

## **CHAPTER IV BOARD EMPLOYMENT**

### **Sec. 4-1. Delegation of Authority and Reporting to the Board.**

- a. *Delegation to Chief Executive Officer or His/Her Designee.* Subject to the limitations set forth in the Illinois School Code, these Rules and the Board's Policies, and except as provided in Rule 4-1c below, the Chief Executive Officer and his/her designee(s) are hereby delegated the following authority with respect to Board employees, which may be exercised without Board action:
1. Except as provided in 4-1(c)(1) to hire, appoint, or promote based on merit employees upon his/her own recommendation or the recommendation of the Chief Talent Officer, General Counsel, the Chief Financial Officer, executive officers, officers or principals, and to establish eligibility criteria for hire, appointment or promotion;
  2. To classify and reclassify employees;
  3. To establish a schedule of basic salaries and wage rates, and to set compensation, wages and/or salary based on employee classifications or job titles or other criteria;
  4. To establish policies with respect to overtime pay;
  5. To grant annual increases to wages and salary based on cost of living for employees not subject to a performance management program or merit pay plan and to grant or withhold annual increases to wages and salary based upon merit to employees subject to a performance management program or merit pay plan adopted by the Chief Executive Officer or designee;
  6. To establish employee benefit plans, including employee medical, dental and life insurance plans, disability plans, and tax-deferred savings plans, and the eligibility criteria for participation in those plans;
  7. To establish work schedules for all employees, including hours of work and days of work;
  8. To establish performance management procedures and evaluation procedures for all employees, including, but not limited to, teachers and principals;
  9. To grant paid time off for excused days, holidays, sick leave, parental leave, personal leaves or vacation;
  10. To grant voluntary leaves of absence to employees and to order involuntary leaves of absence for employees;

11. To grant paid and unpaid leaves of absence to eligible employees in accordance with collective bargaining agreements, Board Rules and Policies;
  12. To establish employee discipline protocols and commence disciplinary or dismissal proceedings against employees;
  13. To demote, transfer, discipline or dismiss employees;
  14. To lay off employees, reduce the Board's workforce, or alter compensation for employees;
  15. To accept resignations and retirements from employees and to grant related revocations; and,
  16. To exercise all other authority over employees that is not specifically reserved for Board action.
- b. *Chief Executive Officer's Quarterly Workforce Planning Report.* The Chief Executive Officer or his/her designee(s) shall submit a quarterly workforce planning report (which shall be made public) to the Board that summarizes the previous quarter's workforce actions made by the Chief Executive Officer or his/her designee in accordance with Rule 4-1a, provided however, that the reason or cause for any employee dismissal shall not be made public.
- c. *Authority Reserved for Board Action.* The Board shall exercise all authority over the following employee matters, which authority is non-delegable under the Illinois School Code or which the Board has reserved to itself:
1. To appoint the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, executive officers, officers, and contract principals at schools with Appointed Local School Councils and contract principals at schools with Local School Councils that fail to directly select a principal in accordance with section 34-2.3(2) of the Illinois School Code;
  2. To establish salaries upon hire for the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, executive officers and officers;
  3. To dismiss the Board Secretary, the Assistant Board Secretary, the Chief Executive Officer, the General Counsel, deputies and assistants general counsel, executive officers and officers upon majority vote of the full membership of the Board;
  4. To dismiss probationary appointed teachers in accordance with the Illinois School Code;

5. To dismiss contract principals and tenured teachers for cause after adoption, modification or rejection of an Illinois State Board of Education hearing officer's recommendation;
6. To terminate the contract of and to dismiss a contract principal upon recommendation of the Chief Executive Officer, after notice and a hearing, in accordance with the Section 5/34-8.3(d) of the Illinois School Code or, upon consent of the contract principal and the applicable Local School Council; and,
7. To, upon recommendation of the Chief Executive Officer or his/her designee, dismiss for cause non-probationary educational support personnel whose employment is governed by collective bargaining agreements.

**Sec. 4-2. Collective Bargaining Agreements – Effect of Rules.** The Chief Executive Officer or his/her designee shall negotiate all collective bargaining agreements on behalf of the Board, and submit tentative agreements to the Board for adoption and approval. These Rules shall be construed consistently with any collective bargaining agreement entered into by the Board. Where a collective bargaining agreement is silent on a subject addressed by these Rules, these Rules shall control. In the event that a Rule is in direct conflict with a provision of a collective bargaining agreement, the provision of the collective bargaining agreement shall control, except where the provision of the collective bargaining agreement has been waived or declared void. Nothing in this Rule shall revive a provision of a collective bargaining agreement that was voided pursuant to 115 ILCS 5/4.5, as it existed from 1995 to 2003, unless revival of that provision has been specifically negotiated and agreed to by the Board. Nothing in this Rule shall affect the Board's rights or obligations with respect to permissive subjects of bargaining as set forth in 115 ILCS 5/4.5.

**Sec. 4-3. Categories of Board Employees.** Board employees shall be categorized as Teachers, Principals, Assistant Principals, Certificated Administrators, Educational Support Personnel, or Part-time/Seasonal Employees, as defined below. The Chief Executive Officer or his/her designee may create additional categories of employees, as he/she deems necessary. The Chief Executive Officer or his/her designee may create a classification system and job titles within employee categories for purposes of assignment, pay and benefits.

a. *Teachers.* Teachers are employees with teaching certificates issued by the Illinois State Teacher Certification Board, who are hired to perform instructional or related administrative services. Teachers shall be further categorized as follows:

1. *Appointed Teachers.* Appointed teachers are full-time teachers who are hired and assigned to vacant teaching positions. Appointed teachers shall be further classified as either tenured or probationary, as follows:

a. *Tenured Teachers.* Tenured teachers are either: 1) teachers who have been appointed to a teacher position, completed the statutory probationary period of continuous service as an appointed teacher necessary to attain tenure, and have not had a break in service or, 2) appointed teachers who lost their tenure but who meet the requirements to be reappointed with tenure set forth in subparagraph (a) (1) (a) (ii) of this Rule. For purposes of this Rule, a “teacher position” includes classroom teacher positions, city-wide teachers, lead teachers, librarians, guidance specialists, counselors, social workers, speech pathologists, school-based nurses, and psychologists. The Board may dismiss tenured teachers from Board employment only for just cause, in accordance with the Illinois School Code, and the Chief Executive Officer or his/her designee may lay off or otherwise remove tenured teachers from their positions in accordance with the Board’s Rules and Policies.

