is a “non-record message,” the employee should delete it as soon as its purpose is fulfilled unless the email is subject to a litigation hold. The goal is to control excessive accumulation of material.

#### **Official Record Messages**

Email messages are “official record messages” if they are evidence of the District’s organization, function, policies, procedures, or activities or contain informational data appropriate for preservation. Examples include:

1. Policy documents or contract related documents.

2. Correspondence, e.g., letters, memos, emails from individuals, companies, or organizations requesting information about the District or school policies or practices and the responses to these requests.
3. Project reports.
4. Correspondence dealing with significant aspects of District administration or a school executive office, including messages containing information concerning policies, programs, fiscal and personnel matters, and contracts.

Official record messages should routinely be transferred to the records maintenance location identified by the Records Custodian or Head of Information Technology (IT). Before transferring the message, the employee should identify it as belonging in one of the categories of records established by the Record Custodian or Head of IT. Once transferred it becomes the official copy and the original electronic version may be deleted according to the District's approved record preservation and retention schedule. See administrative procedure 2:250-AP2, *Protocols for Record Preservation and Development of Retention Schedules*.

First Reading: November 13, 2007

Second Reading: December 11, 2007

Adopted: December 11, 2007

## **General Personnel**

### **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.

CROSS REF.: 8:90 (Parent Organizations and Booster Clubs)

Adopted: June 13, 1995

## **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.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent.
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*.

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/.  
23 Ill.Admin.Code §1.660.

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

First Reading: April 12, 2011

Second Reading: April 26, 2011

Adopted: April 26, 2011

## **General Personnel**

### **Administrative Procedure - Personnel Records**

#### Applicant Records

Records for a successful employment applicant are maintained with the individual's employment records. Records for an unsuccessful employment applicant are maintained for no less than 5 years from the application date. Applicant records include the following if received by the District:

- Employment application forms
- Transcripts
- Previous work experience
- References
- Such other relevant information as the District desires of applicants for screening purposes

#### Personnel Records

Personnel records for all employees include:

- Pre-employment records, including verification of past employment
- Dates of employment
- Valid certificate and/or evidence of required credentials for services being performed
- Criminal background investigation history and report
- Form I-9 required under the Immigration Reform and Control Act
- Records maintained pursuant to Internal Revenue Service regulations
- Payroll information and deductions, including all records required to be kept by 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3)
- Records maintained for the Illinois Teachers' Retirement System or the Illinois Municipal Retirement System
- Credit release information
- Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)
- Salary schedule data
- Relevant health and medical records, including the verification of freedom from tuberculosis required by the School Code (105 ILCS 5/24-5)
- Supervisory evaluations
- Promotions
- Awards received
- Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, discharge, or disciplinary action
- Disciplinary actions and accompanying records
- Notice of discharge and accompanying records
- Letter of resignation or retirement
- Notification that an employee is the subject of a Dept. of Children and Family Services (DCFS) investigation pursuant to the Abused and Neglected Child Reporting Act and any report to CFS made or caused to be made by a District employee concerning another employee; this record will be deleted if DCFS informs the District that the allegations were unfounded
- Any additional information the District deems to be relevant

In addition to the above, personnel records for all professional personnel include:

- Valid certificate for services being performed
- Copies of official transcripts required by the School Code (105 ILCS 5/24-23)
- Transcripts of graduate work completed

Verification of past teaching experience, if any  
Record of in-service work completed  
Acknowledgement of mandated reporter status

Employment records will be maintained permanently for all District employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

#### Restrictions on Information that May Be Kept

The District will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or authorizes the District in writing to keep or gather such records. However, the District may gather or keep records in an employee's personnel file concerning activities occurring on the District's premises or during the employee's working hours that: (1) interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, (2) constitute criminal conduct or may reasonably be expected to harm the District's property, operations or educational process, or programs, or (3) could, by the employee's actions, cause the District financial liability. 820 ILCS 40/9.

#### Access to Employee Records and Correction Requests

An employee is granted access to his or her personnel records according to provisions in the Personnel Record Review Act, 820 ILCS 40/, and any relevant provisions in an applicable collective bargaining agreement. Except for the documents described in Sec. 10 of the Review Act, an employee is granted access to his or her personnel records at least 2 times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records will be according to the following guidelines:

1. The employee must submit a written inspection request to the Superintendent or the Superintendent's designee.
2. The Superintendent or designee will provide the employee the opportunity for inspection within 7 working days after the request. If such deadline cannot reasonably be met, the District will have an additional 7 days to comply.
3. The employee will inspect the personnel record at the District's administrative office during normal working hours or at another time mutually convenient to the employee and the Superintendent or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her designated representative will have access to records that are treated as exceptions in the Illinois Personnel Record Review Act discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying will be based on the District's actual costs of duplication.
7. The employee may not remove any part of his or her personnel records from his or her file or may not remove any part of his or her personnel records from the District's administrative office.
8. Should the employee demonstrate his or her inability to inspect his or her personnel records in person, the District will mail a copy of the specific record(s) upon written request.
9. Should the employee be involved in a current grievance against the District or involved in any other contemplated proceedings against the District, the employee may designate in

writing a representative who has the authority to inspect the personnel records under the same rights as the employee.

