

## **Professional Personnel**

### **Leaves of Absences**

Each of the provisions in this policy applies to all professional 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.

**For those employees not covered by a collective bargaining agreement, please refer to the following:**

#### **Sick and Bereavement Leave**

Sick leave is defined in State law as personal illness, mental or behavioral health complications, quarantine at home, serious illness or death in the immediate family or household, or birth, adoption, or placement for adoption. "Immediate family" shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians or birth, adoption or placement for adoption or the acceptance of a child in need of foster care.

Professional staff are granted sick leave on an annual basis per the following work year:

185 – 215 day contract	14 sick leave days
12 month contract	15 sick leave days

Part-time employees who work at least halftime are entitled to sick days on the same basis as full-time employees, but the pay will be based on the employee's average number of part-time hours per week. Unused sick leave shall accumulate to the maximum number of days that IMRF will recognize for retirement credit purposes.

As a condition for paying sick leave after three days absence for personal illness or as the Board or Superintendent deem necessary in other cases, the Board or Superintendent may require that the staff member provide a certificate from: (1) a physician licensed in Illinois to practice medicine and surgery in all its branches, (2) a mental health professional licensed in Illinois providing ongoing care or treatment to the staff member, (3) a chiropractic physician licensed under the Medical Practice Act, (4) a licensed advanced practice registered nurse, (5) a licensed physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, or (6) if the treatment is by prayer or spiritual means, a spiritual adviser or practitioner of the employee's faith. If the Board or Superintendent requires a certificate during a leave of less than three days for personal illness, the District shall pay the expenses incurred by the employee.

Staff members are entitled to use up to 30 days of paid sick leave because of the birth of a child that is not dependent on the need to recover from childbirth. Such days may be used at any time within the 12-month period following the birth of the child. Intervening periods of nonworking days or school not being in session, such as breaks and holidays, do not count towards the 30 working school days. As a condition of paying sick leave beyond the 30 working school days, the Board or Superintendent may require medical certification.

For purposes of adoption, placement for adoption, or acceptance of a child in need of foster care, paid sick leave may be used for reasons related to the formal adoption or the formal foster care process prior to taking custody of the child or accepting the child in need of foster care, and for taking custody of the child or accepting the child in need of foster care. Such leave is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement. The Board or Superintendent may require that the employee provide evidence that the formal adoption or foster care process is underway.

### Family Bereavement Leave

The Executive Board shall grant up to three days of bereavement leave in the case of death of an immediate family member. Such leave shall be granted without loss of pay.

For this policy, immediate family shall be defined as parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians.

Each staff member shall be granted use of two sick days, per occurrence, to be utilized to attend the funeral of anyone other than an immediate family member, provided personal business leave days have been exhausted.

**Please refer to the current “Agreement between the Special Education District of Lake County, Illinois and the SEDOL Teacher’s Union, a Council of the Lake County Federation of Teachers, Local No. 504, IFT-AFT/AFL-CIO.”**

### Family Bereavement Leave

State law allows a maximum of 10 unpaid work days for eligible employees (Family and Medical Leave Act of 1993, 20 U.S.C. §2601 et seq.) to take family bereavement leave. The purpose, requirements, scheduling, and all other terms of the leave are governed by the Family Bereavement Leave Act. Eligible employees may use family bereavement leave, without any adverse employment action, for: (1) attendance by the bereaved staff member at the funeral or alternative to a funeral of a covered family member, which includes an employee’s child, stepchild, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent (2) making arrangements necessitated by the death of the covered family member, (3) grieving the death of the covered family member, or (4) absence from work due to a Significant Event, which includes: (i) miscarriage, (ii) an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, (iii) a failed adoption match or an adoption that is not finalized because it is contested by another party, (iv) a failed surrogacy agreement, (v) a diagnosis that negatively impacts pregnancy or fertility, or (vi) a still birth. An employee qualifying for leave due to a Significant Event will not be required to identify which specific reason applies to the employee’s request.

The leave must be completed within 60 days after the date on which the employee received notice of the death of the covered family member or the date on which an event under item (4) above occurs. However, in the event of the death of more than one covered family member in a 12-month period, an employee is entitled to up to a total of six weeks of bereavement leave during the 12-month period, subject to certain restrictions under State and federal law. Other existing forms of leave may be substituted for the leave provided in the Family Bereavement Leave Act. This policy does not create any right for an employee to take family bereavement leave that is inconsistent with the Family Bereavement Leave Act.