i. *Loss of tenure.* A tenured teacher’s right to contractual continued service or tenure is lost upon the occurrence of any of the following:

1. the tenured teacher’s dismissal for cause;
2. the tenured teacher’s resignation from his/her teacher position, which includes the tenured teacher’s voluntary transfer from his/her teacher position to an educational support personnel employee, a certificated administrator, an assistant principal or an interim or contract principal position; and,
3. the tenured teacher’s honorable dismissal from his/her teacher position.

ii. *Reappointment with Tenure.* Formerly tenured teachers who lost tenure under subparagraph (a)(1)(a)(i)(2) or (a)(1)(a)(i)(3) of this Rule shall be granted tenure upon reappointment to a teacher position under the following circumstances:

1. when the former tenured teacher is reappointed to a teacher position within one (1) calendar year from the effective date of his/her resignation;
2. when the former tenured teacher lost tenure by accepting a position as an educational support personnel, a certificated administrator, an assistant principal or an interim or contract

principal and he/she is reappointed to a teacher position without a break in service to the Board of Education; and,

3. when the former tenured teacher is reappointed to a teacher position within two (2) calendar years of his/her honorable dismissal. Nothing in this Section shall be construed to guarantee reappointment to a teacher position or to alter the status of employees, including formerly tenured teachers, employed as an educational support personnel employee, a certificated administrator, an assistant principal or an interim or contract principal.

b. *Probationary Appointed Teachers.* Probationary appointed teachers are either: (1) newly appointed teachers who have not completed the statutory probationary period of continuous service necessary to attain tenure; or, (2) formerly tenured teachers who have had a break in service, been reappointed and have not completed the statutory probationary period of continuous service necessary to attain tenure since their reappointment. Probationary appointed teachers are appointed on an annual basis and their continued employment is conditioned on the Chief Executive Officer's recommendation to reappoint them each year in accordance with Board Rules. Probationary appointed teachers may be dismissed from Board employment, or may be laid off or not reappointed in accordance with the Illinois School Code and Board Rules and Policies. Probationary appointed teachers become tenured teachers after serving the statutory period of continuous service necessary to attain tenure in accordance with collective bargaining agreements.

2. *Temporarily Assigned Teachers.* Temporarily assigned teachers are certified teachers who are not appointed to a full-time, permanent position, but are employed on a temporary, provisional or conditional basis, as follows:

a. Regularly certified teachers assigned to fill a full-time teaching position, which is encumbered by an appointed teacher, but which has become temporarily vacant as a result of a leave taken by the appointed teacher; or

b. Teachers with provisional or conditional teaching certificates who are assigned to fill a full-time, vacant teaching position pending receipt of full teaching certification.

3. *Substitute Teachers.* Substitute teachers are teachers who are not appointed but are, at a minimum, certified by the Illinois State Board of Education to substitute teach and serve on a temporary basis, as follows:

a. *Day-to-Day Substitute Teachers.* Day-to-day substitute teachers are employed on a day-to-day basis to fill temporary, day-to-day vacancies, as needed, with no guarantee of daily assignments. Day-to-day substitute

teachers may not be assigned to fill the same position on a day-to-day basis for more than twenty (20) consecutive student attendance days. Day-to-day substitutes may be classified as regular day-to-day substitutes or provisional day-to-day substitutes, based upon their type of certification.

b. *CADRE Substitute Teachers.* CADRE substitute teachers are employed on a full-time and year-to-year basis. They are entitled to receive daily assignments for each student attendance day throughout a school year in which they are employed. CADRE substitutes may only be assigned to fill the same position for up to twenty (20) consecutive student attendance days. The employment of a CADRE substitute teacher terminates at the end of each school year and must be renewed by assignment annually, except that the employment of a CADRE substitute teacher who: 1) is a displaced temporarily assigned teacher due to a position closing; and 2) has been a CADRE substitute teacher for less than twelve (12) continuous months since his/her displacement as a temporarily assigned teacher will terminate at the end of the school year following twelve (12) continuous calendar months from his/her assignment as a CADRE substitute teacher.

4. *Half-Time Teachers.* Half-time teachers are regularly certified to teach by the Illinois State Board of Education, and are employed on a half-time basis.

b. *Principals.* Principals are full-time employees with administrative certificates/licenses issued by the Illinois State Board of Education who are hired to act as the instructional and administrative leader of one or more student attendance centers. Principals are classified as follows:

1. *Contract Principals.* A contract principal is appointed from an eligibility list maintained by the Board. A contract principal shall be hired under a contract with a duration of four (4) years, which shall be terminable for various causes, including removal of the contract principal under section 5/34-8.3 of the Illinois School Code. A contract principal has the powers and authority of a principal provided in the Illinois School Code. A contract principal may be removed and replaced and/or dismissed from employment and his/her contract terminated, as provided by the principal's contract and/or Board Rules and Policies, and the Illinois School Code.

2. *Interim Principals.* An interim principal is a temporary principal whom the Chief Executive Officer or his/her designee may assign to a student attendance center for either up to one (1) year or until a student attendance center's Local School Council selects a contract principal, whichever comes first; or, in the case of a student attendance center on probation, where the Local School Council does not possess the authority to select a contract principal, for an indeterminate period until the student attendance center is removed from probation status under the Board's policy on probationary

schools, or in the case of a newly established school, for an indeterminate period until the school has a duly constituted Local School Council or an Appointed Local School Council. An interim principal may exercise all of the powers and authority of a contract principal. The Chief Executive Officer or his/her designee may remove an interim principal at his/her discretion.