10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the District and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The District will attach the employee's statement to the disputed portion of the personnel record and the statement will be included whenever that disputed record is released to a third party as long as the disputed record is part of the employee's personnel file. Inclusion of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the District will not imply or create any presumption that the District agrees with the statement's contents.

#### Requests by Third Parties

The Board Attorney shall be consulted whenever a subpoena or court order requests personnel record information. Any other request for personnel information by a third party will be treated as a FOIA request and immediately forwarded to the School District's Freedom of Information Officer (see 2:250-AP1, *Access to and Copying of District Public Records*). Concerning a request for a disciplinary report, letter of reprimand, or other disciplinary action:

1. If the responsive record is more than 4 years old, access will be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8.
2. If the responsive record is 4 years old or less, access will be granted. The District will provide the employee with written notice or through electronic mail, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7, amended by P.A. 96-1212.
3. The employee will not be informed if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

A FOIA request for a performance evaluation will be denied. Required by 820 ILCS 40/11, amended by P.A. 96-1483.

Before replying to a request from a third party, the District will review the requested records and delete or redact material that is protected from disclosure. Required by 820 ILCS 40/8.

#### Restriction on Employee Access

Section 10 of the Illinois Personnel Record Review Act provides that the right of the employee or the employee's designated representative to inspect his or her personnel records does not extend to:

1. Letters of reference for that employee.
2. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
3. Materials relating to the employer's staff planning, such as matters relating to the District's development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.

4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
5. Records relevant to any other pending claim between the District and employee that may be discovered in a judicial proceeding.
6. Investigatory or security records maintained by the District to investigate criminal conduct by an employee or other activity by the employee that could reasonably be expected to harm the District's property, operations, or education process or programs, or could by the employee's activity cause the District financial liability, unless and until the District takes adverse personnel action based on information in such records.

Complying with Requirements in the Abused and Neglected Child Reporting Act

The Superintendent will execute the requirements in the Abused and Neglected Child Reporting Act whenever a District employee makes a report to DCFS involving another District employee's conduct. This includes performing the following tasks (325 ILCS 5/4 and 820 ILCS 40/13):

1. Disclose to any school district requesting information concerning a current or former employee's job performance or qualifications the fact that he or she was the subject of another employee's report to DCFS. Only the fact that a District employee made a report may be disclosed.
2. Inform the District employee who is or has been the subject of such report that the Superintendent will make the disclosure as described above.
3. Delete the record of such a report if DCFS informs the District that the allegation was unfounded.

LEGAL REF.:           5 ILCS 140/  
                          325 ILCS 5/4 and 5/7.4.  
                          820 ILCS 40/  
                          23 Ill.Admin.Code §1.660.

First Reading:           April 12, 2011

Second Reading:       April 26, 2011

Adopted:                April 26, 2011

## **General Personnel**

### **Copyright**

#### **Works Made for Hire**

The Superintendent shall manage the development of instructional materials and computer programs by employees during the scope of their employment in accordance with State and federal laws and School Board policies. Whenever an employee is assigned to develop instructional materials and/or computer programs, or otherwise performs such work within the scope of his or her employment, it is assured the District shall be the owner of the copyright.

#### **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. 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 designee 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. No staff member shall, without first obtaining the permission of the Superintendent or designee, install or download any program on a District-owned computer. 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)

First Reading: September 26, 2006

Second Reading: October 10, 2006

Adopted: October 10, 2006

Reviewed: September 13, 2011

July 2006

5:170-AP1

## **General Personnel**

### **Administrative Procedure - Copyright Compliance**

These guidelines help staff members determine if they may use non-original work freely or whether permission is needed to use or copy it. Whenever a staff member is uncertain, has questions, or needs permission from a copyright-owner to use or copy a work, he or she should contact the

Superintendent or designated copyright compliance officer. The Appendix contains use resources available online.