### Child Extended Bereavement Leave

Unpaid leave from work is available to employees who experience the loss of a child by suicide or homicide. The Child Extended Bereavement Leave Act governs the duration, scheduling, continuity of benefits, and all other terms of the leave. Accordingly, if the District employs 250 or more employees on a full-time basis, an employee is entitled to a total of 12 weeks of unpaid leave within one year after the employee notifies the District of the loss. An employee may elect to substitute other forms of leave to which the employee is entitled for the leave provided under the Child Extended Bereavement Leave Act.

### Personal Leave

Professional staff members are granted two personal days per year. A personal leave day is defined as a day to allow professional personnel time to conduct personal business (but not vacation, travel, or work stoppage), which is impossible to schedule at a time other than during a school day. Any unused personal leave day in a school year will be credited to the cumulative sick leave.

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

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to immediate supervisor three days before the requested date.
2. No personal leave days may be used immediately before or immediately after a holiday unless the Superintendent grants prior approval,
3. Personal leave may not be used in increments of less than one-half day,
4. Personal leave is subject to any necessary replacement's availability.
5. Personal leave days may not be used during the first and/or last five days of the school year,
6. Personal leave may not be used on an in-service training day and/or institute training day without prior permission.
7. Personal leave may not be used when the employee's absence would create an undue hardship.
8. Personal leave may not be used by more than 10% of the teaching staff in each building at the same time.

#### Religious Leave

Full time staff shall be granted two days of leave with pay for required observance of a recognized religious day of that staff member's faith when such observance is not possible outside working hours. For part-time staff, religious leave shall be prorated. Supervisors shall grant an employee's request for time off to observe a religious holiday if the employee gives at least two days written advanced notice and the absence does not cause an undue hardship.

Religious Observance Leave shall not be cumulative, nor shall it be deducted from sick leave or personal business leave.

If religious leave has been exhausted, the staff member may utilize available personal business leave days with pay for a religious observance, when such observance is not possible outside working hours. Should the religious observance occur on days immediately preceding or following a school holiday or vacation period, the staff member shall designate in writing that the personal leave is for religious purposes. A per diem deduction may also be requested by the employee, if all personal business leave days have also been exhausted.

Written documentation may be requested to verify that the required religious observance is not possible outside of working hours.

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#### Sabbatical Leave

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

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#### Leave of Absence Without Pay

In addition to the provisions as required in the Family and Medical Leave Act (FMLA), the Executive Board will consider written requests for leave of absence without pay for causes deemed appropriate by the Executive Board for all tenured staff members and for all other full-time professional staff members, who have completed two years of service with SEDOL. In addition, the Superintendent or designee will consider written requests for emergency leave of absence. The emergency leave may be granted based upon the individual merits of each case.

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

**Please refer to the current “Agreement between the Special Education District of Lake County, Illinois and the SEDOL Teacher’s Union, a Council of the Lake County Federation of Teachers, Local No. 504, IFT-AFT/AFL-CIO.”**

Requests related to maternity/paternity leave must be made in writing 100 days prior to the anticipated date of delivery.

All other requests for leave of absence must be submitted in writing one month prior to the beginning date of the leave. Such requests must include the exact duration of the leave, and must be made in writing.

The following guidelines shall be applicable to leave of absence without pay:

1. A leave of absence shall not extend beyond the end of the school year for which it is granted, plus 1 additional school year in duration.
2. Such leave shall be without pay
3. The employee shall return to the staff without credit on the salary schedule for the period of absence if such period is in excess of one-half of a work year (93 days on a 185-day work year).
4. No employee shall be granted more than 1 leave in any five-year period, except as it relates to illness or maternity.
5. Leave of absence surrounding maternity-paternity shall become effective as a date to be mutually determined by the staff member and the Human Resources Department. The effective date is subject to verification by the attending physician of the anticipated date of delivery.
6. All staff members granted a leave of absence of more than eight (8) calendar months must notify the Superintendent, in writing by March 1<sup>st</sup> of their intention to return to work for the following school year. Staff members returning for the second semester, should notify the Superintendent in writing by November 1<sup>st</sup> of their intention to return.
7. The employee may continue his/her health and life insurance (if approved by the plan carrier) offered through SEDOL by paying the monthly premium to SEDOL, plus administrative costs, until the leave is terminated (up to one year) and he/she returns to work. Upon termination of employment, COBRA provisions are applicable.
8. Upon return from the leave, the employee may return to the same position, if vacant, based upon a recommendation from the administration. If the position is not available, the employee will be returned to an equivalent position for which he/she is qualified.
9. The starting and ending dates for a leave of absence without pay should be consistent with continuity of instruction for students and should terminate so that the employee shall return to employment at the beginning of a school term or school year.
10. A leave of absence will not be granted for the purpose of accepting professional employment elsewhere.