3. *Acting Principals.* An acting principal is a temporary principal who does not have a contract and is assigned to a student attendance center by the Chief Executive Officer or his/her designee for a period of up to one hundred (100) school days to fill a temporary vacancy in a student attendance center's principalship. Where a tenured teacher is made acting principal, the tenured teacher shall be returned to his/her former position upon removal from the acting principalship. An acting principal may not dismiss or seek the dismissal of an assistant principal, teacher or any educational support personnel employee assigned to the school to which they are appointed without the prior approval of the Chief Executive Officer or his/her designee. The Chief Executive Officer or his/her designee may remove an acting principal at his/her discretion.

c. *Assistant Principals.* Assistant principals are full-time employees with administrative certificates/licenses issued by the Illinois State Board of Education who are recommended for hire by a contract principal, interim principal or, where there is no contract or interim principal, assigned by the Chief Executive Officer or his/her designee, to assist contract, interim or acting principals in the performance of their duties as the instructional and administrative leader of a student attendance center. Assistant principals may be assigned direct instructional responsibilities. Assistant principals may be displaced (i) annually at the end of a fiscal year, (ii) at the expiration of the principal's contract, (iii) upon the resignation or retirement of the contract principal, (iv) upon the removal or dismissal of the contract principal, or (v) upon the termination of the interim principal's assignment to the attendance center. The displacement notice and benefits afforded to assistant principals shall be established by the Chief Executive Officer or his/her designee. Assistant principals may further be dismissed at any time pursuant to Board Rules or Policies. The Chief Executive Officer or his/her designee shall establish transition rules for former quota assistant principals.

d. *Certificated Administrators.* Certificated administrators are full-time employees who hold administrative certificates/licenses issued by the Illinois State Board of Education, other than principals and assistant principals, who are assigned to administrative positions without direct instructional duties. Certificated administrators are "members of the teaching force" for purposes of the Illinois Pension Code. Certificated administrators are employed at-will.

e. *Educational Support Personnel or Paraprofessional and School-Related Personnel.* Educational support personnel or paraprofessional and school-related personnel are full or part-time employees who are not required to have teaching or administrative certificates/licenses issued by the Illinois State Board of Education to perform the duties of their position. Educational support personnel and paraprofessional and school-related personnel are employed at-will, unless the Board has entered into a specific agreement granting a particular class of educational support personnel a property interest in their employment by the Board.

f. *Part-Time/Seasonal Employees.* Part-Time/Seasonal Employees are employed at will on a seasonal, casual, short-term and/or temporary basis and are ineligible for employee benefits, including but not limited to paid sick, personal and vacation benefit days and any Board-sponsored employee health, dental, life or other benefit program. Part-Time/Seasonal Employees shall not work more than twelve hundred (1200) hours in a calendar year. Part-Time/Seasonal Employees shall be members of the Municipal Employees', Officers' and Officials' Annuity and Benefit Fund of Chicago except for the following groups of Part-Time/Seasonal Employees:

1. Individuals employed for less than seven hundred (700) hours in any calendar year, if paid on an hourly basis; or
2. Individuals employed for less than four (4) months, if paid on monthly basis; or
3. Individuals employed for less than one hundred (100) days, if paid on daily basis; or
4. Individuals employed by another unit of local government and, in connection with that employment, are participating in or receiving an annuity from one of the following City of Chicago municipal pension funds: the Municipal Employees' Officers' and Officials' Annuity and Benefit Fund of Chicago, and the Laborers' and Retirement Board Employees' Annuity and Benefit Fund of the City of Chicago, Policemen's Annuity and Benefit Fund of the City of Chicago, Firemen's Annuity and Benefit Fund of the City of Chicago; or,
5. Individuals receiving a pension or annuity, other than widow's or child's annuity, from the Chicago Teachers Pension Fund, who are employed in a capacity for which the Board requires certification from the Illinois State Board of Education.

In accordance with P.A. 97-0912, the Board shall not re-employ an individual receiving a pension or annuity from the Chicago Teachers Pension Fund as a teacher (as defined the Illinois Pension Code) on a temporary and non-annual



basis or on an hourly basis unless the person: (1) does not work as a teacher for compensation on more than 100 days in a school year, and (2) does not accept gross compensation for the re-employment in a school year in excess of (i) \$30,000, or (ii) in the case of a person who retires with at least 5 years of service as a principal, an amount that is equal to the daily rate normally paid to retired principals multiplied by 100. Effective October 1, 2007, the Board shall not employ a retired Board employee who is drawing an annuity from the Municipal Employees' Officers' and Officials' Annuity and Benefit Fund of Chicago as an employee in the category of part-time/seasonal employees.

**Sec. 4-4. Employment Requirements.** Board employees must conduct themselves in a manner that is consistent with the Board's status as a publicly financed primary and secondary educational institution, and with the Board's mission to provide a high quality public education to the children of the City of Chicago. Accordingly, all applicants for employment and employees shall be subject to the following requirements:

a. *Residency.* All employees must comply with the Board's Residency Policy. Employees hired by the Board shall be advised in writing of the Residency Policy's requirements, including application procedures for waivers of the policy for teachers in special needs positions. Employees' continued employment shall be subject to compliance with the policy. Employees who violate the Residency Policy shall be subject to discipline or dismissal.

b. *Background Investigations.* As a condition of hiring and continuing to employ all employees, the Board shall conduct a fingerprint or other criminal history verification, as well as a check for substantiated reports of child abuse or neglect, with appropriate authorities, in accordance with the provisions of the Illinois School Code. To ensure that the Board does not employ and is not knowingly employing a person who has committed the crimes and offenses enumerated in 105 ILCS 5/21-23a or 105 ILCS 5/34-18.5, the Chief Executive Officer or his/her designee shall establish procedures and guidelines for conducting criminal and child-abuse-and neglect-background investigations for: (1) applicants prior to hire; (2) employed teachers at the time of their teacher certificate or educator-license renewal or at some other periodic interval that is administratively convenient; (3) all other employees at regular periodic intervals that are administratively convenient; and (4) any employee or group of employees at the direction of the Chief Executive Officer or his/her designee. Any applicant or employee whose criminal background or adjudication for child physical or sexual abuse in juvenile court child-protection proceedings excludes him/her from Board employment under the Illinois School Code shall not be hired or, if employed, shall be dismissed. Regardless of whether an applicant or employee's criminal or child-abuse-and-neglect history excludes him/her from employment under the Illinois School Code, the Chief Executive Officer or his/her designee shall consider that history, and whether the applicant or employee has made a

full disclosure of that history, in determining whether to hire an applicant or whether to dismiss an employee.