1. Is the work copyright protected? A “no” means you may use the work freely; a “yes” or uncertain answer means you should proceed with the second query.
  - a. No, if it is in the public domain.
  - b. No, if it is a U.S. Government publication.
  - c. No, if it is an idea or method described in copyrighted work.
  - d. The presence of a copyright notice is not determinative.
  - e. Yes, almost all other works.
2. Do you want to exercise one of the copyright owner’s exclusive rights? A “yes” or uncertain answer means you should proceed with the third query.
  - a. Yes, if you plan to copy the work.
  - b. Yes, if you plan to use the work as the basis for a new work.
  - c. Yes, if you plan to electronically distribute or publish copies.
  - d. Yes, if you plan to perform music or drama, recite prose or poetry, or if you plan to play a video and/or audio digital or tape recording or a CD-ROM or DVD.
  - e. Yes, if the plan is to publicly display the work.
3. Does your planned use of the work require the copyright owner’s permission? A “no” means you may use the work, provided that any copies contain the copyright notice as it appears in the original work; a “yes” or uncertain answer means you should contact the Superintendent or designated copyright compliance officer.
  - a. No, if your planned use of printed work is within the “fair use” exception as defined in 17 U.S.C. §107.
  - b. No, if your planned use of the work is within the “library’s special rules” exception as defined in 17 U.S.C. §108.
    - A library may make a single copy containing the copyright notice for the purpose of archiving lost, stolen, damaged, or deteriorating works.
    - A library may make a single copy containing the copyright notice for a student or staff member at no more than the actual cost of photocopying, provided that the library finds that the copyrighted work cannot be obtained elsewhere at a fair price.
  - c. No, if your planned use of the work is within the “educational performances and displays” exception as defined in 17 U.S.C. §110.

Performances by teachers or students are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.
  - d. No, if you plan to use it in an overhead or opaque projector for instructional purposes.
  - e. No, if you plan to copy and use music for academic purposes, other than performance.
  - f. Yes, notwithstanding the above, if you plan to create anthologies, compilations, or collective works.
  - g. Yes, notwithstanding the above, if copies will be “consumed” during the course. “Consumable” works include: workbooks, exercises, standardized tests, test booklets, and answer sheets.
  - h. Yes, notwithstanding the above, if you plan to substitute copies for the purchase of the work; likewise, if you yearly copy the same item.

- i. You must receive permission from the Superintendent or designated copyright compliance officer before showing the off-air recording of television programs, video rentals, or videos purchased for home use. You must follow any applicable license agreements.
- j. You must receive permission from the Superintendent or designated copyright compliance officer before using any non-District owned software and/or CD-ROM or DVD products in District owned equipment. No one may install or download any program on District owned equipment without the Superintendent or designee's permission.
- k. You must follow licensing agreements applicable to District owned software and CD-ROM or DVD products.
  - Licensing agreements with the manufacturer and vendor shall be followed.
  - Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment, to avoid the installation of privately purchased software on school equipment, and to avoid the use of single copy software or CD-ROM products across a network with multiple users unless the applicable license agreement permits.
  - A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, the District shall make a back-up program in accordance with the terms of the applicable licensing agreement or 17 U.S.C. §117.

#### **Appendix: Copyright Resource List**

U.S. Copyright Office

<http://www.copyright.gov>

Copyright Act, as amended, Title 17 of the United States Code

[www.copyright.gov/title17/92chap1.html](http://www.copyright.gov/title17/92chap1.html)

Copyright Term and the Public Domain in the United States

[http://www.copyright.cornell.edu/training/Hirtle\\_Public\\_Domain.htm](http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm)

Cornell University Copyright Information Center

Circular 21: Reproductions of Copyrighted Works by Educators and Librarians

<http://www.copyright.gov/circs/circ21.pdf>

U.S. Copyright Office

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals - Published in House Report 94-1476

[http://www.copyright.cornell.edu/policy/Multiple\\_Copies\\_for\\_Classroom\\_Use.htm](http://www.copyright.cornell.edu/policy/Multiple_Copies_for_Classroom_Use.htm)

Cornell University Copyright Information Center

Cornell Copyright Policies, Guidance, and Policy Interpretations

[www.copyright.cornell.edu/policy/index.htm](http://www.copyright.cornell.edu/policy/index.htm)

Cornell University Copyright Information Center

CONFU Conference on Fair Use.

[www.utsystem.edu/OGC/INTELLECTUALPROPERTY/confu.htm](http://www.utsystem.edu/OGC/INTELLECTUALPROPERTY/confu.htm)

University of Texas

TEACH ACT (Technology, Education, and Copyright Harmonization Act)

<http://www.utsystem.edu/OGC/IntellectualProperty/teachact.htm>

University of Texas

TEACH ACT - Amended Section 110(2) Comparison Chart, Sections 110(1)-(2)

[www.unc.edu/~unclng/TEACH.htm](http://www.unc.edu/~unclng/TEACH.htm)

The University of North Carolina at Chapel Hill

WIPO (World Intellectual Property Organization)

<http://www.wipo.org>

MPAA (Motion Picture Association of America)

<http://www.mpa.org>

iCopyright.com (Automated copyright licensing system for digital content)

[www.icopyright.com](http://www.icopyright.com)

Permissions Group (Negotiation of rights and fees for the use of copyrighted material in and for all media)

[www.permissionsgroup.com](http://www.permissionsgroup.com)

SIIA (Software & Information Industry Association)

[www.spa.org](http://www.spa.org)

CCC Copyright Clearance Center (Copyright permission for publications worldwide)

[www.copyright.com](http://www.copyright.com)

ASCAP (American Society of Composers, Authors and Publishers)

[www.ascap.com](http://www.ascap.com)

BMI (Broadcast Music Inc.)

