EDUCATIONAL SUPPORT PERSONNEL

Sick Days, Vacation, Holidays, and Leaves

Sick Leave

All educational support personnel who participate in the Illinois Municipal Retirement Fund and/or fall under Section 24-6 of the School Code will receive 10 days of sick leave per school year. For every month of work after 9 months, sick leave shall accrue at 1 day per month. There shall be no maximum placed on the number of sick leave days accumulated.

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, or the acceptance of a child in need of foster care. 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 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) a licensed advanced practice registered nurse (4) a licensed physician assistant who has been delegated the authority by his or her supervising physician to perform health examinations, 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. Sick leave shall not be taken for any reason other than stated above.

Employees 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 the 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 to foster care. Such leave is limited to 30 days unless a longer leave is provided in an applicable collective bargaining agreement, and need not be used consecutively once the formal adoption or foster care process is underway. The Board or Superintendent may require that the employee provide evidence that the formal adoption process is underway.

Macomb School District #185 allows an unlimited accumulation of days of unused sick leave for support staff. This provision allows support employees to take advantage of the provisions of House Bill 202 which grants retiring Illinois Municipal Retirement Fund members a maximum of one year of pension service credit for unpaid, unused sick leave at the rate of 1/20 of a month for each full day of sick leave accumulated under an established sick leave plan which is available to all employees or a class of employees.

1. If an employee does not serve the full term of his yearly contract, the absence allowed with pay shall be prorated in proportion to the time served.

2. Members of the “immediate family or household” shall include: parents; spouse; brothers; sisters; children; grandparents; grandchildren; corresponding in-laws, and legal guardians.

Twelve-month employees receive thirteen (13) days sick leave per year.

Unused personal leave days shall accumulate as sick leave at the end of each school year.

Vacation
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All employees on a twelve-month contract or work year earn vacation time except an employee on leave of absence. All twelve-month educational support personnel shall be granted 10 vacation days annually for the first 9 years of employment, 15 vacation days annually beginning with the 10th year of employment, and 20 vacation days annually beginning with the 15th year of employment. The date for commencing an earned vacation shall be the same as in Policy 5:300.

A first-year employee shall be eligible for 5 days’ vacation after 6 months’ employment completed on or before June 30. Any unused portion of this vacation time will be added to the first two-week vacation for which that employee is eligible. Vacation is to be taken in the 15 calendar months following the year in which it is earned according to the employee’s job description. Vacation time must be forfeited at the end of the 15 calendar month period following the period in which it is earned. Vacation time may not be carried over without the consent of the Superintendent.

Educational support personnel must have permission from their immediate supervisor before using vacation days. The Superintendent may require vacations to be scheduled or to be taken at a designated time so the effectiveness of work will not be unduly hampered.

In the case of the termination or resignation of an employee after a minimum of 12 consecutive months, the accumulated vacation time will be prorated and added to the employee’s final paycheck.

Holidays

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

- New Year’s Day
- Martin Luther King Jr.’s Birthday
- Abraham Lincoln’s Birthday
- Casimir Pulaski’s Birthday
- Memorial Day
- Juneteenth National Freedom Day
- Independence Day
- Labor Day
- Columbus Day
- 2022 Election Day
- Veterans’ Day
- Presidents’ Day
- Thanksgiving Day
- Christmas Day

A holiday will not cause a deduction from an employee’s time or compensation. In the case of an emergency or for the continued operation and maintenance of school facilities or property, the District may require educational support personnel to work on a legal school holiday. Such employees shall receive from their supervisor notice that their presence is required in the School District on a legal school holiday.

Personal Leave

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

1. Except in cases of emergency or unavoidable situations, a personal leave request should be submitted to the Supervisor three (3) work days before the requested dates. The employee may use a personal leave day without the full three (3) day notice or before a vacation period, or a District-wide In-service, Parent-Teacher Conference, Institute or similar District-wide day, for emergency purposes only. Requests for emergency use of personal leave days shall be requested in writing stating the nature of the emergency and are subject to the approval of the Superintendent or designee.

2. No personal leave will be granted the day before or day after a vacation period for the purposes of extending a vacation which would include Thanksgiving, winter, spring, and summer break.

3. No personal leave will be granted on District-wide In-service, Parent-Teacher Conference, Institute, or similar District-wide days.
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Employees on such leave may continue insurance benefits if they reimburse pro-rata costs of benefits for which they apply.

4. Voluntary Military Leaves Without Pay – Waiver of Conditions

The Board may waive the above restrictions at its discretion.

Bereavement Leave

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

1. In the case of death of an immediate family member, as defined in The School Code, an employee will be permitted to take a bereavement leave of four (4) days without the loss of pay. This bereavement leave will not be subtracted from sick leave.

2. If at any time in connection with the death of a family member it would necessitate taking more than four (4) days for bereavement leave, any time beyond four (4) days would be subtracted from the individual’s accumulated sick leave.

3. The Superintendent may grant additional bereavement leave at the Superintendent’s sole and exclusive discretion, in cases of need, upon written application by the employee.

4. If an emergency need exists after all bereavement days are used, the employee may request compensatory days subject to the discretion of the Superintendent.

School Visitation Leave

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

Commemorative Holidays

The School District shall observe commemorative holidays as designated in The School Code of Illinois. On such days the teachers and students shall devote a portion of the school day to study and honor the person or occasion which is the subject of the commemorative holiday. The School Board may from time to time designate a regular school day as a commemorative holiday.

Leave of Absence with Pay - Temporary Illness or Temporary Disability

Temporary illness or temporary disability is defined by the School Board as follows: Any illness or other capacity of ill-being which renders an employee physically and/or mentally unable to perform assigned duties. During the period of disability, the employee shall be entitled to use accumulated sick leave benefits. However, income received from other sources (worker’s compensation, District paid insurance programs, etc.) shall be deducted from the District’s compensation liability to the employee, where the District contributed any monies to the plan or program upon which disability provides benefits. When income from other than District’s fund is received by the employee due to his/her temporary disability, the District shall be only responsible for the remaining salary owed the employee. The intent of the
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District is that in no case shall the employee who is temporarily disabled receive more than 100 percent of his/her gross salary.

If an employee who is temporarily disabled received no District funds, no sick leave benefits will be deducted. If an employee who is temporarily disabled receives District funds, sick leave benefits will be deducted on a pro-rata basis. Those insurance plans privately purchased by the employee to which the District does not contribute are not applicable to this policy.

After three months from the time the disability is established, such disability shall be considered a permanent disability. Once the time period for temporary illness or temporary disability has been exhausted, the School Board may begin dismissal proceedings subject to the provisions of The School Code of Illinois.

Leaves for Victims of Domestic Violence, Sexual Violence, or Gender Violence

Any educational support staff member may take an unpaid leave from work who: (1) is a victim of domestic violence, sexual violence, or gender violence, or (2) has a family, or household member who is a victim of domestic violence, sexual violence, or gender violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence. The unpaid leave allows the employee to seek medical help, legal assistance, counseling, safety planning, and other assistance without suffering adverse employment action.

The Victims’ Economic Security and Safety Act governs the purpose, requirements, scheduling, and continuity of benefits, and all other terms of the leave. Accordingly, an employee is entitled to a total of 12 work weeks of 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 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.)

LEGAL REF.: 105 ILCS 5/10-20.7b, 5/24-2, and 5/24-6, 6.1, 6.2, 6.3, 5/24-13, and 6/24-13.1
320 ILCS 61/., Service Member Employment and Reemployment Rights Act
820 ILCS 147, School Visitation Rights Act
820 ILCS 154/., Child 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 Act)