c. *Convictions After Employment.* An employee who is convicted of a felony or *any* crime involving the consumption, possession, sale, distribution or manufacture of any controlled substance, as defined in 21 U.S.C. §812, 720 ILCS 570/102 or under the Cannabis Control Act, 720 ILCS 550/1 *et seq.*, or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages must notify the Chief Executive Officer or his/her designee, by letter via certified mail, of the date, factual basis and nature of the conviction, as well as the name and location of the court in which the conviction occurred. Failure to report any conviction, as required by this Rule, in writing within five (5) days of the conviction shall constitute cause for discipline or dismissal from employment. Compliance with this Rule shall not exempt the employee from discipline or dismissal because of the conviction. Additional requirements and procedures may be set forth in the Board's Drug and Alcohol Free Workplace Policy.

d. *Certification/Licenses.* No applicant for employment or promotion to a position that requires certification and/or licensure under the Illinois School Code, or any other law or Board policy, may be hired until he or she has presented proof of proper certification or licensing by the appropriate authority. If an employee's certificate or license lapses, or is invalid, suspended or revoked, the employee shall be subject to layoff and/or discipline or dismissal.

e. *Fitness for Duty Examinations.* All applicants for employment and employees may be required, as a condition of hire or continued employment, to submit to a post-offer or post-employment fitness for duty examination by an appropriate healthcare professional to demonstrate that they can perform the essential functions of their position and are fit for duty.

f. *Ethics Policy.* All employees and applicants for employment shall comply with the Board's Ethics Policy. Employees who violate the Board's Ethics Policy shall be subject to discipline and dismissal.

g. *Failure to Pay Municipal Debts.* The Chief Executive Officer or his/her designee may require that applicants for employment verify that they have paid all debts due and owing to the City of Chicago as a condition of employment. The failure by any Board employee to pay a debt due and owing to the City of Chicago shall be cause for discipline or dismissal. For purposes of this Rule, "a debt due and owing" means a specified sum of money owed to the City for city services, work or goods after the period granted for payment has expired and/or a specified sum of money owed to the City pursuant to a court or administrative order after the exhaustion of or failure to exhaust judicial review. Upon request of the City Comptroller, the Board may withhold wages to pay municipal debts in accordance with the provisions of the Illinois School Code and state law.

h. *Drug and Alcohol Free Workplace.* Board workplaces shall be drug and alcohol free. Accordingly, employees shall not unlawfully manufacture, distribute, possess, consume, use, or be under the influence of drugs or alcohol on Board property or premises or at any site of Board-sponsored activities. For purposes of this Rule, the term “drugs” means any controlled substance, as defined in 21 U.S.C. §812 and 720 ILCS 570/102, or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages. The Board and/or the Chief Executive Officer or his/her designee shall establish policies and procedures to comply with federal and state Drug Free Workplace Acts and Drug Free Schools and Communities Acts. Additional requirements may be set forth in the Board Drug and Alcohol Free Workplace Policy. The Board and/or the Chief Executive Officer or his/her designee may establish additional policies and procedures for drug and alcohol testing for applicants prior to their hire, or for employees, post-hire. Such policies and procedures shall be consistent with applicable law. Applicants for employment, who violate this Rule, or Board Policies and procedures, shall be excluded from consideration for employment. Employees who violate this Rule shall be dismissed from employment.

i. *Respectful, Violence Free Workplace and Learning Environment.* It is the Board’s policy that its facilities and workplaces shall be free of violence and that students, employees and visitors to its facilities conduct themselves in a manner that is respectful to others. Accordingly, employees shall not engage in any acts that are inconsistent with a respectful working and learning environment and shall not engage in any acts of violence at the workplace, or engage in any acts of violence outside of Board workplaces that have a nexus to their Board employment. For purposes of this Rule, acts of violence include use of physical force, when it is not reasonably necessary to protect persons or property from imminent harm, and acts of intimidation including, but not limited to, threats of physical force.

j. *Authorization to Work in the United States.* All employees must be legally present in the United States and possess legal authorization for employment in the United States.

k. *Compliance with Laws and Board Policies and Rules Prohibiting Discrimination.* All employees must comply with laws and Board Policies and Rules prohibiting discrimination, including laws and policies prohibiting sexual harassment.

l. *Statement Concerning Employment in a Job Not Covered by Social Security.* All employees who are employed in positions that are not covered by Social Security shall receive a “Statement Concerning Your Employment in a Job Not covered by Social Security” at the time of their hire.

m. *Obligation to Cooperate in Inspector General Investigations and to Answer Inspector General's Questions.* All employees are obligated to cooperate with the Board's Inspector General in investigations or inquiries conducted by the Inspector General as required by 105 ILCS 5/34-13.1. Employees who are interviewed by the Inspector General or his/her authorized agents and who are given a notice of administrative rights by the Inspector General or his/her agents are directed by the Board of Education to answer all questions by the Inspector General. Employees who receive a notice of administrative rights from the Inspector General or his authorized agents may not refuse to answer questions based upon the assertion of that employee's privilege against self-incrimination. Any employee who refuses to answer questions by the Inspector General or his authorized agents after receiving a notice of administrative rights shall be considered flagrantly insubordinate and to have grossly disrupted the educational process. In addition to the penalties set forth in 105 ILCS 5/34-13.1, any employee who refuses to answer the questions of the Inspector General or his authorized agent after receipt of a notice of administrative rights shall be subject to dismissal from Board employment.