[www.bmi.com](http://www.bmi.com)

SESAC, Inc. (A performing rights organization)

[www.sesac.com](http://www.sesac.com)

The Harry Fox Agency, Inc. (Licensing agency for U.S. music publishers)

[www.harryfox.com](http://www.harryfox.com)

The Authors Registry (Maintains an extensive directory of authors)

[www.authorsregistry.org](http://www.authorsregistry.org)

Copyright & Fair Use (Stanford University Libraries)

<http://fairuse.stanford.edu/>

Copyright Society of the USA

[www.csusa.org](http://www.csusa.org)

The Copyright (Copyright Registration and Information Resource)

[www.benedict.com](http://www.benedict.com)

Crash Course in Copyright

University of Texas

[www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm](http://www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm)

Kohn on Music Licensing

[www.kohnmusic.com](http://www.kohnmusic.com)

National Writers Union

[www.nwu.org/nwu](http://www.nwu.org/nwu)

Poets & Writers, Inc.

[www.pw.org](http://www.pw.org)

Project Gutenberg (Internet's oldest producer of FREE electronic books (eBooks or eTexts))  
[www.promo.net/pg](http://www.promo.net/pg)

WATCH: Writers and Their Copyright Holders  
<http://tyler.hrc.utexas.edu/>

World Intellectual Property Organization  
[www.wipo.int/portal/index.html.en](http://www.wipo.int/portal/index.html.en)

First Reading: September 26, 2006  
Second Reading: October 10, 2006  
Adopted: October 10, 2006  
Reviewed: September 13, 2011

June 2011

5:170-AP2

## **General Personnel**

### **Administrative Procedure - Seeking Permission to Copy or Use Copyrighted Works**

The following resources are a partial list of where to begin searching for permission to copy or use copyrighted work. Whenever it is unclear who the owner is, or if the owner is a legal entity of some kind (a business or organization), be sure that the person granting permission is authorized to do so. Once it is known whom to ask, initiate contact by writing a letter, calling, or emailing. Seek written permission that clearly describes its scope. Document the receipt of an oral permission and send the owner a confirming letter. A copyright protects materials regardless of whether the owner cares about protection or not. Thus, if required permission cannot be obtained, the work may not be used.

1. For information regarding how to find copyright owners, contact the Writers Artists and Their Copyright Holders (WATCH) program through the University of Texas, Austin's Harry Ransom Humanities Research Center at [research.hrc.utexas.edu/watch/](http://research.hrc.utexas.edu/watch/). Phone: 512/471-8944, Fax: 512/471-9646, Email: [www.hrc.utexas.edu/contact/](http://www.hrc.utexas.edu/contact/).
2. For a part of a book or a journal article, contact: Copyright Clearance Center, "CCC" Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, Phone: 978/750-8400, Fax: 978/646-8600 Email: [info@copyright.com](mailto:info@copyright.com), [www.copyright.com](http://www.copyright.com).
3. For images, contact: The Film Foundation, 7920 Sunset Boulevard, 6<sup>th</sup> Floor, Los Angeles, CA 90046, Phone: 303/436-5060, Fax: 323/436-5061, Email: [www.film-foundation.org](http://www.film-foundation.org); American Society of Media Photographers, 150 North Second Street, Philadelphia, PA 19106, Phone: 215/451-2767, Fax: 215/451-0880, Email: [www.asmp.org](http://www.asmp.org).
4. If the author owns the copyright in a contribution to a periodical, magazine, or newspaper, permission may be obtained through The National Writers Union, PO Box 2424, Chicago, IL 60690, Phone: 312/924-1835, [www.nwu.org](http://www.nwu.org); and the Society of Children's Book Writers and Illustrators, 8271 Beverly Blvd., Los Angeles, CA 90048, Phone: 323/782-1010, Fax: 323/782-1892, Email: [scbwi@scbwi.org](mailto:scbwi@scbwi.org), [www.scbwi.org](http://www.scbwi.org).

