

December 14, 2023

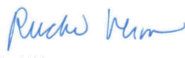
**AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD FOR BOARD RULE 4-15
STARTING DECEMBER 15, 2023**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize the commencement of the Public Comment Period from December 15, 2023 to January 15, 2024 for the Policy described in the disposition table below. Pursuant to Board Rule 2-6(c), the Board must authorize the commencement of the Public Comment Period.


Current Policy Section/ Current Policy Title	New Policy Section/ New Policy Title	Description of Revision/Disposition
4-15 Other Leaves Without Pay	N/A	Amend Board Rule 4-15 The new Illinois Child Extended Bereavement Leave Act (CEBLA) became law on August 4, 2023, and will be effective on January 1, 2024. CEBLA requires covered Illinois employers to provide additional unpaid leave to employees who are faced with a child's death due to homicide or suicide. CEBLA defines a "child" to include biological, adopted, foster, and step children, along with legal wards and children of people legally serving in place of a parent (<i>in loco parentis</i>).

Approved as to Legal Form: 

DocuSigned by:

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Ruchi Verma
General Counsel

Approved:

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Pedro Martinez
Chief Executive Officer

Policy/Board Rule Summary Form

Policy/Board Rule Being Amended	Policy/Board Rule Manager(s)
Board Rule 4-15	Karla Kirkling Kerry Frank

1. Why is this policy/Board rule being amended, created, or rescinded now? (e.g., state legislation, compliance change, policy was out of date, annual policy review, CEO/CEdO recommendation, etc.)

The new Illinois Child Extended Bereavement Leave Act (CEBLA) became law on August 4, 2023, and will be effective on January 1, 2024. CEBLA requires covered Illinois employers to provide additional unpaid leave to employees who are faced with a child's death due to homicide or suicide. CEBLA defines a "child" to include biological, adopted, foster, and step children, along with legal wards and children of people legally serving in place of a parent (*in loco parentis*).

2. Please provide a high level summary of what policy/Board rule changes are being made, or created, and why.

- ***Child Extended Bereavement Leave Act (CEBLA) Eligibility & Entitlement***
 - Clarification that an employee who loses a child due to homicide or suicide is entitled to up to twelve (12) weeks of unpaid leave with job protection.
 - Clarification that the leave may be taken in twelve (12) continuous weeks or intermittently in increments of no less than 4 hours per work day.
 - Clarification that the leave must be completed within one (1) year after the employee notifies CPS of the loss of the child.
 - Clarification that if an employee has exhausted leave permitted under the FMLA, the CEBLA does not grant the right to additional leave.
 - Clarification that the extended Bereavement Leave is not intended to extend the period during which an employee can take FMLA leave or any other unpaid leave. If the time off qualifies as FMLA, then the two leaves will run concurrently.
- ***Leave Notification***
 - Clarification that employees should provide notice of the leave unless providing notice is not reasonable and practicable. CPS will require documentation of the loss, such as a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. The documentation must include the cause of death. Any bereavement pay or accrued benefit days may be used concurrently with this leave.
- ***Return from Leave process***
 - Clarification about the return to work process for an employee who takes leave for the loss of a child due to homicide or suicide entitling on return from such leave to be 1) restored to the position of employment held by the employee when the leave commenced or 2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

- **Accrual Benefits and Seniority Status**

- Clarification that an employee who takes a leave under this Act shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.
- Clarification that nothing in this Policy shall be construed to entitle any restored employee to: (1) the accrual of any seniority or employment benefits during any period of leave; or (2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

3. Please provide any notable feedback from internal or external stakeholders, and how you addressed it or planned to address it in your policy/Board rule draft.

TBA post stakeholder engagement activities.

4. Please provide any additional notes/considerations in the box below.

**AMEND BOARD RULE 4-15
OTHER LEAVES WITHOUT PAY**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board adopt the amendments to Board Rule 4-15, Other Leaves Without Pay in response to the Illinois Child Extended Bereavement Leave Act (CEBLA).

POLICY TEXT:

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.

- a. *Personal Leaves of Absence for Educational Support Personnel.* The Chief Executive Officer or his/her designee may grant educational support personnel employees who have been employed for not less than three (3) months personal leaves of absence without pay. The Chief Executive Officer or his/her designee, in the exercise of his/her discretion, may permit educational support personnel granted a personal leave of absence to be paid appropriate accumulated benefit time during the leave. Any employee who is granted a leave under this provision may not accept secondary employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee. Educational support personnel granted a personal leave of absence under this Rule shall be restored to their former positions at the termination of the leave if the former position is available. If the former position is not available, the educational support personnel employee may apply for any position for which the employee is qualified.
- b. *Student Teaching Leaves of Absence for Educational Support Personnel.* The Chief Executive Officer or designee may grant educational support personnel employees who have been employed for not less than three (3) months a student teaching leave of absence without pay. Educational Support Personnel must show proof that they are enrolled in an accredited program and need the time off work, for a maximum of (10) ten school months, to student teach or complete a practicum. Student teaching leave of absence shall be without pay unless otherwise approved by the Chief Executive Officer or designee. Any Educational Support Personnel employee granted a student teaching leave of absence under this rule shall be restored to the employee's former position at the termination of the leave if the former position is available. If the former position is not available, the Educational Support Personnel employee may apply for any position for which they are qualified. Any employee who is granted leave under this provision may not accept secondary employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee.
- c. *Tenured Teachers' Leave for Travel or Study.* The Chief Executive Officer or designee may grant an unpaid leave of absence for one (1) year or less to a tenured teacher for educationally-related travel or for full-time study in accredited institutions of learning. At the conclusion of the leave, the tenured teacher must present credentials showing the course