n. *Employees' Duty to Maintain Confidential Records.* All employees must comply with all laws, rules and regulations, including Board Rules and Policies, governing confidentiality of student, employee and family records and information, including but not limited to, the Family Educational Rights and Privacy Act, the Illinois School Student Records Act, the Americans with Disabilities Act, the Illinois Human Rights Act and the Health Insurance Portability and Accountability Act. The Board or the Chief Executive Officer or designee shall establish standards and guidelines concerning student, employee and vendor access to and maintenance and destruction of confidential records and information. For purposes of this Rule, "records and information" include documents, audio-visual recordings, and data stored and accessed electronically.

o. *Other Requirements for Pre-Employment, Employment, Association or Affiliation.* The Board or the Chief Executive Officer or the Chief Executive Officer's designee may establish other hiring, employment, affiliation and association criteria and eligibility requirements that are consistent with the position occupied or applied for, the Board's Rules and Policies, public policy and local, state and federal law.

**Sec. 4-5. Hiring, Appointment and Status of Employees.**

a. *Hiring and Appointment of Employees.* The Chief Executive Officer or his/her designee shall establish the hiring selection process and procedures, hire, appoint and assign employees, except those management level employees reserved for the Board in Board Rule 4-1(c). The Board and/or the Chief Executive Officer or his/her designee may establish policies and eligibility criteria for the appointment of employees.

b. *Status of Employees.* All employees shall serve at the pleasure of the Board and shall be considered at-will employees unless a statute or Board agreement or Board Rule expressly provides to the contrary.

**Sec. 4-6. Layoff of Employees and Reductions in Force.** The Chief Executive Officer shall decide whether and when a layoff of employees or a reduction in the Board's workforce should occur. The decision to lay off employees or conduct a reduction in force may be based upon enrollment projections, reorganizations, and/or budgetary, financial, and/or operational needs. The Chief Executive Officer or his/her designee shall implement such layoffs or reductions in force. Selection of employees for layoff who are covered by collective bargaining agreements shall be in accordance with such collective bargaining agreements and the Board's layoff policies.

**Sec. 4-7 Discipline and Dismissal of Employees.**

a. *Discipline of Employees.* The CEO or designee shall establish employee discipline protocols for employees who are not subject to a collective bargaining agreement and also not subject to an employee discipline policy adopted by the Board. Such employee discipline protocols shall set forth the procedures for administering such employee discipline. Principals, school-based supervisors, officers, heads of general departments now in existence or hereafter established, nonschool based supervisors, the Chief Executive Officer or his/her designee or the General Counsel may discipline employees in accordance with the applicable employee discipline policy adopted by the Board, the applicable collective bargaining agreement, or employee discipline protocols established by the CEO or designee.

b. *Dismissal of Employees.*

1. *Dismissal of Executive Officers, Officers, and Heads of Departments.* The Board may dismiss executive officers, officers, and heads of departments either upon recommendation of the Chief Executive Officer and a majority vote of the full membership of the Board, or upon majority vote of the full membership of the Board.

2. *Dismissal, Non-Renewal and Reappointment of Probationary Appointed Teachers.* Upon recommendation of the Chief Executive Officer, the Board shall dismiss or deny reappointment for the next school year to a probationary appointed teacher, as follows:

a. Principals may recommend to the Chief Executive Officer the non-renewal of a probationary teacher's appointment for the following school year provided that they must provide a reason to the Chief Executive Officer for the non-renewal. The Chief Executive Officer may accept or reject the principal's recommendation. If the Chief Executive Officer accepts the recommendation to non-renew a probationary appointed teacher, the Chief Executive Officer shall recommend that the Board non-renew and dismiss the probationary appointed teacher

and provide the Board the reasons for that recommendation, which shall not be made public. The Chief Executive Officer or his/her designee shall notify probationary appointed teachers of non-renewal no later than thirty (30) calendar days before the end of the school year. In the case of non-renewed probationary appointed teachers, the Chief Executive Officer's or designee's notice of non-renewal shall notify the probationary appointed teacher of the reason(s) for nonrenewal.

- b. If a probationary appointed teacher engages in misconduct, or the principal is not satisfied with the probationary appointed teacher's performance, the principal may recommend that the probationary appointed teacher be dismissed before the end of the school year in accordance with procedures established by the Chief Executive Officer or designee. If the Chief Executive Officer agrees with the principal's recommendation, he or she shall recommend that the Board dismiss the probationary appointed teacher, and provide the Board the reasons for that recommendation.
- c. Probationary appointed teachers shall be deemed reappointed from school year to school year unless the Chief Executive Officer or designee notifies the probationary appointed teacher that he or she will not be reappointed in accordance with this Rule.

3. *Dismissal of Other Probationary Employees, Part-Time/Seasonal Employees, At-Will Educational Support Personnel and Assistant Principals.* The Chief Executive Officer or his/her designee may dismiss at-will employees, including but not limited to probationary employees and managerial, supervisory and confidential educational support personnel, part-time/seasonal employees and assistant principals. Nothing in the Board's employee discipline policy or the employee discipline protocols established by the Chief Executive Officer or his/her designee shall confer, or be construed to confer, upon probationary employees or other at-will employees a property interest in Board employment or an expectation of continued Board employment.

4. *Dismissal of Educational Support Personnel Covered by Collective Bargaining Agreements.* Upon recommendation of the Chief Executive Officer or his/her designee, the Board may dismiss educational support personnel covered by collective bargaining agreements for cause.

5. *Dismissal of Contract Principals.* Contract principals may be dismissed from Board employment and their contracts terminated prior to the agreed upon end of their contract, as follows:

- a. In accordance with section 34-85 of the Illinois School Code (105 ILCS 5/34-85), and applicable provisions of the Board's discipline policy, the Board may dismiss a contract principal for cause after a hearing before

an Illinois State Board of Education (“ISBE”) hearing officer. In deciding whether to dismiss a contract principal, the Board shall consider the hearing officer’s recommendation, any arguments made by the Chief Executive Officer or his/her designee or the contract principal with respect to the ISBE hearing officer’s recommendation and other material necessary to make an informed decision. The Board may adopt, modify or reject the ISBE hearing officer’s recommendation, and enter orders it deems appropriate under the circumstances.