5. For a musical work, contact: American Society of Composers, Authors and Publishers, (ASCAP) One Lincoln Plaza, New York, NY 10023, Phone: 212/621-6000, Email: [www.ascap.com](http://www.ascap.com); Broadcast Music Incorporated, (BMI), 320 West 57th Street, New York, NY 10019-3790, Phone: 212/586-2000, Email: [www.bmi.com/home/licensing](http://www.bmi.com/home/licensing); or SESAC, 55 Music Square East, Nashville, TN 37203, Phone: 615/320-0055, Fax: 615/329-9627, Email: [www.sesac.com](http://www.sesac.com).
6. To record and distribute a musical composition recorded by someone else, or synchronize music with visual images, contact: The Harry Fox Agency, Inc., National Music Publishers Association, 711 Third Avenue, 8th Floor, New York, NY 10017, Phone: 212/370-5330, Fax: 646/ 487-6779, Email: [www.harryfox.com](http://www.harryfox.com), [www.nmpa.org](http://www.nmpa.org).
7. Play Rights
 

<p>Samuel French, Inc. 45 West 25th Street New York, NY 10010-2751 Phone: 212/206-8990 Fax: 212/206-1429 <a href="http://www.samuelfrench.com">www.samuelfrench.com</a></p> <p>Baker's Plays c/o Samuel French, Inc. 45 W. 25<sup>th</sup> Street New York, NY 10010 Phone: 323/876-0579 Fax: 323/876-5482 <a href="http://www.bakersplays.com">www.bakersplays.com</a></p>	<p>Anchorage Press (Plays for young people) c/o Dramatic Publishing 311 Washington St. Woodstock, IL 60098-3308 Phone/Fax: 800/448-7469 <a href="mailto:customerservice@dpcplays.com">customerservice@dpcplays.com</a> <a href="http://www.applays.com">www.applays.com</a></p> <p>Dramatists Play Service, Inc. 440 Park Avenue South New York, NY 10016 Phone: 212/683-8960 Fax: 212/213-1539 <a href="mailto:postmaster@www.dramatists.com">postmaster@www.dramatists.com</a> <a href="http://www.dramatists.com">www.dramatists.com</a></p>
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8. For news archives, check the Web. Many of the largest news organizations have placed archives of their back issues online.
9. Movies
 

The Motion Picture Licensing Corporation, 5455 Centinela Avenue, Los Angeles, CA 90066, Phone: 800/462-8855, Fax: 310/822-4440, Email: [mplc.org/index/contactform](http://mplc.org/index/contactform), [info@mplc.com](mailto:info@mplc.com), [www.mplc.com](http://www.mplc.com), grants public performance rights. If the author and the publisher are known, contact them directly. If the publisher is unknown contact: The Literary Marketplace, [www.literarymarketplace.com](http://www.literarymarketplace.com) (for books) or Ulrich's International Periodicals, [www.ulrichsweb.com](http://www.ulrichsweb.com) (for journals), both published by the R. R. Bowker Company, [www.bowker.com](http://www.bowker.com).
10. Changed Owner
 

The apparent copyright owner may not be the real copyright owner. The U.S. Copyright Office of Internet Resources, [www.loc.gov/copyright](http://www.loc.gov/copyright), provides online searching of its registration records and performs professional searches for a fee.
11. Software
 

Contact the software's manufacturer at the address given on the licensing agreement.

First Reading: September 13, 2011

Second Reading: October 11, 2011

Adopted: October 11, 2011

## General Personnel

### Administrative Procedure - Instructional Materials and Computer Programs Developed Within the Scope of Employment

#### Definitions

The definitions used in this procedure are in accordance with State and federal law. In the event of a change, these procedures shall be deemed to be modified to the extent required by the change.

**Works made for hire** - Instructional materials and computer programs (including written, electronic, digital, audio, visual materials and tapes, films, and works of art) when an employee creates them:

1. Within the employee's scope of employment,
2. In whole or in part during hours of District employment (not including lunch periods or other similar free periods),
3. Under the District's supervision or control,
4. As a direct result of the employee's duties with the District, and/or
5. Using District resources or facilities.

**Proceeds** - Profits derived from the sale of instructional materials after deducting the expenses of developing and marketing these materials.

**Computer program** - A series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

**Computer** - An internally programmed, general purpose digital device capable of automatically accepting and processing data and supplying the results of the operation.

#### Instructional Material Prepared Within the Scope of Employment

All instructional materials developed by an employee within the scope of District employment are works made for hire and belong to the District. The District is entitled to all proceeds from the sale of works made for hire other than computer programs.

An employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of employment. The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.

#### Computer Programs Prepared Within the Scope of Employment

All computer programs developed by an employee within the scope of District employment are works made for hire and belong to the District.

An 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. An employee's representative may conduct the negotiation; the School Board must approve all agreements.

The employee must provide the Superintendent or designee with prior written notification of his or her intention to publish any computer programs developed within the scope of District employment.

The District has the exclusive right to register the copyrights for them. Unless the employee specifically states in writing to the contrary, the employee warrants that any programs developed and submitted to the District for publication are original.

The District shall compute proceeds. 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.

LEGAL REF.:           17 U.S.C. §101.  
                          105 ILCS 5/10-23.10.