work pursued and the amount of work done to the Chief Education Officer. In case of leave for travel, evidence of such travel shall be presented to the Chief Education Officer. When a leave has been granted under this Rule, the absence shall not be construed as a break in service so far as seniority is concerned and the tenured teacher shall be returned to his/her position at the termination of the leave. A tenured teacher granted a leave under this Rule shall be ineligible for another leave under this Rule for a period of at least four (4) years after the conclusion of the leave. Any employee who is granted a leave under the provisions may not accept secondary employment or draw a salary/stipend without express approval from the Chief Executive Officer or designee. Any person who is granted leave under the provisions of this Rule, who fails to devote the entire period of the leave to the purposes specified in the application for leave shall pay to the Board the cost of maintaining benefits for the teacher during the leave and may be subject to discipline or dismissal. The employee shall maintain insurance benefits while on leave of absence as long as the employee pays the employee portion of the insurance premium.

- d. *Tenured Teachers' Leave for Charter School Employment.* The Chief Executive Officer or his/her designee may grant unpaid leaves of absence to tenured teachers who accept employment with a charter school in accordance with 105 ILCS §27A-10(b). Charter school leaves shall be granted in one (1) school year increments. Successive charter school leaves may be granted for up to maximum of five (5) school years. A tenured teacher who is granted a leave of absence for charter school employment may return to his/her former position only if the leave terminates after his/her first year of charter school leave; if the leave terminates after more than one (1) year of leave, the teacher shall be assigned to the Reassigned Teacher Pool in accordance with Board policies. Health insurance will not be offered during this leave. Upon return from this leave, the employee must provide a termination or resignation letter within (30) thirty days of the last day of employment in order to return to work at Chicago Public Schools.
- e. *Tenured Teachers' and Certificated Administrators' Personal Leave of Absence.* The Chief Executive Officer or his/her designee may grant an unpaid personal leave of absence with full loss of salary for a period of two (2) years or less to any tenured teacher or certificated administrator, if in the judgment of the Chief Executive Officer or his/her designee, such leave will enable the tenured teacher or certificated administrator to engage in an activity which will be beneficial to the work of the Chicago Public Schools. Certificated administrators who are contract principals and assistant principals are not eligible for a personal leave of absence. Upon conclusion of the personal leave of absence, the tenured teacher may apply for vacant positions.
- f. *Tenured Teachers' and Educational Support Personnel Union Leaves.*
 1. Upon application by the Chicago Teachers Union ("CTU"), the Illinois Federation of Teachers ("IFT"), or the American Federation of Teachers ("AFT"), the Chief Executive Officer or designee may, without Board action, grant employees who are elected or appointed to full-time positions with the CTU, IFT or AFT leaves of absence without pay for the purpose of accepting positions, provided that no more than forty-five (45) employees shall be granted such a leave at any one time. Employees granted a union leave of absence shall retain all other benefits as if they were in regular service. They shall continue to accrue seniority for salary increments and all other purposes where seniority is a factor, and their absence shall not be construed as a break in service for any purpose. As condition of such leave, the CTU, IFT, and AFT must agree to pay the cost of maintaining any benefits for the employee.
 2. The Chief Executive Officer or his/her designee may, without further Board action, grant union leaves of absences authorized by collective bargaining agreements

approved by the Board to employees who are elected or appointed to union offices. The Chief Executive Officer or designee shall approve such leaves in accordance with the terms of the collective bargaining agreement approved by the Board.

3. An appointed teacher or clinician who is elected as President, Vice President, Recording Secretary or Financial Secretary of the CTU and who decides to return to Board employment following the conclusion of his or her first term in office shall be returned to his or her original position in his or her original school or unit. A teacher or clinician on Union leave to an unelected position with the CTU who decides to return to Board employment at the conclusion of his or her Union leave shall be assigned to an equivalent position in the area of his or her certification.

The teacher or clinician shall not have the right to return to his or her original school or unit.

- 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:

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

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

1. A miscarriage.
2. An unsuccessful round of intrauterine insemination or an assisted reproductive technology procedure (e.g., artificial insemination or embryo transfer).
3. Failed adoption match or an adoption that is not finalized because it is contested by another party.
4. Failed surrogacy agreement.
5. A diagnosis that negatively impacts pregnancy or fertility.
6. 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. *Child Extended Bereavement Leave Act (CEBLA)*. An employee who loses a child due to homicide or suicide may take up to twelve (12) weeks of unpaid leave with job protection. The leave may be taken in twelve (12) continuous weeks or intermittently in increments of no less than 4 hours per work day. If the time off qualifies as FMLA, then the two leaves will run concurrently. The leave must be completed within one (1) year after the employee notifies CPS of the loss of the child. Employees should provide notice of the leave unless providing notice is not reasonable and practicable. CPS will require documentation of the loss, such as a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. The documentation must include the cause of death. Any bereavement pay or accrued benefit days may be used concurrently with this leave.

Return to work:

- a. An employee who takes leave for the loss of a child due to homicide or suicide is entitled, on return from such leave:
 1. to be restored to the position of employment held by the employee when the leave commenced; or
 2. to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
- b. The taking of leave under this Act shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.
- c. Nothing in this Policy shall be construed to entitle any restored employee to:
 1. the accrual of any seniority or employment benefits during any period of leave; or
 2. any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

If an employee has exhausted leave permitted under the FMLA, the CEBLA does not grant the right to additional leave.

h.i. 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.

h.j. 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.