- b. Upon recommendation of the Chief Executive Officer, after hearing, the Board may remove, replace and dismiss contract principals and terminate their contracts in accordance with the principal’s contract and the provisions of 105 ILCS 5/34-8.3.

6. *Dismissal of Tenured Teachers.* In accordance with section 34-85 of the Illinois School Code (105 ILCS 5/34-85) the Board may dismiss a tenured teacher for cause after a hearing before an Illinois State Board of Education (“ISBE”) hearing officer. In deciding whether to dismiss a tenured teacher, the Board shall consider the hearing officer’s recommendation, any arguments made by the Chief Executive Officer or the contract principal with respect to the ISBE hearing officer’s recommendation and other material necessary to make an informed decision. The Board may adopt, modify or reject the ISBE hearing officer’s recommendation, and enter orders it deems appropriate under the circumstances.

c. *Suspension Pending Investigation and/or a Discharge or Dismissal Hearing.* Where the Chief Executive Officer or his/her designee, or the General Counsel, deems it to be in the best interests of the Board, the Chief Executive Officer or his/her designee may remove an employee from active employment with pay, or may suspend an employee without pay pending an investigation and/or dismissal hearing in accordance with (i) the employee discipline policy adopted by the Board if applicable, (ii) the applicable collective bargaining agreement or, if (i) and (ii) are not applicable, the employee discipline protocols established by the CEO or designee.

**Sec. 4-8. Hours of Work.** The Chief Executive Officer or his/her designee shall assign employees to work full- or part-time schedules, consistent with their job category, in accordance with applicable collective bargaining agreements and this Rule.

a. *Other Exempt Employees.* Employees who are classified as exempt under the United States Fair Labor Standards Act are subject to principles of public accountability, as defined by the United States Fair Labor Standards Act. Exempt employees are required to work as necessary to fulfill all of their duties and responsibilities, and full-time, exempt employees are required, at a minimum, to be performing their duties during the normal hours of operation of their assigned student attendance center or department.

b. *Part-Time/Seasonal Employees.* Part-time/seasonal employees may be employed on either a full-time or part-time basis or full-time seasonal or temporary basis in accordance with Board Rule 4-3.

**Sec. 4-9. Overtime Premium Pay - Timekeeping – Public Accountability - No Compensatory Time Banks.** The Chief Executive Officer or his/her designee shall designate all employee classifications and job titles as exempt or nonexempt in accordance with the United States Fair Labor Standards Act and the Illinois Minimum Wage Law.

a. *Non-Exempt Positions.* Employees who occupy non-exempt positions shall account for all hours worked on electronic timekeeping systems maintained by the Board, or alternative systems approved by the Chief Executive Officer or his/her designees. Non-exempt employees shall be paid for all hours worked in excess of forty (40) hours in a workweek in accordance with applicable law or as provided in applicable collective bargaining agreements.

b. *Teachers.* Teaching positions are exempt positions. Teachers shall be required to account for the hours that they are scheduled to be at the student attendance center and shall be required to use appropriate available accumulated sick or personal business benefit days for full or partial day absences.

c. *Other Exempt Positions.* Employees who occupy other exempt positions shall be required to account for their presence at work on each work day. Said employees must adhere to principles of public accountability, and may be docked for full days of absence. Other exempt employees shall also use accumulated sick, personal or vacation benefit time for full days of absence. Said employees shall not be required to use accumulated benefit time for partial days of absence.

d. *Timekeeping.* The Chief Executive Officer or his/her designee shall establish procedures for electronic timekeeping, which shall be the primary means for keeping employees' time. Nothing in this Rule shall prevent the Chief Executive Officer, the General Counsel, a department head or supervisors from establishing additional or alternative timekeeping methods if operational needs require them.

e. *No Banks of Compensatory Time In Lieu of Overtime.* Non-exempt employees shall not accumulate compensatory time off in lieu of overtime.

**Sec. 4-10. Holidays.**

a. *Holidays.* Employees otherwise scheduled to work shall not be scheduled to work on Board holidays, except as necessary for the security and maintenance of facilities. Holidays that fall on a Sunday shall be observed on the Monday following the holiday. Holidays that fall on a Saturday shall not be observed.



b. Holiday Pay and Conditions for Holiday Pay. Employees, other than substitute teachers, and part-time/seasonal employees shall be paid their regular pay for the holiday. In the case of teachers, “regular pay” includes pay for extended day and regularly scheduled classes authorized on an overtime basis. To be eligible for holiday pay, employees must work either the day before or the day after the holiday, unless the employee has been approved to use sick or vacation benefit time on those days, except that appointed and temporarily assigned teachers and principals who are appointed or assigned on the day after Labor Day shall be eligible for holiday pay for the Labor Day holiday. Employees who are scheduled to work on the day before or the day after a holiday in order to make up for school days (including professional development, school improvement, teacher institute or parent conference days) lost due to emergencies, snow days, cold weather days or work stoppage days shall not become eligible for holiday pay for that holiday. Other eligibility requirements may be established by collective bargaining agreements or Board policies.

c. Teachers’ Religious Holidays. Appointed teachers shall be granted up to three (3) non-attendance days with pay in a school year for the observance of religious holidays, which shall not be considered an absence, provided that:

1. The appointed teacher must give written notice to the school principal at least two (2) days in advance of non-attendance for the religious holiday; and
2. The cost of providing a substitute teacher shall be deducted from the appointed teacher’s pay.

<b>Final:</b>	Board Rule 4-10 was adopted on a Final basis at the February 26, 2020 Board Meeting [Board Report 20-0226-RU2].
<b>Public Comment:</b>	Pursuant to Board Rule 2-6 this Rule [4-10] was subject to Public Comment from 12/16/19-1/15/20 and amended/adopted on an interim basis at the December 11, 2019 Board Meeting [Board Report 19-1211-RU2].