First Reading:	September 26, 2006
Second Reading:	October 10, 2006
Adopted:	October 10, 2006
Reviewed:	September 13, 2011

**General Personnel**

**Exhibit - Request to Reprint or Adapt Material**

*On District letterhead*

Date

To: \_\_\_\_\_  
\_\_\_\_\_

On behalf of the School District, I am requesting permission to **reprint** [to use without change] or **adapt** [to use and modify] the following material:

\_\_\_\_\_  
No reprinted or adapted material will be used in a sales promotion or advertising campaign. If permission to reprint or adapt this material is granted, the material will be used for the following purpose(s): \_\_\_\_\_

The following credit line will appear on each reprint or adaption:

Reprinted/Adapted, with permission from (publication) \_\_\_\_\_  
Copyright year of publication \_\_\_\_\_ Copyright owner \_\_\_\_\_  
All rights reserved.

If you agree to grant permission for the School District to reprint or adapt the above listed material, please sign the **Permission to Reprint or Adapt Material** and return it to the requestor.

Please contact me at \_\_\_\_\_ if you have any questions. Thank you for your consideration.

\_\_\_\_\_  
School District Requestor (*please print*)

\_\_\_\_\_  
Email/Fax

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

-----  
**Permission to Reprint or Adapt Material**

I hereby grant permission to the School District requestor to reprint or adapt material as requested on the terms and conditions stated herein.

\_\_\_\_\_  
Copyright owner (*please print*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

First Reading: September 13, 2011

Second Reading: October 11, 2011

Adopted: October 11, 2011

## 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 School Board'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 returned 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.  
                          Elder v. School Dist. No.127 1/2, 208 N.E.2d 423 (Ill.App.1, 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)

First Reading:       November 13, 2007

Second Reading:    December 11, 2007

Adopted:            December 11, 2007

Reviewed:           August 25, 2009

## **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 or 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 leave, 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:

- 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.
- 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 or designee aware that he or she needs 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 makes a request for certification for a FMLA leave, an employee must provide one of the following:

\*0 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.

\*1 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.

\*2 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.

\*3 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 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 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)

First Reading: March 24, 2009

Second Reading: April 14, 2009

Adopted: April 14, 2009

## 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 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.
  - c. Notify the Superintendent of any change in the teacher's transcript.
2. All teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) must be *highly qualified* for those assignments as determined by State and federal law.

The Superintendent or designee shall:

1. Monitor compliance with State and federal law requirements that teachers be appropriately certified and *highly qualified* for their assignments;
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: (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.:           20 U.S.C. §6319.  
                           34 C.F.R §200.55, 56, 57, and 61.  
                           105 ILCS 5/10-20.15, 5/21-1, 5/21-10, 5/21-11.4, and 5/24-23.  
                           23 Ill.Admin.Code Part 25.

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

First Reading:        May 13, 2008

Second Reading:     May 27, 2008

Adopted:             May 27, 2008

February 2011

5:200

# **Professional Personnel**

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

The Superintendent shall manage the terms and conditions for the employment of professional personnel. The Superintendent shall act reasonably and comply with State and federal law as well as any applicable collective bargaining agreement in effect. 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.

### **School Year and Day**

Please refer to an Agreement between Center Cass Elementary School District No. 66, Downers Grove, Illinois, and Center Cass Education Association IEA.

The District accommodates employees who are nursing mothers according to provisions in State and federal law.

### **Salary**

Please refer to an Agreement between Center Cass Elementary School District No. 66, Downers Grove, Illinois, and Center Cass Education Association IEA.

### **Evaluation**

The District's teacher evaluation system will be conducted under the plan developed pursuant to State 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.  
                              820 ILCS 260/  
                              Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487(1985).

CROSS REF.:         5:290 (Employment Termination and Suspensions), 6:20 (School Year Calendar  
                              and Day)

First Reading:       April 12, 2011

Second Reading:    April 26, 2011

Adopted:            April 26, 2011

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## **Professional Personnel**

### **Resignations**

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. However, no teacher may resign during the school term in order to accept another teaching position without the consent of the School Board.

### **Retirement**

**Please refer to an Agreement between Center Cass Elementary School District No. 66, Downers Grove, Illinois and Center Cass Education Association I.E.A.**

LEGAL REF.:           105 ILCS 5/24-14.  
Park Forest Heights School Dist. v. State Teacher Certification Bd., 842 N.E.2d  
1230 (Ill.App.1, 2006).

First Reading:	May 13, 1997
Second Reading:	October 14, 1997
Adopted:	October 14, 1997



Substitute teachers shall have the following credentials on file with the District Administrative Office.

- a. Completed application for employment,
- b. Certificate of authorization from the Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is appropriate (105 ILCS 5/21-9(c), amended by HB 5863, eff. 1-1-2011),
- c. State and federal tax forms, and
- d. Form I-9.