Leave to Serve as an Election Judge

Any staff member who was appointed to serve as an election judge under State law may, after giving at least 20-days’ written notice to the District, be absent without pay for the purpose of serving as an election judge. The staff member is not required to use any form of paid leave to serve as an election judge. No more than 10% of the District’s employees may be absent to serve as election judges on the same Election Day.

Child-Rearing Leave

The Board may grant a professional staff member’s request for a non-paid, child-rearing leave, not to exceed the balance of the school year plus one additional school year (but in no event shall such leave exceed three semesters), provided the request complies with this policy. Nothing in this section shall prohibit a professional staff member from using paid sick days as provided in this policy.

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

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

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

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#### Leaves for Service in the Military

Leaves for service in the U.S. Armed Services or any of its reserve components and the National Guard, as well as re-employment rights, will be granted in accordance with State and federal law. A professional staff member hired to replace one in military service does not acquire tenure.

#### General Assembly Leave

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

#### Leave for Employment in Department of Defense

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

#### School Visitation Leave

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

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

#### Leaves for Victims of Domestic Violence, Sexual Violence, Gender Violence, or Other Crime of Violence

An unpaid leave from work is available to any staff member who: (1) is a victim of domestic violence, sexual violence, gender violence, or any other crime of violence, or (2) has a family or household member who is a victim of such violence whose interests are not adverse to the employee as it relates to the domestic violence, sexual violence, gender violence, or any other crime of violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance, and to grieve and attend to matters necessitated by the death of a family or household member who is killed in a crime of violence, without suffering adverse employment action.

The Victim's Economic Security and Safety Act (VESSA) governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, if the District employs at least 50 employees, and subject to any exceptions in VESSA, an employee is entitled to a total of 12 work weeks of unpaid leave during any 12-month period. Neither the law nor this policy creates a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under,

or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.).

Leaves to Serve as an Officer, Trustee, or Representative of a Specific Organization

Upon request, the Board will grant: (1) an unpaid leave of absence to a teacher who is an elected officer of a State or national teacher organization that represents teachers in collective bargaining negotiations, (2) up to 20 days of paid leave of absence per year to a trustee of the Teachers' Retirement System in accordance with 105 ILCS 5/24-6.3, (3) a paid leave of absence for the local association president of a State teacher association that is an exclusive bargaining agent in the District, or his or her designee, to attend meetings, workshops, or seminars as described in 105 ILCS 5/24-6.2, and (4) up to 10 days of paid leave per school term for teachers elected to represent a statewide teacher association in federal advocacy work in accordance with 105 ILCS 5/24-3.5.

Unemployment Compensation Leave

As a condition of any unpaid leave of absence, the professional staff member agrees to waive any claim to unemployment compensation during the term of such leave or any recess or vacation period immediately preceding or following such leave.

Staff Absences for Unique Circumstances

In cases that require staff to be absent from their assignments for reasons not covered on any other policy, the Executive Board grants the authority to the Administration to approve as "excused without pay" staff absences for unique circumstances resulting from reasonable causes, or for professionally related reasons. Any request for an excused absence without pay must be submitted in writing to the employee's supervisor 15 working days prior to the requested date of absence. All such absences must be pre-approved, and all available personal days must be utilized before requesting an excused absence day without pay for unique circumstances.

Unexcused Absences

Unless approved in accordance with "excused absence without pay" policy, or in accordance with other policies relating to leaves and/or absences, all other staff absences are considered to be unexcused. The Executive Board maintains the belief that the schools operate for the benefit of children and not at the convenience of one's personal needs. Unexcused absences are considered to be a breach of professional responsibilities to the District, and as such are subject to administrative review and disciplinary action inclusive of withholding of pay.

COVID-19 Paid Administrative Leave

When applicable, paid administrative leave related to COVID-19 will be granted to eligible employees in accordance to State law.

LEGAL REF.: 105 ILCS 5/10-20.83, 5/24-6, 5/24-6.1, 5/24-6.2, 5/24-6.3, 5/24-13, and 5/24-13.1.  
10 ILCS 5/13-2.5, Election Code.  
330 ILCS 61/, Service Member Employment and Reemployment Rights Act.  
820 ILCS 147/, School Visitation Rights Act.  
820 ILCS 154/, Family Bereavement Leave Act.  
820 ILCS 156/, Child Extended Bereavement Leave Act.  
820 ILCS 180/, Victims' Economic Security and Safety Act.

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

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