**Sec. 4-11. Employee Benefit Days and Paid Excused Days.** The Board shall establish sick (including short-term disability and maternity), parental, personal business and vacation leave policies for employees, other than substitute teachers and part-time/seasonal employees, which shall set forth rules for the accrual, accumulation and payout upon termination of employment of sick, parental, personal business and vacation benefits days. The Chief Executive Officer or his/her designee shall have the authority to grant paid excused days off to employees.

**Sec. 4-12. Family and Medical Leaves of Absence and Supplemental Leaves.**

a. *Applicability of Rule.* This Rule applies to all Board employees.

b. *Types of Family and Medical Leaves Authorized by this Rule.* The Board shall establish policies for Family and Medical Leave Act (“FMLA”) leaves and supplemental leaves, including, child-rearing leaves, personal illness leaves, and family illness leaves. Said policies shall establish eligibility criteria for leaves, leave duration, any employee rights to return to a position at termination of leave, and rights to pay during leave. Notwithstanding anything in these leave policies to the contrary, principals and assistant principals shall only have position protection during the first twelve (12) workweeks of FMLA leave and will not have position protection during any supplemental leave.

c. *Coordination with Other Laws, Regulations and Policies.* All leaves granted under this Rule to employees eligible for an FMLA leave shall be designated as an FMLA leave for the first twelve (12) workweeks of the leave during any twelve (12) month period. The Chief Executive Officer or his/her designee shall make the FMLA leave retroactive to the first day of an employees’ continuous absence prior to the employee’s request for the FMLA leave except where the employee has previously provided the Chief Executive Officer or his/her designee with the information sufficient for the Chief Executive Officer or his/her designee to make a determination that the leave qualifies as an FMLA leave and the Chief Executive Officer or his/her designee has failed to designate the leave as FMLA, in which case the FMLA leave shall commence on the date the employee submits an application for FMLA leave to the Chief Executive Officer or his/her designee. FMLA leaves shall be concurrent with any other leave authorized by this Rule.

d. *Coordination of Leaves.* All leaves the Chief Executive Officer or his/her designee grant under this Rule to employees eligible for an FMLA leave shall be designated as an FMLA leave for the first twelve (12) workweeks of the leave during any twelve (12) month period. The Chief Executive Officer or his/her designee shall make the FMLA leave retroactive to the first day of an employees’ continuous absence prior to the employee’s request for the FMLA leave except where the employee has previously provided the Chief Executive Officer or his/her designee with the information sufficient for the Chief Executive Officer or his/her designee to make a determination that the leave qualifies as an FMLA leave and the Chief Executive Officer or his/her designee has failed to designate the leave as FMLA, in which case the FMLA leave shall commence on the date the employee submits an application for the FMLA leave to the Chief Executive Officer or his/her designee. FMLA leaves shall be concurrent with any other leave authorized by this Rule.

e. *Effect of Leave on Probationary Periods.* Any probationary appointed teacher granted a leave of thirty (30) or more consecutive calendar days, including an FMLA leave, shall have his/her probationary period extended by the duration of the leave granted under this Rule. This Rule shall not apply to intermittent leaves.

f. *Leave Required.* Any employee subject to this Rule shall be required to seek a leave if the employee is absent from work or anticipates that he/she will be absent from work for more than ten (10) consecutive workdays, or if the employee anticipates the need for an on-going, intermittent leave. The Chief Executive Officer or his/her designee may seek to discipline or dismiss an employee who fails to apply for a leave under this Rule.

g. *Medical Certification for Leave.* All requests for leave or, where available, requests for leave extensions, must be supported by a certification from an appropriately licensed health-care provider. In accordance with applicable law, the Chief Executive Officer or his/her designee may require that an employee seeking a leave or on a leave to submit to periodic evaluation by an appropriately licensed health-care provider regarding the necessity of a leave or continued necessity of a leave.

1. In cases of a dispute regarding the necessity of a leave, the Chief Executive Officer or his/her designee shall direct an employee to submit to an evaluation by an appropriately licensed healthcare provider and request the health-care provider's opinion regarding the necessity of a leave.
2. Where appropriately licensed health-care providers issue conflicting opinions or certifications regarding the necessity for a leave, the Chief Executive Officer or his/her designee shall direct the employee to submit to an evaluation of a third appropriately licensed health-care provider, whose opinion and certification regarding the necessity for a leave will be controlling.
  - a) The employee or his/her healthcare provider shall select the third health-care provider from a list maintained by the Chief Executive Officer or his/her designee.
  - b) The cost of the evaluation and opinion by the third healthcare provider shall be borne by the Board.
3. An employee's failure or refusal to submit to any evaluation directed by the Chief Executive Officer or his/her designee or to cooperate in the evaluation or the health-care provider's selection shall be grounds for discipline or dismissal from employment.

4. Where the health-care provider's opinion is that the employee should be on a leave, the health-care provider shall establish a date for re-evaluation to determine the continued necessity of the leave.

*h. Maintenance of Insurance Benefits During Leaves.* An employee granted a leave under this Rule shall maintain all insurance benefits during his/her leave provided that the employee pays the employee's premium contribution for the insurance.

*i. Prohibition Against Secondary Employment During Certain Leaves of Absence.* Employees who are granted a leave of absence for their own serious medical condition or their own personal illness under this Rule shall not work secondary employment during the period of the leave, including any leave extension.

**Sec. 4-13. Involuntary Personal Illness Leaves – Fitness for Duty Leaves.**

The Chief Executive Officer or his/her designee shall have the authority to place an employee on an involuntary illness leave if the Chief Executive Officer or his/her designee determines that the employee's physical or mental health renders the employee unfit to perform the duties of the employee's position.

*a. Examination of Employees Deemed Unfit for Duty.* The Chief Executive Officer or his/her designee may require employees whose fitness for duty is at issue to submit to examinations and evaluations by appropriately licensed health-care providers to determine the employee's fitness to perform his or her duties.