The District's equal employment opportunity policy applies to substitute teachers.

#### Superintendent's Responsibilities

1. The Superintendent or designee maintains a list of substitute teachers in the District Administrative Office.
2. The Superintendent or designee verifies the certificate of authorization with the list of registered substitute teachers maintained by the Regional Superintendent or Suburban Cook County Intermediate Service Center, whichever is applicable.

#### Duties of the Substitute Teacher

1. Keep and leave a status report of lesson plans completed and leave a report of the group's accomplishments.
2. Manage all recording of assignments and grading during the time worked as outlined in the applicable collective bargaining agreement or duties for long term substitute teachers.
3. Prepare plans for the following day's work.
4. Follow the regular teacher's lesson plans.
5. Leave the classroom and its equipment in order.
6. Leave a note reporting any unusual experience with a student during the day.
7. Hold as confidential any information concerning staff, parents, or students.
8. Be consistent in dealing with others; emphasize the positive, yet be firm and sympathetic.
9. When notified in time, arrive at least 20 minutes before the school period starts, and remain on duty at least 20 minutes after dismissal time.
10. Check with the office when reporting for substitute duty, and check with the office before leaving to see if you will be needed the next day.
11. If temporarily or permanently withdrawing from substitute work, so inform the central office.
12. Report any issues you encounter to the Building Principal.

#### Compensation

1. The rate of pay for substitute teachers is established from time-to-time by the School Board.
2. Substitute teachers are employed and paid for only days actually worked. Substitutes are not paid for holidays, vacation days, or days of illness.

#### Assignment Procedures

Substitute teachers will be called as needed from the office of the Building Principal. Only teachers who are on the substitute teacher list, as compiled by the Superintendent or designee, may be called

for substitute work. Substitute teachers are given as much notice as possible; however emergency situations will be called the morning they are needed.

District Responsibilities

The person arranging for a substitute teacher's service shall provide each substitute with the following:

1. District map with locations of District schools indicated,
2. District and school building emergency procedures, location of emergency equipment, etc.,
3. School directory,
4. School calendar and handbook, and
5. District student discipline policy and procedures.

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

First Reading:       January 11, 2011

Second Reading:    January 25, 2011

Adopted:             January 25, 2011

## **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 that may be damaging to students, such as ridicule, sarcasm, or excessive temper displays. Corporal punishment may not be used, but 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.  
                              23 Ill.Admin.Code §1.280.

CROSS REF.:        2:150 (Committees), 7:190 (Student Discipline), 7:230 (Misconduct by Students with Disabilities)

Adopted:             June 13, 1995

## **Professional Personnel**

### **Suspension**

#### Suspension Without Pay

The School Board 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; and
- Other sufficient causes.

At the request of the professional employee made 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 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 employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end.

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 5/24-12.

Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487 (1985).

Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).

Massie v. East St. Louis School District No.189, 561 N.E.2d 246 (Ill.App.5, 1990).

CROSS REF.: 5:290 (Educational Support Personnel-Employment Termination & Suspensions)

First Reading: January 13, 2009

Second Reading: January 27, 2009

Adopted: January 27, 2009

Reviewed: December 13, 2011

## Professional Personnel

### Leaves of Absence

Please refer to an agreement between Center Cass Elementary School District No. 66, Downers Grove, Illinois and Center Cass Education Association I.E.A. The Board will also approve and administer other leaves as required by law.

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. and 180/1 et seq.  
                           820 ILCS 147/15.  
                           Victims' Economic Security and Safety Act. P.A. 93-591.

CROSS REF.:           5:180 (Temporary Illness or Temporary Incapacity), 5:185 (Family and Medical Leave), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

First Reading:        January 27, 2004

Second Reading:     February 10, 2004

Adopted:             February 10, 2004

Reviewed:            January 09, 2007

Reviewed:            January 08, 2008

October 2010

5:260

## 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 coordinate with each student teacher's higher education institution a fingerprint-based criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database prior to any participation in field experiences in a school.

#### Assignment

The Superintendent or designee shall be responsible for coordinating placements of all student teachers within the District. Student teachers should be assigned to supervising teachers whose qualifications are acceptable to the District and the students' respective colleges or universities. A teacher may be eligible for Continuing Professional Development Units (CPDU) for supervising a student teacher or teacher education candidate in clinical supervision.

LEGAL REF.:           105 ILCS 5/10-22.34.  
                  105 ILCS 5/21-14(e)(3)(E)(viii).  
                  23 Ill.Admin.Code § 25.875.

