

April 26, 2023

AMEND BOARD RULE 4-15 WITH RESPECT TO BEREAVEMENT LEAVES WITHOUT PAY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board hereby amend Board Rule 4-15 as set forth below. This change will include new rights under the Family Bereavement Leave Act (FBLA) under the Illinois Department of Labor.

Sec. 4-15. Other Leaves without Pay. The Chief Executive Officer or his/her designee may grant leaves without pay to eligible employees as set forth in this Rule without Board action and shall report all such leave in his/her quarterly workforce planning report to the Board. The Chief Executive Officer or his/her designee shall establish procedures for applying for unpaid 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.

g. *Family Bereavement Leave Act (FBLA).* The Chief Executive Officer or the designees shall grant employees, other than substitute teachers, and part time/seasonal employees, FBLA leave. The Family Bereavement Leave Act (FBLA) requires employers to provide employees up to 10 workdays of unpaid leave annually to grieve the death of "any covered family member." Covered family member means an employee's child, stepchild, spouse, domestic partner, sibling, parent, stepparent, mother-in-law, father-in-law, grandchild or grandparent. Some of these covered family members may qualify for paid Bereavement Leave under Board Rule Sec. 4-14, b.

The FBLA leave may be taken to:

- Attend the funeral or alternative to a funeral of a covered family member.
- Make arrangements necessitated by the death of a covered family member.
- Grieve the death of a covered family member;

Be absent from work on 10 days of unpaid leave due to:

- A miscarriage.
- An unsuccessful round of intrauterine insemination or an assisted reproductive technology procedure (e.g., artificial insemination or embryo transfer).
- Failed adoption match or an adoption that is not finalized because it is contested by another party.
- Failed surrogacy agreement.
- A diagnosis that negatively impacts pregnancy or fertility.
- A stillbirth.

Employers may request reasonable documentation that a covered event has occurred but not on the category or particulars. If an employee has exhausted leave permitted under the FMLA, the FBLA does not grant the right to additional leave.

h. *Tenured Teachers' Pension Office Employment Leave.* Upon application by the Chicago Teachers' Pension Fund, the Chief Executive Officer or designee may grant an unpaid leave of absence to tenured teachers to accept appointments to full-time positions with the Chicago Teachers' Pension Fund. As condition of such leave, the Chicago Teachers' Pension Fund must agree to pay the cost of maintaining any benefits for the employee. Upon termination of the leave, employees shall be treated as laid off employees and afforded the rights and benefits provided in the applicable Board's layoff policies.

i. *Family Military Leave of Absence.* The Chief Executive Officer or designee may grant an unpaid family military leave of absence of up to thirty (30) calendar days to an employee who: 1) is the spouse or parent


of any person called to military service for a period of more than thirty (30) calendar days pursuant to orders of the Governor of the State of Illinois or the President of the United States, 2) has been employed by the Board for at least twelve (12) months, and, 3) has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. Employees who request unpaid family military leave for five (5) or more consecutive work days must make their request for the leave fourteen (14) days prior to the commencement of the leave; employees who request unpaid family military leave for less than five (5) consecutive work days shall make their request as soon as practicable. Upon termination of the leave, the employee shall be restored to the position held by the employee prior to commencement of the leave or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment, unless the employee would not have maintained his/her position regardless of the leave. The Chief Executive Officer or designee shall establish procedures and requirements for applying for leaves, including requirements for submission of certification from the proper military authority to verify the employee's eligibility for the family military leave and procedures for return of employees at the conclusion of the family military leave.

Approved for Consideration:


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