*b. Involuntary Personal Illness Leave for Employees Determined to be Unfit for Duty.* If an employee is determined to be unfit to perform the employee's duties, the employee shall be placed on an involuntary personal illness leave and shall have all the same rights afforded to employees on voluntary personal illness leaves in accordance with the applicable personal illness leave policy.

*c. Disputes Over Fitness for Duty.* If an employee who is placed on an involuntary personal illness leave disputes the appropriately licensed healthcare provider's determination that he/she is unfit to perform his/her duties, the employee must submit an opinion from another appropriately licensed health-care provider that he/she is fit for duty, and the resulting dispute shall be resolved in accordance with the provisions of Rule 4-12(g).

*d. Duration of Involuntary Personal Illness Leave.* An involuntary personal illness leave shall have a duration of no more than twenty-five (25) work months.

*e. Termination of Involuntary Personal Illness Leave.* An involuntary personal illness leave shall terminate on the earlier of: 1) certification that the employee is fit for duty by an appropriate health-care professional approved by the Chief Executive Officer or his/her designee, or, 2) the expiration of twenty-five (25) work months.

f. *Tenured Teachers and Contract Principals Who Remain Unfit for Duty at the Expiration of Twenty-Five (25) Work Months.* If, after the expiration of twenty-five (25) work months on an involuntary personal illness leave, a tenured teacher or a contract principal remains unfit for duty, the tenured teacher or contract principal shall be dismissed in accordance with the Illinois School Code. For purposes of this Rule, an employee who has remained unfit for duty due to a mental or physical incapacity for six (6) or more work months shall not be deemed to be suffering from a temporary mental or psychological impairment, as defined by the Illinois School Code, and nothing in this Rule shall prevent the Board from dismissing a tenured teacher or a contract principal who has been mentally or psychologically incapacitated for more than six (6) months.

g. *All Other Employees Who Remain Unfit for Duty at the Expiration of Twenty-Five Work Months.* If, after the expiration of twenty-five (25) work months on an involuntary personal illness leave, an employee, other than a tenured teacher or a contract principal, remains unfit for duty and is not collecting a permanent disability pension from the Chicago Municipal Employees Annuity Fund, the employee shall be deemed absent without leave and honorably terminated. For purposes of this Rule, an employee who has remained unfit for duty due to a mental or psychological impairment for six (6) or more work months shall not be deemed to be suffering from a temporary mental or psychological impairment, as defined by the Illinois School Code, and nothing in this Rule shall prevent the Board from dismissing an employee who has been mentally or psychologically incapacitated for more than six (6) months.

**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 for any period the full-time employee

spends in military service, including basic training, special or advanced training, 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 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 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, 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.

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) weekdays, including holidays and layoff days, at the death of the eligible employee's parent, parent-in-law, stepparent, domestic or civil union partner's parent, spouse, domestic partner, grandparent, child, stepchild, sibling 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) weekdays, including holidays and layoff days, at the death of the eligible employee's grandchild, sibling in-law, parent in-law, child 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.

3. Bereavement days may be taken non-consecutively provided that they are taken in no more than two installments within one month of the date of death.

<b>Final:</b>	Board Rule 4-14(b) with Respect to Bereavement Leaves was adopted on a Final basis at the February 26, 2020 Board Meeting [Board Report 20-0226-RU3].
<b>Public Comment:</b>	Pursuant to Board Rule 2-6 this Rule [4-14(b) with Respect to Bereavement Leaves] was subject to Public Comment from 12/16/19-1/15/20 and amended/adopted on an interim basis at the December 11, 2019 Board Meeting [Board Report 19-1211-RU3].

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.

**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.

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. 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. 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.

**Sec. 4-16. Resignations and Retirement.**

a. Except as provided in subparagraph b of this Rule, employees' resignations and notices of intent to retire are irrevocable upon receipt by the Talent Department.

b. The Chief Executive Officer or designee may permit an employee to rescind a resignation or notice of intent to retire that was made based on a good faith mistake or which would otherwise cause significant and undue hardship to the employee. The Chief Executive Officer or designee shall develop guidelines under which s/he will permit an employee to rescind a resignation or notice of intent to retire.

**Sec. 4-17. Domestic Partners and Parties to a Civil Union; Definitions and Applicability of Terms.**

a. *Domestic Partner Definition.* The term domestic partner(s), as referred to in Board Rules and Policies, shall mean individuals who (1) are at least 18 years of age; (2) are of the same sex; (3) are unmarried (single, divorced or widowed) and not a party to a civil union; (3) are each other's sole partner; (4) are responsible for each other's common welfare; (5) are residing in the same residence; (6) are not related by blood closer than would bar marriage in the State of Illinois; and (7) satisfy two of the following additional requirements: (i) have been residing together for at least 12 months; (ii) have common or joint ownership of a residence; (iii) jointly own a motor vehicle, credit account, checking account, or residential lease; or (iv) one or both have declared the other as the primary beneficiary on his or her will.

b. *Civil Union Definition.* The term civil union means a legal relationship between two persons of either the same or opposite sex established pursuant to the Illinois Religious Freedom Protection and Civil Union Act (P.A. 096-1513, effective June 1, 2011), referred to herein as the "Illinois Civil Union Act". Under the Illinois Civil Union Act, a marriage between persons of the same sex, a civil union, or a substantially similar legal relationship other than common law marriage, legally entered into in another jurisdiction, shall be recognized in Illinois as a civil union.

c. *Party To A Civil Union Definition.* A party to a civil union means a person who has established a civil union as defined in section b. of Board Rule 4-17.

d. *Applicability of Terms to Board Rules and Policies.* A party to a civil union and a domestic partner shall be considered included in any definition or use of the terms "spouse", "family", "immediate family", "dependent", "next of kin", "in-law", "married", "relative" and other related terms that denote the spousal

relationship or affiliation as those terms are used throughout Board Rules and Policies.

**Sec. 4-18. Employee Safety and Health.** The Chief Executive Officer or his/her designee shall establish an occupational blood borne pathogen exposure control plan, review the plan at least annually and update the plan when necessary and further may establish any other plan necessary to comply with applicable regulations and standards that serve to protect employee safety and health.

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