CROSS REF.:           5:190 (Teacher Qualifications)

First Reading:        January 11, 2011

Second Reading:     January 25, 2011

Adopted:             January 25, 2011

## **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.

#### 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 or 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.

LEGAL REF.: 105 ILCS 5/10-22.34 and 5/10-23.5.  
Cook v. Eldorado Community Unit School District, No. 03-MR-32 (Ill.App.5, 2004).  
Duldulao v. St. Mary of Nazareth Hospital, 483 N.E. 2d 956 (Ill.App.1, 1985),  
*aff'd in part and remanded*, 505 N.E.2d 314 (Ill. 1987).  
Kaiser v. Dixon, 468 N.E. 2d 822 (Ill.App.2, 1984).

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

First Reading: October 26, 2010

Second Reading: November 9, 2010

Adopted: November 9, 2010

## **Educational Support Personnel**

### **Duties and Qualifications**

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

### **Paraprofessionals and Teacher Aides**

"Paraprofessionals" and "teacher aides" are noncertificated personnel with instructional duties; the terms are synonymous. Service as a paraprofessional or teacher aide requires a "statement of approval" issued by the Illinois State Board of Education (ISBE).

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

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

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

Noncertificated personnel performing non-instructional duties may be used:

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

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

### **Bus Drivers**

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

LEGAL REF.: No Child Left Behind Act of 2001, 20 U.S.C. §6319(c).

34 C.F.R. §§200.58 and 200.59.

105 ILCS 5/10-22.34, 5/10-22.34a, 5/10-22.34b, and 25/1.5.

625 ILCS 5/6-104 and 5/6-106.1.

23 Ill.Admin.Code §§25.510, 25.520.

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

First Reading: December 8, 2009

Second Reading: January 12, 2010

Adopted: January 12, 2010

## **Educational Support Personnel**

### **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 federal law. 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. §31301 et seq., 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)

First Reading       April 12, 2011

Second Reading:   April 26, 2011

Adopted:           April 26, 2011

## **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 School Board consistent with the Board's goal of having a highly qualified, high performing staff.

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

This section is applicable whenever the Board decides to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, an educational support employee is removed, dismissed, or his or her hours are reduced.

The Board shall use a seniority list to determine the order of dismissal or removal. The seniority list, categorized by positions, shows 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.

Except as provided below, written notice will be given the employee by certified mail, return receipt requested, at least 30 days before the employee is removed or dismissed, or his or her hours are reduced, together with a statement of honorable dismissal and the reason therefore if applicable. The prior written notice will be extended to at least 90 days if the lay-off is due to the District entering into a contract with a third party for non-instructional services. The prior written notice will be shortened to at least 5 days before an employee's hours are reduced as a result of an unforeseen reduction in the student population.

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 or any other 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)

First Reading:       January 13, 2009

Second Reading:    January 27, 2009

Adopted:            January 27, 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.

#### Meal Break

Employees who work at least 7.5 continuous hours shall receive a 30 minute duty-free meal 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.: 105 ILCS 5/10-20.14a, 5/10-22.34, and 5/10-23.5.

First Reading: January 8, 2002

Second Reading: January 22, 2002

Adopted: January 22, 2002

Reviewed: September 26, 2006

Reviewed: April 12, 2011

## **Educational Support Personnel**

### **Evaluation**

The Superintendent is responsible for designing and implementing a program for evaluating the job performance of each educational support staff member according to standards contained in Board policies as well as in compliance with State law and any applicable collective bargaining agreement. The standards for the evaluation program shall include, but not be limited to:

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

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

First Reading: September 26, 2006

Second Reading: October 10, 2006

Adopted: October 10, 2006

## 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 employment contract or benefit plan; in the event of a conflict, such provision is severable and the applicable bargaining agreement or individual agreement will control.

#### Sick Days

Full or part-time educational support personnel who work at least 600 hours per year receive 10 paid sick leave days and 2 personal leave days per year. The use of a personal day is subject to the same terms and conditions as professional personnel. Part-time employees will receive sick leave pay equivalent to their regular workday. Unused sick leave shall accumulate to a maximum of 180 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.

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.

#### 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 1	End of year 5	0.83 Days	10 Days per year
Beginning of year 6	End of year 10	1.25 Days	15 Days per year
Beginning of year 11	End of year	1.66 Days	20 Days per year

Plus one additional day beginning in year 11 will accrue yearly until a maximum of 25 vacation days are reached.

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

Twelve month employees will be paid for, but will not be required to work on:

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

Teacher aides, BACC and Transportation employees will be paid for, but will not be required to work on:

New Year's Day	Memorial Day
Martin Luther King Jr.'s Birthday	Thanksgiving Day
Casimir Pulaski's Birthday	Christmas Day

Secretaries will be paid for, but will not be required to work on:

New Year's Day	Memorial Day
Martin Luther King Jr.'s Birthday	Labor Day
Lincoln's Birthday/President's Day	Thanksgiving Day
Casimir Pulaski's Birthday	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.

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. 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 180/1 et seq.

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

First Reading: August 9, 2011

Second Reading: September 13, 2011

Adopted: September 13, 2011

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