

February 27, 2019

AMEND BOARD RULE 4-14
OTHER LEAVES WITH PAY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board amend Board Rule 4-14 Other Leaves with Pay to (1) align policy to include new state protections under the Illinois Service Employment and Reemployment Rights Act (ISERRA). The new law will protect the employment and benefits of any service member who leaves their job to serve either the state or country. ISERRA has been expanded to protect all members of the armed forces.

TEXT:

Sec. 4-14. Other Leaves with Pay. Except as otherwise provided in this Rule, the Chief Executive Officer, or his/her designee, may grant leaves with pay to eligible employees, as set forth in this Rule. The Chief Executive Officer or his/her designee shall establish procedures for applying for paid leaves under this Rule, which may include additional procedural eligibility criteria. Employees granted leaves under this Rule shall continue to be eligible to participate in employee health and dental benefit plans, provided that they pay any required employee premium contributions to maintain those benefits. Nothing in this Rule shall be construed to grant a contract principal a leave of absence beyond the termination date of the contract principal's contract, or to extend the termination date of the principal's contract.

a. *Military Leave*

1. Eligibility. An Employee who serves in the military (including the U.S. armed forces, the national guard, the state guard or the reserves) and who provides advanced notice (unless prevented by military necessity) of the need for a military leave, will be granted a military leave in accordance with the Uniformed Services Employment and Reemployment Rights Act. Military leave may include leave The Chief Executive Officer or his/her designee shall grant military leaves or reserve military leaves to full-time employees for any period the full-time employee spends in military service, including basic training, special or advanced training, and annual training, or other service, whether or not within the State of Illinois, and whether or not voluntary. Military leave may also include leave during the time period that an employee is absent for the purpose of medical or dental treatment for a condition, illness, or injury sustained or aggravated during a period of active service in which treatment is paid by the United States Department of Defense Military Health System.
2. Seniority and Benefits During Military Leave. An employee on any military leave provided in this Rule shall continue to accrue seniority and any seniority based-benefits, and will receive health other benefits as stated above.
3. Pay During Military Leave.
 - a. Annual Training. Any full-time employee granted a military leave of absence for annual training under this Rule shall receive his regular compensation during the leave, for up to thirty (30) calendar days a year.
 - b. Basic, Special or Advanced Training, or Other Active Duty Military Leave. During the first sixty (60) days of military leave taken voluntarily for basic, special or advanced training or other active service (for which the employee is paid by the military), unless the employee chooses to use any available benefit time, an full-time employee will receive the employee's regular compensation minus the amount of his/her base pay for military activities.
4. Return to Work at Conclusion of Leave. Except as provided below, upon return from a military leave, and consistent with requirements of, and conditions set forth in 20 CFR 1002 et seq, an employee (other than an employee holding a part-time seasonal position) shall be offered

reemployment in the position the employee would have attained with reasonable certainty if not for the absence due to military service or, in some circumstances, either the position held at the beginning of the leave or an equivalent position with like seniority, status, and pay. If the circumstances have changed as to make it impossible or unreasonable to offer such a position, the employee will be offered employment in line with his/her seniority as may be available that the employee is capable of doing, at the current rate of pay for such work. To be eligible for reemployment, the following conditions apply:

- a) The employee has five (5) years or less of cumulative military service during his or her employment, except when additional service is involuntary, or if otherwise required by applicable law.
- b) The employee timely returns to work or applies for reemployment consistent with the timeframes set forth in 20 CFR 1002.115; and
- c) The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

~~An employee, other than a part-time/seasonal employee, who is granted a military leave under this Rule and who: (1) receives a certificate described in section 9(a) of the Military Selective Service Act, 50 USCS Appx. § 459(a) (relating to the satisfactory completion of military service); and (2) makes application for reemployment within ninety (90) days after the employee is relieved from such training and/or service or from hospitalization continuing after discharge for a period of not more than one year, the employee shall be returned to work, as follows: (1) if qualified to perform the duties of the employee's former position, and returns within the job protection period, the employee shall be reinstated to the employee's former position or a position of like seniority, status or pay; or (2) if not qualified to perform the duties of the former position due to a disability sustained during the military leave, or has exceeded their job protection period, the employee will be offered a vacant position for which the employee is qualified.~~

b. *Bereavement Leave.* The Chief Executive Officer or his/her designee shall grant employees, other than substitute teachers, and part-time/seasonal employee, paid bereavement leaves, as follows:

1. A leave not to exceed ten (10) week days, including holidays and layoff days, at the death of the eligible employee's parent, spouse, domestic partner, grandparent, child, brother, or sister of the employee, or step-parent married to a parent of the employee, provided that the last five (5) days of such a leave shall be applied against the employees' sick leave bank; and
2. A leave not to exceed five (5) week days, including holidays and layoff days, at the death of the eligible employee's grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, nephew, niece, uncle, aunt, or first cousin of the employee, provided that all days of such leave shall be applied against the employee's sick leave bank.

c. *Jury Duty Leave.* The Chief Executive Officer or his/her designee shall grant employees, other than day-to-day substitute teachers, and part-time/seasonal employee, a paid leave of absence when summoned for jury duty, provided that the amount of jury duty pay shall be deducted from the employee's pay for each day of jury duty. Day-to-day substitute teachers, and part-time/seasonal employee shall be excused from work without pay when summoned for jury duty. The provisions of this Rule shall be applicable during summer school assignments.

d. *Court Attendance Leave.* The Chief Executive Officer or his/her designee shall grant employees a paid leave of absence for court attendance when:

1. the employee is required to attend court, or other judicial proceedings, in connection with litigation in which school interests or records are involved, or when the State of Illinois, the City of Chicago, or the Board is a party and the employee is not personally interested in the outcome of the litigation; or

2. the employee is subpoenaed to appear in court within Cook County, Illinois, in a matter in which the employee has no personal interest in the outcome of the case, in which case, the subpoena fee shall be deducted from the employee's pay.

e. *Conference Leave.* The Chief Executive Officer or his/her designee shall grant an employee, other than substitute teachers, or part-time/seasonal employee, paid conference leave to attend professionally-related conferences, meetings, workshops, conventions, or commencement exercises for the employee, if in the Chief Executive Officer or his/her designee's judgment, the employee's attendance is beneficial or related to the work of the schools.

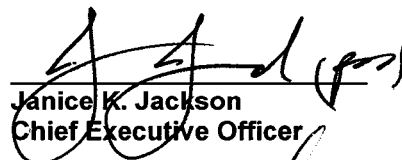
f. *Sabbatical Leave for Appointed Teachers.* The Chief Executive Officer or designee may grant paid leaves of absence to tenured teachers, who have completed six (6) continuous years of satisfactory service, for the purposes of full-time resident study programs, or other purposes, for a period of at least five (5) months but no more than ten (10) school months (equivalent to one continuous semester or one continuous school year respectively), if the Chief Executive Officer or designee determines that the leave will improve the service of the teacher or principal to the public schools. The employee must be enrolled in a full-time program. An employee who is granted a leave under this provision may not hold secondary employment or accept other employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee from another agency while on this leave. Upon return from this leave, the employee must work for a minimum of (2) two years or be responsible for paying back any sums of money paid to the employee during the sabbatical leave by the Board of Education. Eligibility for and the terms and conditions of sabbatical leaves will be established by the Chief Executive Officer or designee.

Approved for Consideration:



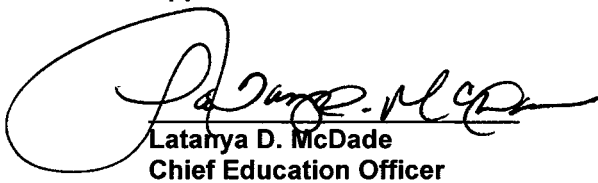
Matthew Lyons
Chief Talent Officer

Respectfully Submitted:



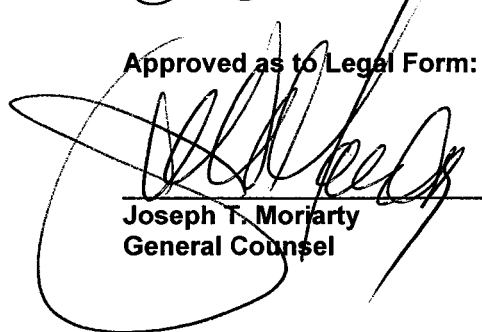
Janice K. Jackson
Chief Executive Officer

Approved for Consideration:



Latanya D. McDade
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Approved as to Legal Form:



Joseph T. Moriarty
General Counsel